

sum of three dollars per day for each day actually employed as such deputy during the session of any regular or special terms of the circuit court in each of the organized counties of this state wherein such deputy shall be employed. The provisions of this act shall not apply to those counties in this state in which the fees and compensation of said clerk shall exceed the sum of fifteen hundred dollars per year, as now provided by law.

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

Approved April 8, 1867.

CHAPTER 94.

[Published April 12, 1867.]

AN ACT to provide for taking depositions in certain cases.

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

In case witness voluntarily refused to make his deposition.

SECTION 1. Whenever there shall be a motion or other proceeding in any circuit or county court, or in the supreme court, in which it shall be necessary for either party to have the deposition of any witness who shall have refused voluntarily to make his deposition or affidavit in reference to matters to which it is or will be material in such motion or proceeding, the court may, upon cause shown, direct a commission to be issued to one or more persons, inhabitants of the county in which such witness resides, to take his deposition, upon oral or written interrogatories, as the said court shall direct in said commission; and such witness may be subpoenaed to attend and testify before such commissioners in the same manner as before the circuit courts of this state, and with like effect, and obedience to such subpoena shall be enforced in the same manner by the court from which the subpoena was issued.

Deposition of party may be taken.

SECTION 2. In any action pending in any court in this state in which any party thereto shall or may be

a competent witness in his own behalf on the trial thereof, his deposition be taken in like manner and upon the same contingencies and for the same cause or causes as the deposition of any witness not a party to such action.

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

Approved April 8, 1867.

CHAPTER 95.

[Published April 12, 1867.]

AN ACT to amend section 14 of chapter 33 of the revised statutes, entitled "of medical societies."

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

SECTION 1. Section 14 of chapter 33 of the revised statutes, entitled "of medical societies," is hereby amended, by adding thereto as follows: "but no person practicing physic and surgery shall have the right to collect, in any action in any court of this state, fees for the performance of medical service, nor to testify in a professional capacity as a physician and surgeon in any case, unless such person shall have received a diploma from some incorporated medical society or college, or shall be a member of the state or some county medical society legally organized in this state."

No physician can enforce collection of a debt for medical services, unless he has a diploma.

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

Approved April 8, 1867.