

they shall be deemed illegally set and shall be subject to seizure and confiscation by the state conservation commission or its deputies, and the owners or operators thereof shall be subject to the penalties provided in this section unless such nets are immediately removed from such fishing grounds. No person, persons, firm or corporation shall at any time throw back into the outlying waters of Lake Superior or its reserve waters any illegal dead fish caught in any nets. All undersize lake trout, whitefish, pickerel and pike in excess of the ten per cent killed in any net shall be turned over to the state conservation commission or its deputies upon arrival in port to be disposed of by them as provided under section 29.06. It shall be unlawful for any person to set, place or operate a submarine net in the waters of Lake Superior.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 29, 1933.

No. 111, A.]

[Published March 30, 1933.]

CHAPTER 47.

AN ACT to create subsection (17) of section 60.18 of the statutes, relating to towns acquiring wood lands to supply their unemployed with wood.

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

SECTION 1. A new subsection is added to section 60.18 of the statutes to read: (60.18) (17) To authorize the town board to acquire by purchase or otherwise, land with wood thereon, for the purpose of supplying wood and employment to the unemployed in the town; to purchase necessary tools or equipment to improve the land, and to thereafter sell such land.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 29, 1933.

No. 142, A.]

[Published March 30, 1933.]

CHAPTER 48.

AN ACT to amend subsection (1) of section 326.25 of the statutes; and to create section 325.33 of the statutes relating to the attendance of nonresident witnesses in criminal actions in courts of record and to make uniform the law with reference thereto.

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

SECTION 1. Subsection (1) of section 326.25 of the statutes is amended to read:

(326.25) (1) Upon presentation to any judge of a court of record in Wisconsin of the certificate of the judge or the clerk of any foreign court of record, under seal, stating that any person being or residing in Wisconsin is believed to be a necessary witness in any civil * * * action pending in that court, such judge (if satisfied by such proof as he shall require that the testimony of such witness is necessary to the trial of such action) shall issue and attach to such certificate a subpoena commanding such witness to appear in the court where such action is pending, at the time and place stated therein, or show cause, before such judge, at a time and place fixed in such subpoena, why he should not appear as therein commanded. Such judge may refuse to issue a subpoena or may vacate the subpoena after it is issued, if it appear that compliance will cause undue hardship to the witness.

SECTION 2. A new section of the statutes is created to read:

325.33 ATTENDANCE ON NONRESIDENTS AS WITNESSES IN CRIMINAL PROSECUTIONS. (1) SUMMONING WITNESS IN THIS STATE TO TESTIFY IN ANOTHER STATE. (a) If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in criminal actions in this state certifies under the seal of such court that there is a criminal action pending in such court, that a person being within this state is a material witness in such action, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing and shall notify the witness of such time and place.

(b) If at the hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the action in the other state, that the witness will not be compelled to travel more than one thousand miles to reach the place of trial by the ordinary traveled route, and that the laws of the state in which the action is pending and of any other state through which the witness may be required to pass by ordinary course of travel will give to

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

SECTION 1. Subsection (1) of section 326.25 of the statutes is amended to read:

(326.25) (1) Upon presentation to any judge of a court of record in Wisconsin of the certificate of the judge or the clerk of any foreign court of record, under seal, stating that any person being or residing in Wisconsin is believed to be a necessary witness in any civil * * * action pending in that court, such judge (if satisfied by such proof as he shall require that the testimony of such witness is necessary to the trial of such action) shall issue and attach to such certificate a subpoena commanding such witness to appear in the court where such action is pending, at the time and place stated therein, or show cause, before such judge, at a time and place fixed in such subpoena, why he should not appear as therein commanded. Such judge may refuse to issue a subpoena or may vacate the subpoena after it is issued, if it appear that compliance will cause undue hardship to the witness.

SECTION 2. A new section of the statutes is created to read:

325.33 ATTENDANCE ON NONRESIDENTS AS WITNESSES IN CRIMINAL PROSECUTIONS. (1) SUMMONING WITNESS IN THIS STATE TO TESTIFY IN ANOTHER STATE. (a) If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in criminal actions in this state certifies under the seal of such court that there is a criminal action pending in such court, that a person being within this state is a material witness in such action, and that his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing and shall notify the witness of such time and place.

(b) If at the hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the action in the other state, that the witness will not be compelled to travel more than one thousand miles to reach the place of trial by the ordinary traveled route, and that the laws of the state in which the action is pending and of any other state through which the witness may be required to pass by ordinary course of travel will give to

him protection from arrest and the service of civil and criminal process, he shall issue a summons, with a copy of the certificate attached, directing the witness to attend and testify in the court where the action is pending at a time and place specified in the summons.

(c) If the witness, who is summoned as above provided, after being paid or tendered by some properly authorized person the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the action is pending and five dollars for each day that he is required to travel and attend as a witness, fails without good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this state.

(2) WITNESS FROM ANOTHER STATE SUMMONED TO TESTIFY IN THIS STATE. (a) If a person in any state, which by its laws has made provisions for commanding persons within its borders to attend and testify in criminal actions in this state, is a material witness in an action pending in a court of record in this state, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. This certificate shall be presented to a judge of a court of record in the county in which the witness is found.

(b) If the witness is summoned to attend and testify in the criminal action in this state he shall be tendered the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the action is pending and five dollars for each day that he is required to travel and attend as a witness. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this state a longer period of time than the period mentioned in the certificate.

(3) EXEMPTION FROM ARREST AND SERVICE OF PROCESS. (a) If a person comes into this state in obedience to a summons directing him to attend and testify in a criminal action in this state he shall not while in this state pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

(b) If a person passes through this state while going to another state in obedience to a summons to attend and testify in a criminal

action in that state or while returning therefrom, he shall not while so passing through this state be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this state under the summons.

(4) **UNIFORMITY OF INTERPRETATION.** This section shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of the states which enact it.

NOTE: Section 326.25 applies to civil and criminal actions. It is amended to limit it to civil actions. The proposed uniform act is confined to "criminal actions".

SECTION 3. This act shall take effect upon passage and publication.

Approved March 29, 1933.

No. 359, A.]

[Published March 30, 1933.

CHAPTER 49.

AN ACT to appropriate a sum of money therein named to reimburse Honorable Solomon Levitan for legal services and expenses in defending himself in the suit of state of Wisconsin vs. United States Fidelity and Guaranty Co., a corporation, in the circuit court of Dane county and the supreme court of Wisconsin.

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

SECTION 1. There is appropriated from any moneys in the general fund not otherwise appropriated, the sum of five hundred sixteen dollars and seventy-five cents to Honorable Solomon Levitan, former state treasurer, to reimburse him for attorneys fees paid and owing to William Ryan and for expenses and disbursements incident to the litigation in the suit of state of Wisconsin vs. United States Fidelity and Guaranty Co., a corporation, in the circuit court of Dane county and the supreme court of Wisconsin.

SECTION 2. This act shall take effect upon passage and publication.

Approved March 29, 1933.