

procedure; they have been, I am informed, heretofore audited and paid without reference to sec. 20.01 (10), and that section, when enacted by ch. 654, Laws 1911, contained this clause:

“Nothing in this act shall in any manner limit or change the appropriations made for the expenses of the legislature.”

I am of the opinion that sec. 20.01 (10) was intended to cover contingent expenses other than such ordinary legislative expense as witness fees. The manner in which the disbursements are guarded indicates that it is to cover matters of a more or less extraordinary character.

I am of the opinion, further, that the fees and mileage as fixed by sec. 13.30 should be followed in the payment of the witnesses, although that section, in its present form, is on its face confined to witnesses subpoenaed under sec. 13.25. See II Op. Atty. Gen. 782; XVI Op. Atty. Gen. 466.

My advice to your committee, therefore, is that you subpoena witnesses as provided in the resolution, and certify their fees and mileage to the secretary of state, in the amounts provided by sec. 13.30.

In case the witness shall fail to attend and testify, I advise you to proceed under sec. 325.12, instead of under the provisions of resolution No. 99, A. That section provides ample authority in judicial officers to compel attendance by attachment and to commit the witness until he shall purge himself of his contempt by testifying.

FMW