

No. 299, S.]

[Published June 5, 1911.]

CHAPTER 231.

AN ACT to amend subdivisions 6 and 7 of section 4096 of the statutes, relating to examinations of adverse party before trial.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Subdivisions 6 and 7 of section 4096 of the statutes are amended to read: (Section 4096.) 6. Such examinations shall not be compelled in any other county than that in which the party to be examined resides, except as hereinbefore provided; provided, however, that whenever plaintiff or defendant is a non-resident of this state his deposition may be had under the provisions of this section in * * * any county in * * * the state, if he can be personally served with notice and subpoena.

7. In case a foreign corporation is a party, the examination of its president, secretary, other principal officer, assignor or agent or employee, or the person who was such, or either of them, at the time of the occurrence of the facts made the subject of the examination, may be had under the provisions of this section in any county of this state. *The court may also, upon motion and such terms as may be just, fix a time and place in this state for such examination of any of said persons, * * *. Such persons so sought to be examined as aforesaid shall attend at such time and place and submit to the examination, and then and there have with him all papers, books, files, records, things, and matters in the possession of such person by reason of his relation to such corporation, relevant to the controversy. Such person sought to be examined as aforesaid shall attend at such time and place and submit to the examination, and, if required, attend for the purpose of reading and signing such deposition, without service of subpoena.*

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

Approved June 2, 1911.

No. 300, S.]

[Published June 5, 1911.]

CHAPTER 232.

AN ACT to amend section 4097 of the statutes, relating to the penalty for not testifying on an adverse examination.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 4097 of the statutes is amended to read: Section 4097. 1. If any party lawfully required to appear and

testify, as provided in this chapter, either within or without the state, shall neglect or refuse so to do, he may be punished as for a contempt and his pleading be stricken out and judgment given against him as upon default or failure of proof.

2. *If any officer, agent, or employe, or any person who was such officer, agent, or employe of a foreign corporation, at the time of the occurrence of the facts made the subject of the examination, be lawfully required to appear and testify, as provided in this chapter, either within or without the state, shall neglect or refuse so to do; or, if such person, when lawfully required, shall refuse and neglect to have with him any papers, books, files, records, things, and matters in the possession of such party relevant to the controversy, such party may be punished as for a contempt and in the discretion of the court, the pleading of such foreign corporation stricken out, and judgment given against it as upon default or failure of proof.*

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

Approved June 2, 1911.

No. 359, S.]

[Published June 5, 1911.

CHAPTER 233.

AN ACT to create sections 925—95b, 925—95c, 925—95d, 925—95e, and 925—95f of the statutes, relating to payment of accounts against water departments and legalizing payments heretofore made.

The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:

SECTION 1. There are added to the statutes five new sections to read: Section 925—95b. When the lighting plant or waterworks, or both, in cities of the fourth class are operated under the direction of a commission, as provided in the preceding sections, all accounts against the light or water department, or both, shall be audited by such commission, and, if approved, shall be paid by orders upon the city treasurer issued and signed by the president and secretary of the commission.

SECTION 925—95c. In cities of the fourth class which own a lighting plant or waterworks, or both, the city treasurer shall keep as a separate fund all income and revenue derived from such lighting plant or waterworks, or both, and any funds specially provided therefor by the common council, and pay therefrom all orders drawn upon him by the commission operating such plant or works.