

quiring cattle guards shall not apply to any crossing located in a city or incorporated village, *and provided, further, that the provisions of this section shall not apply to that part of the road where sidetracks or switch tracks are used in cities of the first class.*

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

Approved July 23, 1915.

No. 182, S.]

[Published July 26, 1915.

CHAPTER 436.

AN ACT to amend subsections 1 and 2 of section 1410g; to repeal subsections 4 and 5 of section 1410g; to create subsections 4 and 5 of section 1410g to amend subsections 1 and 2 of section 1410h; to renumber subsections 6 and 7 to be subsections 7 and 8 of section 1410h; to amend subsections 1 and 6 of section 1410i; to repeal subsection 7 of section 1410i; and to amend subsection 2 of section 1410j of the statutes, relating to the state board of dental examiners and providing penalties.

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

SECTION 1. Subsections 1 and 2 of section 1410g of the statutes are amended to read: (Section 1410g.) 1. Every person who was engaged in the lawful practice of dentistry in this state on the thirtieth day of September, 1885, may continue such practice without incurring any of the liabilities imposed by this chapter, provided that he has annually caused his name and * * * place of business to be registered by said board, who shall keep a book for that purpose. All persons licensed by the board shall annually register in like manner by paying a fee of one dollar.

2. Every person who, prior to the passage and publication of this act, was duly licensed by the board to practice dentistry in this state, and who has annually registered according to law, shall be allowed to continue to practice dentistry in this state, so long as he shall conform to the requirements of this chapter, and said board shall have power, without further process, to revoke the license of any person who has failed or may hereafter fail, to annually register as herein provided, if, for sixty days after notice in writing, sent to the last known address, from said board of such neglect, such person shall fail to so register. *Provided, however, that said license shall be reinstated, in the discretion of*

the board, by the payment of ten dollars to the treasurer of the board, within one year from the date of the revocation of said license.

SECTION 2. Subsections 4 and 5 of section 1410g of the statutes, are hereby repealed.

SECTION 3. There are added to section 1410g of the statutes, two new subsections to be numbered and to read: (Section 1410g). 4. The circuit courts of this state are hereby vested with jurisdiction and power to revoke and annul any license or certificate of registration which has been heretofore or which may be hereafter issued to any person to practice dentistry who is guilty of immoral, dishonorable or unprofessional conduct, or who has procured such license or certificate of registration by fraud or perjury, or by false representation in connection with any dental examination, or for employing an unlicensed person, or for gross ignorance or inefficiency in his profession. Upon a verified complaint in writing being made by any person to the district attorney of any county charging any person holding such license or certificate with having, in said county, been guilty of any immoral, dishonorable or unprofessional conduct as defined herein, or with having procured such certificate or license by fraud or perjury, or by false representation in connection with any dental examination, or for employing an unlicensed person, or for gross ignorance or inefficiency in his profession, said district attorney shall commence and prosecute an action in the circuit court of said county against the person so complained against, to revoke and annul such license or certificate of such person. Such action shall be commenced and prosecuted as a civil action in the name of the state of Wisconsin as plaintiff, and against such person complained against as defendant, and the rules of pleading, evidence and practice in civil actions in the circuit court shall be applicable thereto, and either party may appeal from the circuit court to the supreme court as in other civil actions. Either party to said action may demand a jury trial, and the defendant shall have the right to be represented by counsel and the court may appoint counsel to assist the district attorney in the prosecution of such action. The costs of such prosecution shall be paid by the county in which said action is brought. If, upon the trial of such action, the court finds or the jury returns a verdict in favor of the plaintiff, judgment shall be rendered upon the first conviction by fining the defendant not less than twenty-five dollars nor more than one hundred dollars in the discretion of the court, and the costs of the action; upon the second conviction a fine of not less than one hundred dollars nor more than two hundred dollars in the discretion of

the court, and the costs of the action; for a third conviction, judgment shall be rendered revoking and annulling such license and certificate of the defendant, and the clerk of the circuit court shall forthwith cause a certified copy of such judgment to be sent to the secretary of the Wisconsin state board of dental examiners to be filed for record in the office of said secretary. Any person whose license or certificate has been revoked under the provisions of this section, who shall thereafter practice or offer or attempt to practice dentistry in this state, shall be punished as provided in section 1410i. No person shall be excused or privileged from testifying fully under oath or producing evidence, documentary or otherwise, in any action, proceeding or examination brought under the provisions of this section; but no person shall be prosecuted or subjected to any penalty for or on account of any transaction, matter or thing concerning which such person may so testify or produce evidence, documentary or otherwise, except for perjury committed in giving such testimony. If the court before which the trial is had shall determine that the complaint made to the district attorney was wilful and malicious and without probable cause, it shall enter judgment against the person making such complaint for the costs of such action, and payment of the same may be enforced by execution against the body of such complainant as in tort actions.

The words "immoral, dishonorable or unprofessional conduct," as used in this statute, are hereby declared to mean: employing what are known as "cappers" or "streeters" to obtain business; or obtaining of any fee by fraud or deceit; wilfully betraying professional secrets; employing directly or indirectly any student, or any suspended or unlicensed dentist to perform operations of any kind, or to treat lesions of the human teeth, or jaws, or to correct malposed formations thereof, except that an unlicensed person may perform merely mechanical work upon inert matter in a dental office or laboratory; the advertisement of dental business or treatment or devices in which untruthful or impossible statements are made; or habitual intemperance or gross immorality.

5. It shall be the duty of the attorney-general to advise and assist the state board of dental examiners, or any of its members; but said board has the right, in its discretion, to employ out of its own funds an attorney for consultation or to assist in any legal proceedings.

SECTION 4. Subsections 1, 2 and 3 of section 1410h of the statutes, are amended to read: (Section 1410h). 1. No degree in dentistry shall be conferred in this state except the degree of doctor of dental surgery. Said degree shall not be conferred

upon any one unless he shall have satisfactorily completed a course of at least three years of eight months each in a recognized dental school. No dental college or dental department of a university shall accept for enrollment any student who shall not place on file, * * * prior to such enrollment, *with the secretary of the Wisconsin state board of dental examiners, credentials proving to the satisfaction of the Wisconsin state board of dental examiners, that he has a general education equivalent to that required for graduation from a high school or academy in the state of Wisconsin, having a four-year course beyond that of the eighth grade of the elementary school.*

2. No person shall be examined by the board for a license to practice dentistry in this state, who shall not file with the secretary of the board credentials proving to the satisfaction of the board, that he has a general education equivalent to that required for graduation from a high school or academy in the state of Wisconsin, having a four-year course beyond that of the *eighth grade of the elementary school*, and who is not a regular graduate of a reputable dental college or dental department of a university; provided, however, that the privileges of such examination are not denied an applicant therefor who holds a license to practice dentistry in some other state than Wisconsin prior to * * * *January 1, 1909.*

SECTION 5. Subsections 6 and 7 of section 1410h of the statutes are renumbered to be respectively subsections 7 and 8 of said section and there is added a new subsection to be numbered and to read: (Section 1410h). 6. The state board may, however, in its discretion admit to the licensing examination dental students who have successfully completed at least two years' work of eight months each in a recognized dental college or dental department of a university, and who shall file with the secretary of the board, credentials proving to the satisfaction of the board that he has a general education equivalent to that required for graduation from a high school or academy in the state of Wisconsin, having a four-year course beyond the eighth grade of the elementary school, permitting such students to participate in such theoretical examination as the board shall determine. The satisfactory grades made by such two-year dental students may be credited to them at the time they appear for their licensing examination. The participation in this examination, however, shall not in any way entitle such person to any right or privilege to practice dentistry until he shall have secured a license. The board may require a fee of ten dollars for such examination.

SECTION 6. Subsections 1 and 6 of section 1410i of the statutes are amended to read: (Section 1410i). 1. Any person who shall practice dentistry in this state, without being annually registered or without being licensed as herein provided, shall be punished by a fine of not less than fifty dollars or more than one hundred dollars, *or be imprisoned for not less than sixty days or more than one year or both* for each and every offense; each person treated shall be a separate offense; provided, that this chapter shall not be construed so as to prevent any duly licensed physician or surgeon residing in this state, from extracting teeth or performing any operation upon the palate or maxillary bones.

6. Whoever shall violate a provision of this act, for the violation of which no penalty has heretofore been prescribed, shall be fined not less than twenty-five dollars nor more than one hundred dollars or be imprisoned not less than ten days, *or more than ninety days*, or both.

SECTION 7. Subsection 7 of section 1410i of the statutes is repealed.

SECTION 8. Subsection 2 of section 1410j of the statutes is amended to read: (Section 1410j). 2. The secretary of the board shall be required to give a bond in such terms as the board may require, *and shall within one month after receiving the same, pay all moneys to the state treasurer of Wisconsin. * * ** *An annual report of said proceedings of the board, containing an account of all the moneys received and disbursed pursuant to this chapter, shall be made to the Governor on the thirtieth day of November of each year.*

SECTION 9. This act shall take effect upon passage and publication.

Approved July 23, 1915.

No. 234, S.]

[Published July 26, 1915.

CHAPTER 437.

AN ACT to repeal subsection 6 of section 1809 of the statutes and to create a new subsection of the statutes to be numbered subsection 6 of section 1809, relating to actions against railroad companies, for personal injuries.

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

SECTION 1. Subsection 6 of section 1809 of the statutes is hereby repealed.

SECTION 2. There is added to section 1809 of the statutes a new subsection to be numbered and to read: (Section 1809.)