

[No. 258, A.]

[Published April 15, 1885.]

CHAPTER 321.

AN ACT to amend section 4096, of chapter 176, of the revised statutes, entitled, "Of evidence," as amended by chapter 194, of the laws of 1882.

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

Relating to
evidence.

SECTION 1. Section 4096, of the revised statutes of 1878, as amended by chapter 194, of the laws of 1882, is hereby amended by striking out the following words: "On motion and one day's notice, the court or presiding judge thereof, in which the action or proceeding is pending, may before the examination is begun, by order limit the subjects to which such examination shall extend; but," and by inserting in lieu thereof as follows: "If such examination shall be taken before issue joined, the notice of taking the same shall be accompanied by an affidavit of the party, his agent or attorney, stating the general nature and object of the action that discovery is sought to enable the party to plead, and the points upon which such discovery is desired, and such examination shall be limited to the discovery of the facts relevant to the points so stated, unless the court or the presiding judge thereof, on motion and one day's notice, shall, before the examination is begun, by order, further limit the subjects to which such examination shall extend, but such examination shall not preclude the right to another examination, after issue joined upon all the issues in the cause; and," so that when amended said section shall read as follows: Section 4096 No action to obtain a discovery under oath, in aid of the prosecution or defense of another action shall be allowed; but the examination of a party, or in case a corporation be a party, the examination of the president, secretary, or other principal officer or general managing agent of such corporation, otherwise than as a witness on a trial, may be taken by deposition at the instance of the adverse party, in any action or proceeding, at any time after the commencement thereof, and before judgment. Such deposition shall be taken before a

judge at chambers, on a previous notice to such party and any other adverse party, or their respective attorneys, of at least five days; or it may be taken without the state upon commission in the manner provided for taking other depositions. The attendance of the party to be examined may be compelled upon subpoena, and the payment or tender of his fees as a witness; and such examination shall be subject to the same rules as that of any other witness, but he shall not be compelled to disclose anything not relevant to the controversy. If such examination shall be taken before issue joined, the notice of taking the same shall be accompanied by an affidavit of the party, his agent or attorney, stating the general nature and object of the action, that discovery is sought to enable the party to plead, and the points upon which such discovery is desired, and such examination shall be limited to the discovery of the facts relevant to the points so stated, unless the court or the presiding judge thereof, on motion and one day's notice shall, before the examination is begun, by order further limit the subjects to which such examination shall extend, but such examination shall not preclude the right to another examination after issue joined upon all the issues in the cause, and the party examining shall, in all cases, be allowed to examine upon oral interrogatories. Such examination shall not be compelled in any other county than that in which the party to be examined resides."

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

Approved April 6, 1885.

[No. 403, A.]

[Published April 9, 1885.]

CHAPTER 322.

AN ACT to incorporate the city of Lake Geneva.

(See Vol. 2.)