

b. The assistant chief clerk in the office of the commissioner of public lands, \* \* \* *fourteen* hundred dollars.

\* \* \* c. The other clerks and employes in the office of the commissioner of public lands, such sums as the commissioners shall determine, provided that not more than \* \* \* *three* thousand, \* \* \* *five* hundred \* \* \* dollars shall be expended for salaries including the chief clerk, and assistant chief clerk \* \* \* in any one year.

SECTION 2. Section 187 of the statutes is amended to read: Section 187. The commissioners shall appoint *from the competitive class pursuant to the provisions of section 15, chapter 363 of the laws of 1905 [Section 990—15.] and the amendments thereto* a chief clerk and an assistant chief clerk who shall, during the absence of the chief clerk, have all the authority given by law to the chief clerk and such other clerks as provided in \* \* \* subsection 21 of section 170 of the statutes. Such appointments shall be filed in the office of the secretary of state. Every such clerk shall before entering upon the discharge of his duties take and subscribe the following oath to-wit: "I do solemnly swear (or affirm as the case may be) that I will support the constitution of the State of Wisconsin; that I will not be engaged either directly or indirectly in the purchase for my own benefit of any public lands of the State of Wisconsin, so long as I remain a clerk in the Land Bureau thereof and that I will faithfully discharge to the best of my ability the duties of clerk in said bureau, so help me God," which oath shall be filed in the office of the secretary of state.

SECTION 3. This act shall be in force from and after its passage and publication.

Approved June 17, 1909.

No. 525, A.]

[Published June 21, 1909.]

## CHAPTER 528.

AN ACT to create sections 1435f—12 to 1435f—24, inclusive, of the statutes regulating the practice of midwifery in the state of Wisconsin.

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

SECTION 1. There are added to the statutes thirteen new sections to read: Section 1435f—12. All persons hereafter commencing the practice of midwifery, in any of its branches, in this state, shall apply to the state board of medical examiners

at the time and place designated by said board, or at any regular meeting thereof, for a certificate of registration so to practice, and shall present to said board a diploma from a reputable college or school of midwifery and submit satisfactory evidence of good moral and professional character. A college or school of midwifery to be deemed reputable by said board shall be a training school for midwifery connected with a reputable hospital or sanitarium, giving a course of at least twelve months in the science and practice of midwifery, and giving its students practical experience in at least twenty cases of confinement.

Section 1435f—13. All applicants for a certificate of registration under the provisions of section 1435f—12 of this act, shall submit to a written examination in the following branches; anatomy of the female pelvis; anatomy and physiology of the organs contained in the female pelvis; symptoms, diagnosis, physiology and complications of pregnancy; diagnosis, course and management of labor and care of mother and child for the first ten days succeeding child birth. Such examination shall be prepared and conducted by a committee of three members of said board appointed by the president.

Section 1435f—14. After examination, as hereinbefore provided, the board shall, if it find the applicant qualified, grant a certificate of registration to said applicant, which certificate shall be granted only by the consent of at least six members of said board and which, after the payment of the fees hereinafter provided shall be signed by the president, and secretary thereof, and attested by the seal thereof.

Section 1435f—15. This act shall not be construed to affect duly licensed or registered physicians, surgeons, or osteopaths, nor shall it prohibit the rendering of service in cases where a licensed physician, surgeon or registered midwife cannot be secured in time for a delivery, gratuitous service in cases of emergency, nor to affect any person who has been engaged in the reputable practice of midwifery in this state for at least one year prior to the passage and publication of this act and who shall obtain from the state board of medical examiners a certificate of registration as hereinafter provided.

Section 1435f—16. Every person practicing or claiming to practice midwifery within this state shall within six months after the passage and publication of this act make written application to the state board of medical examiners for registration, such application to be made upon blanks prepared and furnished by said board. Every person so applying shall

furnish evidence of good moral and professional character, such good moral and professional character to be attested by the oath of two reputable licensed physicians or surgeons and one responsible layman, preferably a clergyman. No certificate of registration shall be issued unless the evidence of good moral and professional character of the applicant is satisfactory to the board, and unless at least six members of said board consent to the issuance of such certificate.

Section 1435f—17. The fee for the examination provided herein shall be ten dollars in each case, with five dollars additional for the certificate issued; and the fee for registration because of the one year's practice at the time of the passage and publication of this act, shall be five dollars. The fee in each case shall accompany the application and shall be paid to the treasurer of the board, and may be applied toward defraying the necessary expenses of the board.

Section 1435f—18. The state board of medical examiners shall have the power to make such rules and regulations governing the examination and registration herein required, as it may be necessary in order to ascertain the true character and qualification of an applicant for a certificate of registration.

Section 1435f—19. Every person receiving the certificate herein provided shall forthwith register the same with the register of deeds of the county in which said person resides, or practices, except midwives who reside or practice in cities of the first class. In such cities the midwives shall register the certificate with the registrar of vital statistics in cities of the first class, and pay to such register of deeds, or registrar of vital statistics in cities of the first class a fee of fifty cents for recording the same and said register of deeds or registrar of vital statistics in cities of the first class, shall enter a memorandum thereof giving the date of said certificate, the name and residence of the person to whom it was issued and the date of such recording, in a book to be provided and kept for that purpose. Any person who shall fail to record his or her certificate as herein provided shall not exercise any of the rights and privileges granted by such certificate.

Section 1435f—20. Persons securing the certificates of registration herein provided shall be permitted to practice midwifery within this state, but such practice does not include at any childbirth the use of any instrument, except instruments necessary to sever the umbilical cord, nor the assisting of childbirth by any artificial, forcible or mechanical means, nor the performance of any version nor the removal of ad-

herent placenta, nor the administering, prescribing, advising or employing in childbirth of any drug, herb, or medicine other than disinfectant and ergot after redelivery of the placenta.

Section 1435f—21. Nothing in this act shall be construed as conferring on any midwife the authority to practice medicine or surgery or osteopathy, or to assume any title or designation tending to show that he or she is a practitioner of medicine or is by law recognized as a medical practitioner, or that he or she is authorized to grant any medical certificate or any certificate of death.

Section 1435f—22. 1. It is hereby made the duty of the state board of medical examiners to refuse to grant a certificate of registration to practice midwifery to any person guilty of immoral or dishonorable or unprofessional conduct. The circuit courts of this state are hereby vested with jurisdiction and power to annul the certificate of any person to practice midwifery in this state who is guilty of immoral, dishonorable, or unprofessional conduct, or who has procured such certificate of registration by fraud or misrepresentation or perjury, or where the same was obtained through error. Upon a verified complaint in writing made by any person to the district attorney of any county, charging any person holding such certificate with having in said county, been guilty of any immoral, dishonorable, or unprofessional conduct, as defined in this act, or with having procured such certificate or license by fraud or misrepresentation or perjury, or through error, 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 certificate of such person.

2. 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, 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 in 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 revoking and annulling such 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 state board of medical examiners to be filed for record in the office of said secretary.

3. Any person whose certificate has been revoked under the provisions of this act who shall thereafter practice, or offer to attempt to practice midwifery in this state, shall be punished as hereinafter provided. 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 act; 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 held 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.

Section 1435f—23. The words "immoral, dishonorable or unprofessional conduct" as used in section 1435f—22 of this act are hereby declared to mean: first, procuring, aiding or abetting a criminal abortion; second, advertising either in his or her own name or in the name of another person, firm, association or corporation in any newspaper, pamphlet, or other written or printed paper or document, in any obscene manner derogatory to good morals, or the advertising of any method or means whereby the monthly period of women can be regulated or the menses reestablished if suppressed, or being employed by or in the service of any person, firm, association or corporation so advertising; third, indulging in the drug habit; fourth, conviction of any offense involving moral turpitude.

Section 1435f—24. Any person practicing midwifery as herein defined, without having obtained the certificate herein required or whose certificate has been revoked or annulled, or any person who shall undertake to practice midwifery in violation of any provision of this act, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars for each offense, or by imprisonment in the county jail, for a term not exceeding six months, or by both such fine and imprisonment.

SECTION 2. All acts or parts of acts conflicting with this act are hereby repealed.

SECTION 3. This act shall take effect and be in force from and after its passage and publication.

Approved June 17, 1909.

No. 238, A.]

[Published June 22, 1909.

## CHAPTER 529.

AN ACT to amend section 378 of the statutes, relating to the board of regents of the University of Wisconsin.

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

SECTION 1. Section 378 of the statutes is amended to read: Section 378. The government of the university shall be vested in a board of regents, to consist of one member from each congressional district and two from the state at large, at least \* \* \* *two* of whom shall be \* \* \* *women*, to be appointed by the governor; *the second* woman regent shall be appointed on or before February 1st, 1911; but *this act shall in no way affect the term of office of the present members of the board of regents*; the state superintendent and the president of the university shall be ex-officio members of said board; said president shall be a member of all standing committees of the board, but shall have the right to vote only in case of a tie. The terms of office of the appointed regents shall be three years from the first Monday in February in the year in which they are appointed, *and until the appointment and qualification of their respective successors*, unless sooner removed by the governor; but appointments to fill vacancies before the expiration of the time shall be for the residue of the term only.

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

Approved June 17, 1909.