

No. 204, S.]

[Published June 21, 1907.]

**CHAPTER 276.**

AN ACT to amend section 4163 of the statutes, relating to evidence.

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

SECTION 1. Section 4163 of the statutes is amended to read:  
\* \* \* \* \*

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

Approved June 20, 1907.

No. 255, S.]

[Published June 21, 1907.]

**CHAPTER 277.**

AN ACT to amend section 1777a, of the statutes, as amended, relating to additional powers of certain corporations.

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

SECTION 1. Section 1777a of the statutes, is amended to read:  
\* \* \* \* \*

SECTION 2. (Following Sec. 1777a.)  
\* \* \* \* \*

Approved June 20, 1907.

(In effect July 1, 1907.)

the witness or witnesses named will be taken before the officer, naming him, at a time and place appointed therein, for one of the causes mentioned in the preceding section; and three days' notice shall be given of the taking of such deposition whether taken within or without the state and additional time at the rate of one day for each three hundred miles or fraction thereof after the first ten miles from the place where the notice is served; provided, that one day's notice shall be sufficient to authorize the taking of depositions of additional witnesses desired to be examined, given during the course of the taking of any deposition where the parties on each side appear. In case the officer before whom the deposition is noticed for being taken shall not appear or attend at the time and place noticed for taking the same, the deposition may be taken before any other officer authorized by law to take depositions, said officer to be designated by the party having served the notice of taking deposition and notice of such designation given the opposite party, giving him sufficient time to attend before such officer so designated *if he shall have appeared at the time and place mentioned in such notice; but if he shall not appear at such time and place, the party having served such notice may, after waiting one hour, proceed to take such deposition before such other officer without further notice.* But in any action or proceeding no notice of taking a deposition need be given to a defendant who, having been duly served with process, shall not have appeared, if the time limited by law thereunder shall have expired.

(Ch. 455, 1907.)

**Evidence: officer's certification of non-filing, presumptive.** SECTION 4163. Whenever any officer to whom the legal custody of any document, instrument or paper belongs, shall certify (under his official seal, if he have any) that he has made diligent examination in his office for such paper, instrument or document, and that it cannot be found *or that the same has not been filed or recorded in his office*, such certificate shall be presumptive evidence of the fact so certified as if such officer personally testified to the same. Such a certificate, when made by the chief clerk of the commissioners of public lands of this state under their official seal, shall be presumptive evidence of the fact so certified as to any document, instrument or paper required by law to be kept in the office of said commissioners.

(Ch. 276, 1907.)