

STATE OF WISCONSIN
Senate Journal
Eighty-First Regular Session

TUESDAY, February 6, 1973.

10:00 A.M.

The senate met.

The senate was called to order by the president of the senate.

Prayer was offered by Father Michael Doro, Associate Pastor of Our Lady Queen of Peace Catholic Church of Madison.

The senate remained standing and the president of the senate led the senate in the pledge of allegiance to the flag of the United States of America.

The roll was called and the following senators answered to their names:

Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Kendzioriski, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow
-- 33.

Absent -- None.

Absent with leave -- None.

INTRODUCTION OF RESOLUTIONS

Senate Resolution 8

Relating to the rights and privileges of the senator from the 6th senatorial district.

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Whereas, Senate Resolution I created a 5-member committee to investigate and make recommendations relative to the contest of the seating of the Honorable Monroe Swan to represent the 6th senatorial district; and

Whereas, the committee did investigate pursuant to Senate Resolution I and the authority granted the senate and its committee by section 13.24 of the statutes by taking testimony from Mark G. Lipscomb, Jr., and receiving sworn allegations and copies of affidavits of witnesses furnished to the committee by said Mark G. Lipscomb, Jr.; and

Whereas, several of the sworn allegations made by Mrk G. Lipscomb, Jr., relative to the Democratic primary election of September 12, 1972, in the 6th senatorial district allege criminal acts; and

Whereas, the courts and not the senate have the power to determine questions of criminal guilt; and

Whereas, a John Doe proceeding was held before the Honorable Robert J. Miech, Judge of the County Court of Milwaukee County, commencing December 27, 1972, and ending on January 24, 1973, which investigated alleged criminal violations occurring before and during the September, 1972, primary election in the 6th senatorial district of Wisconsin; and

Whereas, in a report on the John Doe proceedings, dated January 26, 1973, provided the committee by Judge Miech at the request of the chairman of the committee, Judge Miech stated that he found that there were no violations of chapter 12 of the statutes, relating to corrupt practices in elections, prior to and during the September 12, 1972, primary, and furthermore, that the only probable violation found in the John Doe proceedings was that testimony indicated that a number of nomination papers filed on behalf of one of the defeated candidates were not notarized properly; and

Whereas, in State ex rel. Dithmar V. Bunnell (1907), 131 Wis. 198, the court cited with approval cases which held that unless corrections to nomination papers are made before the election, the ballots cannot be rejected because the nominations were not properly made; and

Whereas, the committee, upon reviewing the sworn allegations of Mark G. Lipscomb, Jr., and the attached copies of affidavits of witnesses and assuming the truth of the affidavits, does not find any basis to recommend nullifying the primary election and declaring a vacancy in the 6th senatorial district; and

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Whereas, under Section 7 of Article IV of the constitution of this state the senate is the judge of the elections, returns and qualifications of its members; now, therefore, be it

Resolved by the senate, That the senate investigation of the contest of the election of the senator of the 6th senatorial district be declared closed; and, be it further

Resolved, That Monroe Swan is declared by the senate to be qualified as senator of the 6th senatorial district and is entitled to all the rights and privileges of the senate.

By Senator Whittow, by request of the senate Special committee on the 1972 contested election in the 6th senatorial district.

Read.

By request of Senator Johnson, with unanimous consent, **Senate Resolution 8** was laid on the table.

Senate Joint Resolution 34

Requesting certain organizations to take immediate action for the purpose of alleviating the existing and threatening level of high waters of the Great Lakes to the property owners surrounding the Great Lakes.

By Senators LaFave, Martin, Theno and Petri, cosponsored by Representatives Matty, Vanderperren, Gower, Bolle, Willkom and Lallensack.

Read and referred to committee on Transportation.

Senate Joint Resolution 35

Relating to obtaining a reciprocal fishing license compact with Michigan and Minnesota.

By Senators LaFave and Theno, cosponsored by Representative Matty.

Read and referred to committee on Natural Resources.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 178

Relating to reciprocal fishing in outlying waters.

By Senator LaFave and Theno, cosponsored by Representative Matty.

To committee on Natural Resources.

COMMITTEE REPORTS

The committee on Health, Education and Welfare reports and recommends for introduction:

Senate Bill 179

Relating to reimbursing counties for county school taxes levied and making an appropriation.

By request of Milwaukee County.

Introduction; Ayes, 6; Noes, 0.

Read first time and referred to committee on Health, Education and Welfare.

Senate Bill 180

Relating to the minimum marriageable age and the procedure marriage license application.

Introduction; Ayes, 6; Noes, 0.

Read first time and referred to committee on Health, Education and Welfare.

JAMES C. DEVITT
Chairman

EXECUTIVE COMMUNICATIONS

State of Wisconsin
Office of the Governor

January 30, 1973

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the Senate do appoint Isabelle M. Kappeler, of Odanah, as a member of the Health and Social Services Board, to succeed Robert M. Spears, to serve for a term ending May 1, 1977.

Sincerely,
PATRICK J. LUCEY
Governor

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Read and referred to committee on Health, Education and Welfare.

January 30, 1973

To the Honorable, the Senate:

Pursuant to the provisions of the statutes governing, I have nominated and with the advice and consent of the Senate do appoint John C. Zinos, of Milwaukee, as a member of the Industry, Labor and Human Relations Commission, to succeed Edward E. Estkowski, to serve for the remainder of the unexpired term ending June 1, 1973, and then to serve for a term ending March 1, 1979.

**Sincerely,
PATRICK J. LUCEY
Governor**

Read and referred to committee on Industry, Labor, Taxation and Banking.

MESSAGE FROM THE ASSEMBLY

By Thomas S. Hanson, chief clerk.

Mr. President:

I am directed to inform you that the assembly has adopted and asks concurrence in:

Assembly Joint Resolution 15

and

Passed and asks concurrence in:

Assembly Bill 10

Assembly Bill 12

Assembly Bill 13

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MESSAGE FROM THE ASSEMBLY CONSIDERED

Assembly Joint Resolution 15

Requesting the attorney general to sue to recover water pollution aids impounded by the President.

Read and referred to committee on Natural Resources.

Assembly Bill 10

Relating to the purchase of vehicles by the Milwaukee school board.

Read first time and referred to committee on Health, Education and Welfare.

Assembly Bill 12

Relating to permitting the Milwaukee school board to employ staff members.

Read first time and referred to committee on Health, Education and Welfare.

Assembly Bill 13

Relating to the budget deadline for the Milwaukee school board.

Read first time and referred to committee on Health, Education and Welfare.

CALENDAR OF JANUARY 30

Senate Bill 26

Relating to revising state life and property insurance and the state indemnity fund, granting rule-making authority and making appropriations.

The question was: adoption of senate amendment 4 to **Senate Bill 26**?

The ayes and noes were demanded and the vote was: ayes, 16; noes, 14; absent or not voting, 3; as follows:

Ayes -- Senators Chilsen, Devitt, Dorman, Johnson, Kasten, Keppler, Knutson, Krueger, Lorge, Martin, Parys, Roseleip, Schuele, Steinhilber, Swan, J.D. and Whittow -- 16.

Noes -- Senators Bablitch, Bidwell, Flynn, Frank, Hollander, Kendziorski, LaFollette, McKenna, Murphy, Peloquin, Petri, Risser, Swan, M. and Thompson -- 14.

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3. Absent or not voting -- Senators Knowles, LaFave and Theno --

So the amendment was adopted.

Senator Risser moved reconsideration of senate amendment 3 to **Senate Bill 26**.

Senator Parys raised the point of order that the motion was not made in the proper order of business.

The chair ruled the point of order not well taken.

Senator Risser asked unanimous consent to lay **Senate Bill 26** on the table.

Senator Parys objected.

The question was: reconsideration of senate amendment 3 to **Senate Bill 26**?

The ayes and noes were demanded and the vote was: ayes, 13; noes, 19; absent or not voting, 1; as follows:

Ayes -- Senators Bablitch, Flynn, Hollander, Kendziorski, LaFollette, McKenna, Peloquin, Petri, Risser, Schuele, Swan, M., Thompson and Whittow -- 13.

Noes -- Senators Bidwell, Devitt, Dorman, Frank, Johnson, Kasten, Keppler, Knowles, Knutson, Krueger, LaFave, Lorge, Martin, Murphy, Parys, Roseleip, Steinhilber, Swan, J.D. and Theno -- 19.

Absent or not voting -- Senator Chilsen -- 1.

So senate amendment 3 was not reconsidered.

Senate amendment 5 to **Senate Bill 26** offered by Senator Whittow.

Senate amendment 5 adopted.

Senator Dorman moved reconsideration of the vote by which senate amendment 5 was adopted.

The ayes and noes were demanded and the vote was: ayes, 18; noes, 15; absent or not voting, 0; as follows:

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Ayes -- Senators Dorman, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Lorge, McKenna, Martin, Murphy, Parys, Roseleip, Schuele, Steinhilber, Swan, J.D. and Theno -- 18.

Noes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Flynn, Kendziorski, Krueger, LaFave, LaFollette, Peloquin, Petri, Risser, Swan, M., Thompson and Whittow -- 15.

Absent or not voting -- None.

The motion prevailed.

Senator Hollander moved rejection of senate amendment 5.

The ayes and noes were demanded and the vote was: ayes, 17; noes, 16; absent or not voting, 0; as follows:

Ayes -- Senators Dorman, Frank, Hollander, Kasten, Keppler, Knowles, Knutson, Lorge, McKenna, Martin, Murphy, Parys, Roseleip, Schuele, Steinhilber, Swan, J.D. and Theno -- 17.

Noes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Flynn, Johnson, Kendziorski, Krueger, LaFave, LaFollette, Peloquin, Petri, Risser, Swan, M., Thompson and Whittow -- 16.

Absent or not voting -- None.

The motion prevailed.

Senator Parys asked unanimous consent that **Senate Bill 26** be placed at the foot of the calendar of January 30.

Senator Johnson objected.

Senator Parys moved that **Senate Bill 26** be placed at the foot of the calendar of January 30.

The motion did not prevail.

Senator McKenna moved reconsideration of the vote by which senate amendment 5 to **Senate Bill 26** was rejected.

The ayes and noes were demanded and the vote was: ayes, 16; noes, 17; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Flynn, Kendziorski, Krueger, LaFave, LaFollette, McKenna, Peloquin, Petri, Risser, Swan, M., Thompson and Whittow -- 16.

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Noes -- Senators Dorman, Frank, Hollander, Johnson, Kasten, Keppler, Knowles, Knutson, Lorge, Martin, Murphy, Parys, Roseleip, Schuele, Steinhilber, Swan, J.D. and Theno -- 17.

Absent or not voting -- None.

The motion did not prevail.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 26

Read a third time.

The ayes and noes were required and the vote was: ayes, 32; noes, 1; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., swan, M., Theno, Thompson and Whittow -- 32.

Noes -- Senator Lorge -- 1.

Absent or not voting -- None.

So the bill passed.

Senate Bill 30

Relating to discretionary commitment for sex crimes offenders.

Read a second time.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 30

Read a third time and passed.

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Senate Bill 31

Relating to placement of persons convicted of sex crimes at sex crimes facilities and allowing credit for time served at such facilities.

Read a second time.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 31

Read a third time and passed.

Senate Bill 47

Relating to senate rejection of gubernatorial appointments to state offices.

Read a second time.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 47

Read a third time and passed.

Senate Joint Resolution 7

To amend article XIII, section 3 of the constitution, relating to the holding of public office by a person convicted of an infamous crime (1st consideration).

Read a second time.

By request of Senator Risser, with unanimous consent, **Senate Joint Resolution 7** was laid on the table.

Two Joint Rule 26's, relating to the life and well being of the wives and families of the prisoners of war and missing inaction.

Senator Risser raised the point of order that these were not the proper subjects for motions under Joint Rule 26. The chair ruled the point of order well taken.

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By request of Senator Roseleip, with unanimous consent, the motions under Joint Rule 26 were withdrawn and returned to the author.

CALENDAR OF JANUARY 31

President pro tempore in the chair.

11:40 A.M.

Senate Joint Resolution 9

To amend article IV, section 24 of the constitution, relating to the authorization of bingo for certain purposes (2nd consideration).

Read a second time.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, **Senate Joint Resolution 9** was considered for final action at this time.

Senate Joint Resolution 9

Read a third time.

The ayes and noes were required and the vote was: ayes, 23; noes, 10; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Chilsen, Devitt, Flynn, Frank, Hollander, Johnson, Kasten, Keppler, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Petri, Roseleip, Schuele, Steinhilber, Swan, M. and Theno -- 23.

Noes -- Senators Bidwell, Dorman, Kendziorski, Knowles, Knutson, Peloquin, Risser, Swan, J.D., Thompson and Whittow -- 10.

Absent or not voting -- None.

So the joint resolution was adopted.

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Senate Bill 14

Relating to changing observance of Veterans Day from the 4th Monday in October to November 11.

Read a second time.

Senator Roseleip asked unanimous consent that **Senate Bill 14** be made a special order of business on Thursday, February 8 at 10:00 A.M.

Senator Risser objected.

By request of Senator Johnson, with unanimous consent, **Senate Bill 14** was placed at the foot of the calendar of February 1.

CALENDAR OF FEBRUARY 1

Senate Bill 4

An act to appropriate \$732 from the general fund for payment of a claim by Orpha Pearl Price, executrix of the estate of James B. Price, deceased, against the state.

Read a second time.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 4

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 33.

Noes -- None.

Absent or not voting -- None.

So the bill passed.

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Senate Bill 5

An act to appropriate \$1,746 from the general fund for payment of a claim by Gerald Thomas against the state.

Read a second time.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 5

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 33.

Noes -- None.

Absent or not voting -- None.

So the bill passed.

Senate Bill 6

To appropriate \$4,522.04 from the segregated highway fund for payment of a claim by United Contractors, Inc. against the state.

Read a second time.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 6

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

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Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 33.

Noes -- None.

Absent or not voting -- None.

So the bill passed.

Senate Bill 7

To appropriate \$1,735 from the segregated highway fund for payment of a claim by Mrs. Elsie Blum against the state.

Read a second time.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 7

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 33.

Noes -- None.

Absent or not voting -- None.

So the bill passed.

Senate Bill 8

To appropriate \$8,617.87 from the highway fund for payment of a claim made by F. F. Mengel Co. against the state.

Read a second time.

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Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 8

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 33.

Noes -- None.

Absent or not voting -- None.

So the bill passed.

Senate Bill 33

To appropriate \$1,317 from the general fund for payment of a claim by the city of Waupun against the state.

Read a second time.

Order to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 33

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 33.

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Noes -- None.

Absent or not voting -- None.

So the bill passed.

Senate Bill 55

An act to appropriate \$21,780.53 from the general fund for payment of a claim made by the city of Milwaukee against the state.

Read a second time.

Ordered to a third reading.

By request of Senator Johnson, with unanimous consent, the bill was considered for final action at this time.

Senate Bill 55

Read a third time.

The ayes and noes were required and the vote was: ayes, 33; noes, 0; absent or not voting, 0; as follows:

Ayes -- Senators Bablitch, Bidwell, Chilsen, Devitt, Dorman, Flynn, Frank, Hollander, Johnson, Kasten, Kendziorski, Keppler, Knowles, Knutson, Krueger, LaFave, LaFollette, Lorge, McKenna, Martin, Murphy, Parys, Peloquin, Petri, Risser, Roseleip, Schuele, Steinhilber, Swan, J.D., Swan, M., Theno, Thompson and Whittow -- 33.

Noes -- None.

Absent or not voting -- None.

So the bill passed.

By request of Senator Flynn, with unanimous consent, the Senate returned to the third order of business.

BILLS INTRODUCED

Read first time and referred:

Senate Bill 181

Relating to student loan repayment period.

By Senators Flynn, Murphy, LaFave, Bidwell, Parys, Kasten, Roseleip, Keppler, Lorge, Thompson, Petri, Steinhilber, Devitt, Krueger, Hollander, Theno, Bablitch, Peloquin, Frank, Schuele, Dorman, LaFollette, M. Swan, Whittow, Risser, Martin, and Kendziorski.

To committee on Health, Education and Welfare.

Senate Bill 182

Relating to substitution of judges in probate matters.

By Senator Johnson, cosponsored by Representative Earl, by request of Judge Arthur A. Cirilli, Judge of Douglas County.

To committee on Judiciary and Insurance.

AMENDMENTS OFFERED

Senate amendment 1 to **Senate Bill 27** by Senator Murphy.

Senate amendment 1 to **Senate Bill 34** by Senator Lorge.

Senate substitute amendment 1 to **Senate Bill 34** by Senator Murphy.

Senate amendment 1 to **Senate Bill 51** by Senator Parys.

Senate amendment 1 to **Senate Bill 67** by Senator Frank.

Senate substitute amendment 1 to **Senate Bill 157** by Senator Murphy.

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LEAVE OF ABSENCE

By request of Senator Dorman, with unanimous consent, he was granted a leave of absence for Thursday's session.

Upon motion of Senator Johnson the senate adjourned until Wednesday, February 7, 10:00 A.M..

12:10

INTRODUCTION OF GUESTS

Senator Whittow introduced Mr. Henry Wantoch, of Milwaukee, Wisconsin.

Senator Bidwell introduced 49 9th grade students and their teachers, Mr. Kermit Opprieht and Mrs. Pelowsky, of Reedsburg, Wisconsin.

Senator Petri introduced Mrs. George Streubing and son Robert, daughter-in-law and grandson of chief journal clerk, Wilmer Streubing, of Brillion, Wisconsin.