

stream, which lien may be enforced as the leans of mechanics and laborers.

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

Approved March 23, 1881.

[No. 19, S.]

[Published March 24, 1881.]

### CHAPTER 165.

AN ACT relating to depositions and amendatory of section four thousand and eighty-six of chapter one hundred and seventy-six of the revised statutes, entitled, "of evidence."

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

Depositions  
may be taken.

SECTION 1. Section four thousand and eighty-six of the revised statutes, is hereby amended by adding thereto the following: And in all criminal or quasi criminal cases in courts of record, the defendant on notice of 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, of any material witness who is without the state. And if it appears to the satisfaction of the court or presiding judge, that due diligence has been used in making such application, and that such witness is material, and is in such imminent danger, or without the state, and that his attendance cannot by the use of due diligence be procured upon the trial, then such leave may, in the discretion of such court or judge, 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.

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

Approved March 23, 1881.

[No. 142, S.]

[Published March 26, 1881.]

### CHAPTER 166.

AN ACT to revise the charter of the city of Prairie du Chien.

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

Official oaths  
and bonds.

SECTION 1. Section one of sub-chapter three of chapter fifty-nine of the laws of 1873, is hereby amended