

No. 353, A.]

[Published June 23, 1905.]

CHAPTER 422.

AN ACT empowering and requiring the Wisconsin State Board of Medical Examiners to refuse to grant licenses or certificates or registration to persons guilty of immoral, dishonorable or unprofessional conduct, and empowering the courts to revoke and annul any license or certificate issued to any person guilty of immoral, dishonorable or unprofessional conduct, or fraud or perjury in connection with obtaining such license or certificate, or through error.

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

License, refusal of when authorized. SECTION 1. It is hereby made the duty of the Wisconsin State Board of Medical Examiners to refuse to license or grant a certificate of registration to any person guilty of immoral, dishonorable or unprofessional conduct. 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 medicine or surgery, or osteopathy in this state, who is guilty of immoral, dishonorable or unprofessional conduct, after the passage of this act or who has procured such license or certificate of registration by fraud or perjury, or where the same was obtained through error. 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 in this act, or with having procured such certificate or license by fraud 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 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 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 Medical 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 act, who shall thereafter practice or offer or attempt to practice medicine, surgery or osteopathy in this state, shall be punished as provide in chapter 426 of the laws of 1903. 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 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.

Immoral, dishonorable, unprofessional conduct defined.

SECTION 2. The words "immoral, dishonorable or unprofessional conduct" as used in section one of this act are hereby declared to mean: First, procuring, aiding or abetting a criminal abortion; second, advertising, either in his 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 an obscene manner or in a manner derogatory to good morals the curing of venereal diseases, the restoration of "lost manhood," or the advertising of any medicine or any means whereby the monthly periods of women can be regulated or the menses re-established, if suppressed, or being employed

by or in the service of any person, firm, association or corporation so advertising; third, the obtaining of any fee on the assurance that a manifestly incurable disease can be permanently cured; fourth, wilfully betraying a professional secret; fifth, indulging in the drug habit; sixth, conviction of any offense involving moral turpitude.

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

Approved June 19, 1905.

No. 534, A.]

[Published June 23, 1905.

CHAPTER 423.

AN ACT to create a municipal court in the city of Beloit in Rock county.

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

Municipal court established. SECTION 1. There is hereby established a municipal court in the city of Beloit, in Rock county, to be known as the municipal court of the city of Beloit, and to be open for business at the beginning of the term of office of the judge to be elected as herein provided.

It shall be a court of record and have a clerk and a seal, the former to be appointed and the latter to be procured by the judge.

In this act, it is referred to as *the court*,* its judge as *the judge*, and its clerk as *the clerk*, to distinguish it and them from other courts, judges, and clerks mentioned.

Qualifications and powers of judge. SECTION 2. The election of *the judge* shall be by the duly qualified electors of said county. His term of office shall be six years, and begin on the first Monday in May next succeeding his election.

The first election of *the judge* shall be held on the first Tuesday of April, 1906, and shall be conducted the same as other judicial elections.

*The words printed in italics in this chapter are so printed in the enrolled act.