

necessary to be made and shall order the owner, or person having control of such dam or reservoir to cause such alterations or repairs to be made within a time to be limited by the order; and the commission may cause to be drawn off, in whole or in part, the water in said reservoir or impounded by said dam, when it shall determine that such action is necessary to prevent impending danger to persons or property.

SECTION 2. Section 31.20 of the statutes is amended to read: 31.20 INSPECTION FEE. Every owner, excepting municipalities, of a dam heretofore or hereafter constructed in or across navigable waters shall pay to the commission annually, on or before the first day of February, for the purpose of defraying the actual expenses of the commission incurred in inspecting and supervising the construction or maintenance, or both, of such dam and equipment, an inspection fee of not to exceed ten cents per theoretical horse power capacity of such dam at an ordinary stage of water, *said fee however, not to be less than twenty-five dollars in any case, if such actual expenses of the commission shall equal that amount.* The amount of such fee shall be determined annually by the commission, and notice of the amount due shall be forwarded by mail to each such owner, or the agent thereof, not later than December first of each year. Inspection fees received by the commission shall be paid into the state treasury.

SECTION 3. This act shall take effect upon passage and publication.

Approved June 28, 1917.

No. 631, S.]

[Published June 30, 1917

CHAPTER 539

AN ACT to amend sections 2339n—4, 2339n—5, 2339n—6, 2339n—7, 2339n—10, 2339n—15, 2339n—18, 2339n—19 and 2339n—23 of the statutes, relating to the regulation of marriage and marriage licenses and providing penalties.

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

SECTION 1. Sections 2339n—4, 2339n—5, 2339n—6, 2339n—7, 2339n—10, 2339n—15, 2339n—18, 2339n—19, 2339n—23 of the statutes are amended to read: Section 2339n—4. No license shall be issued unless both of the contracting parties shall be identified to the satisfaction of the proper county clerk, who shall further require of the parties, either separately or together, a statement under oath relative to the legality of the contemplated

marriage; the date of same; the names; relationship, if any; age; nationality; color; residence and occupation of the parties; the names of the parents, or guardians, * * * of such as are under the age of legal majority; any prior marriage or marriages of the parties, or either of them, and the manner of the dissolution thereof; and if there be no legal objection thereto, such county clerk shall issue a marriage license in the form hereinafter prescribed. Or, the parties intending marriage may, either separately or together, appear before any officer authorized by law to administer oaths in the county (whether in this or any other state) wherein either of the contracting parties resides, or in the county where the marriage is to be performed, who shall require of them a statement under oath as above provided; and such statement, having been duly subscribed and sworn to and the parties having been duly identified, shall be forwarded to the proper county clerk, who, if satisfied after an examination thereof, that the same is in proper legal form, and that no legal objection to the contemplated marriage exists, shall issue a license therefor.

Section 2339n—5. No license shall be issued if either of the contracting parties be under the marriageable age of consent as established by law. If either of the contracting parties be * * * between *the age of* eighteen years and twenty-one years if a male, and between *the age of* fifteen years and eighteen years if a female, no license shall be issued without the consent of his or her parents or guardian, * * * or of the parent having the actual care, custody and control of * * * *said party or parties*, given before the county clerk under oath, or certified under the hand of such parents or guardian * * * as aforesaid, and properly verified by affidavit before a notary public or other official authorized by law to take affidavits, which certificates shall be filed of record in the office of said county clerk and entered by him on the marriage license docket before issuing said license; provided, that if there be no guardian * * * or parent having the actual care, custody and control of *said party or parties*, then the judge of the court * * * *having probate jurisdiction in the county where the application is pending* may, after hearing, upon proper cause shown, make an order allowing the marriage of * * * *said party or parties*.

Section 2339n—6. Immediately upon entering an application for a license, the county clerk shall post in his office a notice giving the names and residences of the parties applying therefor, and the date of the application. Any * * * *parent, grandparent, brother, sister or guardian of either of the appli-*

*cants for a license, believing that the statements of the application are false or insufficient, or that the applicants or either of them are incompetent to marry, may file with the court having probate jurisdiction in the county in which the license is applied for, a petition under oath, setting forth the grounds of objection to the marriage and asking for a rule upon the parties making such application to show cause why the license should not be refused. Whereupon, said court, if satisfied that the grounds of objection are prima facie valid, shall issue * * * an order to show cause as aforesaid, returnable as the court may direct, but not more than * * * fourteen days from and after the date of said rule, which * * * order shall be served forthwith upon the applicants for such license residing in the state, and upon the clerk before whom such application shall have been made, and shall operate as a stay upon the issuance of the license until further ordered; if either or both of said applicants are nonresidents of the state said order shall be served upon said nonresident or nonresidents by publication one time in a newspaper published in the county wherein said application is pending, and by mailing a copy thereof to said nonresident or nonresidents at the address contained in the application. If, upon hearing, * * * the court shall find that the statements in the application are wilfully false or insufficient, or that either or both of said parties are not competent in law to marry, the court shall make an order refusing the license; * * * If, however, said falseness or insufficiency is due merely to inadvertance, then the court shall permit the parties to amend the application so as to make the statements therein true and sufficient, and upon application being so amended, the license shall issue. In case any party is unable to supply any of the information required in the application, the court may, if satisfied that such inability is not due to wilfulness or negligence, order the license to issue notwithstanding such insufficiency. The costs of the proceedings under this section, shall rest in the discretion of the court.*

Section 2339n—7. Any person who shall, in any affidavit or statement required or provided for by sections 2339n—4, 2339n—5, or 2339n—6, wilfully and falsely swear, or who shall procure another to swear falsely in regard to any material fact relating to the competency of either or both of the parties applying for a marriage license, or as to the ages of such parties, if minors, or who shall falsely pretend to be the parent or guardian * * * having authority to give consent to the

marriage of such minor, shall be guilty of a misdemeanor, and upon conviction thereof, be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Section 2339n—10. The license shall authorize the marriage ceremony to be performed in any county of this state, excepting that where both parties are nonresidents of the state, the ceremony shall be performed only in the county in which the license is issued. The license shall be directed "to any person authorized by the law of this state to solemnize marriage", and shall authorize him to solemnize marriage between the parties therein named, at any time not more than thirty days from and after the date thereof. If the marriage is to be solemnized by the parties without the presence of an officiating person, as provided by subsection 2 of section 2339n—1, the license shall be directed to the parties to the marriage. If either of the parties be not of the age of legal majority, then his or her age shall be stated; and the fact of the consent of his or her parents or guardian * * * shall likewise be stated; and if either of said parties shall have been theretofore married, then the number of times he or she shall have been previously married, and the manner in which the prior marriage or marriages was or were dissolved, shall be stated. The officiating person shall satisfy himself that the parties presenting themselves to be married by him are the parties named in the license; and if he knows of any legal impediment to such marriage, he shall refuse to perform the ceremony. The issue of a license shall not be deemed to remove or dispense with any legal disability, impediment or prohibition rendering marriage between the parties illegal, and the license shall contain a statement to that effect.

Section 2339n—15. If any officiating person shall solemnize a marriage unless the contracting parties shall first have obtained a proper license as hereinbefore provided; or unless the parties to such marriage declare that they take each other as husband and wife; or without the presence of two competent witnesses; or, in the case of * * * *parties within the age limits prescribed in section 2339n—5*, unless the consent, as hereinbefore provided, of the parent or guardian * * * of such * * * *parties* be stated in such license; or shall solemnize a marriage knowing of any legal impediment thereto; or shall solemnize a marriage more than thirty days from and after the date of the license; or shall falsely certify to the date of a mar-

riage solemnized by him; or shall solemnize a marriage in a county other than the county prescribed in section 2339n—10, he shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment in the county jail for not more than one year, or by both such fine and imprisonment.

Section 2339n—18. Every officiating person, or persons marrying without the presence of an officiating person, as provided by subsection 2 of section 2339n—1, who shall neglect or refuse to transmit the triplicate certificate of any marriage solemnized by him or them, to the local registrar of vital statistics three days after the date of such marriage, shall be fined the sum of not * * * *to exceed* two hundred dollars.

Section 2339n—19. Any county clerk who shall refuse or neglect to enter upon the marriage license docket a complete record of each application, and of each marriage license issued from his office, immediately after the same shall have been made or issued, as the case may be, or shall fail to keep such marriage license docket open for inspection or examination by the public during office hours, or shall prohibit or prevent any person from making a copy or abstract of the entries in the marriage license docket, shall for each such illegal act, omission or denial, be fined the sum of *not to exceed* fifty dollars.

Section 2339n—23. No marriage hereafter contracted shall be void either by reason of the license having been issued without the consent of the parents or guardian * * * *as provided in section 2339n—5*, or by a county clerk not having jurisdiction to issue the same, or by reason of any omission, informality or irregularity of form in the application for the license or in the license itself, or by reason of the incompetency of the witnesses to such marriage, or because the marriage may have been solemnized in a county other than the county prescribed in section 2339n—10, or more than thirty days after the date of the license, if the marriage is in other respects lawful and is consummated with the full belief on the part of the persons so married, or either of them, that they have been lawfully joined in marriage. Where a marriage has been celebrated in one of the forms provided for in section 2339n—1, and the parties thereto have immediately thereafter assumed the habit and repute of husband and wife, and having continued the same uninterruptedly thereafter for the period of one year, or until the death of either of them, it shall be deemed that a license

has been issued as required by sections 2339n—1 to 2339n—27, inclusive.

SECTION 2. This act shall take effect upon the first day of January, 1918.

Approved June 28, 1917.

No. 652, S.]

[Published June 30, 1917.

CHAPTER 540

AN ACT to appropriate a sum of money therein named to Mrs. Frank Sutliff of Madison, Wisconsin, as compensation for her claim on account of the death of her husband while in the employ of the state.

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

SECTION 1. There is appropriated to Mrs. Frank Sutliff of Madison, Wisconsin, out of any money in the general fund not otherwise appropriated, the sum of fifteen hundred dollars as compensation to the said Mrs. Frank Sutliff for the death of her husband while engaged in the service of the state, provided, that the acceptance of this appropriation by Mrs. Frank Sutliff shall be in full settlement of any claim for compensation arising under the provisions of sections 2394—3 to 2394—31, both inclusive, of the statutes.

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

Approved June 29, 1917.

No. 654, S.]

[Published June 30, 1917.

CHAPTER 541

AN ACT to amend sections 1455j, 1455k, and 1455m of the statutes, relating to deposits of money for the perpetual care of graves.

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

SECTION 1. Sections 1455j, 1455k, and 1455m of the statutes are amended to read: Section 1455j. * * * *Each incorporated cemetery association shall * * * determine the sum of money necessary for the perpetual care of lots and graves, and any such sums offered to such association * * * shall be accepted by * * * such association. All such money may be deposited with the treasurer of * * * the town, village or city nearest to the cemetery owned by such corporation in the first week of June each year. It shall be the duty*