

5. If such examination shall be taken before issue joined, the notice of taking the same shall be accompanied by an affidavit of the party, his agent, or attorney, stating the general nature and object of the action, that discovery is sought to enable the party to plead and the points upon which such discovery is desired, and such examination shall be limited to the discovery of the facts relevant to such points, unless the court or the presiding judge thereof, on motion and one day's notice, shall, before the examination is begun, by order, further limit the subjects to which it shall extend; *but should the defendant desire an examination of the plaintiff, his or its agent, employe, or officer, before issue joined, said defendant shall be entitled to examine said plaintiff, agent, employe or officer, on all points set out in the complaint, as though the same had been put in issue; but such examination shall not preclude the right to another examination after issue joined upon all the issues in the cause, and the party examining shall, in all cases, be allowed to examine upon oral interrogatories.*

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 the county in which the action is pending, if he can be personally served with notice and subpoena in such county.*

Approved May 5, 1909.

No. 554. A.]

[Published May 5, 1909.

CHAPTER 85.

AN ACT to amend section 1412a of the statutes, relating to reports of contagious diseases.

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

SECTION 1. Section 1412a of the statutes is amended to read: Section 1412a. Whenever any physician practicing in this state shall know or have good reason to believe that any person whom he treats or visits is sick with a dangerous, contagious, or infectious disease, he shall, immediately after obtaining such knowledge or forming such belief, give notice thereof *in writing, stating the name, sex, age and place of residence of person whose sickness is reported, the nature of the disease and such additional facts as said board may prescribe,* to the board of health of the town, city, or village in which such sick person shall then

be, and if he shall fail to so do for a period of twenty-four hours thereafter he shall forfeit not less than five nor more than twenty-five dollars for each day of such failure after the expiration of said twenty-four hours; provided, that such notice may be sent by mail, or, except in cities, may be given to, or left at the residence of, any member of the board of health. When any person is sick with any such disease and no physician is in attendance upon such person, the provisions of this section shall apply to the responsible head of the family of which he is a member, or if the sick person is not a member of the family occupying the house or building in which he may be, to the person in charge thereof. It shall be the duty of the district attorney of the proper county, upon complaint being made under oath by any citizen before any magistrate of failure to give notice as herein required, to sue for the collection of the forfeiture herein imposed, which, when collected, shall be for the benefit of the school fund.

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

Approved May 5, 1909.

No. 644, A.]

[Published May 5, 1909.]

CHAPTER 86.

AN ACT to amend section 926—115 of the statutes, relating to city superintendents of schools.

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

SECTION 1. Section 926—115 of the statutes is amended to read: Section 926—115. In all cities except cities of the first class, there may be elected * * * by the board of education or the board of school commissioners, a city superintendent of schools for a term not to exceed three years, whose duties shall be:

1. To examine and license teachers according to the statutes.
* * *
2. To supervise the administration of the courses of study.
3. To have general supervision of the professional work of the schools of the city, including the holding of teachers' meetings and the promotion of pupils.
4. From time to time to make a written report to the board of education or board of school commissioners, as the case may be, embodying such recommendations relative to the employment of teachers, adoption of text-books, changes in the course of