

CHAPTER 196.

[Published March 26, 1874.]

AN ACT to prescribe the mode of issuing commissions to take the evidence of non-residents.

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

SECTION 1. In any civil action or proceedings, the evidence of any witness or party therein who is a non-resident of the state of Wisconsin, may be taken by commission, the party desiring to take such evidence after an issue of fact has been found thereon, or the time to plead, answer or demur has expired, shall make such interrogatories as he may desire to have asked and propounded to such witness or party, stating in the caption thereof, or elsewhere therein, the name of such witness or party, his place of residence, and also the name of a commissioner to execute such commission, and his place of residence, and if the opposite party has appeared therein, he shall serve a copy of such interrogations upon such party, if he has appeared by attorney, the same shall be served upon the attorney, not the party; in ten days after such service, such party may serve in like manner, cross-interrogatories, and in which cross-interrogatories in like manner, he may also name a person to act as commissioner and his place of residence, and he shall be a resident of the same county of which the commissioner named in the direct interrogatories is resident. The time of serving such cross-interrogatories may be extended from time to time by stipulation, or by the judge of the court in which such action is pending, or by any court commissioner of and in the county in which such action is pending.

Interrogatories to be made in writing.

Service thereof.

Time of service

SECTION 2. The commissioner named in the direct interrogatories shall fix the time and place for executing such commission, and which, if there are two commissioners, shall be at some place in the county in which such commissioners reside, unless the commissioners stipulate to execute the same elsewhere, and he shall give the commissioner named in cross-interrogatories, if they reside in the same place, one day's notice; if he does not, then in addition, one day's notice for every thirty miles such commissioner may reside from the place fixed for executing such commission; if notice is given by mail, then double time shall be given; if

Notice to witnesses.

both parties appear at the execution of such commission, no notice or proof of notice shall be required. The commissioner named in the direct interrogatories shall have the charge of returning such commission after the same is executed.

Commission may be created.

SECTION 3. The party desiring to take the evidence of such witness or party, may cause a commission to be issued out of the proper court, after cross interrogatories have been served, or the time to serve same has elapsed wherein shall be named and designated a commissioner or commissioners, the person or persons so named in such direct and cross interrogatories, and such direct and cross-interrogatories shall be attached to such commission, and the same shall be executed according to law, and the rules and practice of the court.

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SECTION 4. Each party shall pay the fees of the commissioner by him named, and his lawful fees shall be taxed like other disbursements in the action.

SECTION 5. This act shall take effect and be in full force from and after its passage and publication.

Approved March 10, 1874.

CHAPTER 197.

[Published March 23, 1874.]

AN ACT to amend section eight of chapter three hundred and eighty-seven of private and local laws of 1870, entitled "an act to amend chapter 268 of the general laws of 1865, entitled 'an act to codify' consolidate and amend the act to incorporate the city of Appleton, and the several acts amendatory thereof," approved March 31, 1865.

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

SECTION 1. Section eight of the chapter of which this is amendatory shall be amended so as to read as follows: Section two of the chapter of which this is amendatory is hereby amended so as to read as follows:

Taxes, for what purposes levied

SECTION 2. The common council shall annually levy upon the taxable property of said city, to defray the current expenses of said city, as follows: For the support of the poor, a tax not exceeding one thousand dollars; for ward purposes, a tax not exceeding one-half of one per cent. upon all the taxable property of such ward, and for all other purposes except for principal