

for said state park board, both in proceedings and litigation, and in giving advice and counsel.

17. The respective district attorneys of the county or counties where said parks shall be located shall prosecute for all violations of the terms of this act occurring within their respective counties as provided in section 1494—55 of the statutes, and acts amendatory thereto.

18. Such assistants as may be appointed by said board shall have all the powers of state and town fire wardens as provided in sections 1494—48 to 1494—51, inclusive, of the statutes, and acts amendatory thereof, and such powers shall apply to said parks.

19. The penalties for the destruction of any notices, posted by the said board within the boundaries of any state park, shall be the same as those provided in section 1494—56.

20. The said state park board is empowered and authorized to summon and examine witnesses and to administer oaths to such witnesses in any manner of proceedings relative to their duties.

Approved June 9, 1909.

No. 191, S.]

[Published June 11, 1909.

## CHAPTER 323.

AN ACT to repeal sections 2349, 2350, 2351, 2353, 2354, 2355, 2359, and 2360 of the statutes; to amend sections 2330, 2362, 2366, 2370, 2371, and 2373 of the statutes; and to create sections 2351, 2353, 2354, 2355, 2360, and 2360f, 2360g, 2360h, 2360h—1 to 2360h—4, inclusive, 2360i, 2360j, 2360k, 2360l, 2360n, 2360r, and 2360s of the statutes, providing for divorce laws uniform with those of other states.

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

SECTION 1. Sections 2349, 2350, 2351, 2353, 2354, 2355, 2359, and 2360 of the statutes are repealed.

SECTION 2. Section 2330 of the statutes is amended to read: "Section 2330. 1. No marriage shall be contracted while either of the parties has a husband or wife living, nor between \* \* \* persons who are nearer of kin than first cousins, computing by the rule of the civil law, whether of the half or of the whole blood; and no insane person or idiot shall be capable of contracting marriage.

2. \* \* \* It shall not be lawful for any person \* \* \* who is a party to an action for divorce from the bonds of matri-

mony \* \* \* in any court of this state to marry again \* \* \* until the final judgment of divorce is entered; and the marriage of any \* \* \* such person solemnized \* \* \* before the entry of the final judgment of divorce shall be null and void. \* \* \*

3. It shall not be lawful for any person divorced from the bonds of matrimony by the judgment of any court of this state prior to the time this act shall go into effect to marry again within one year from the date of the entry of such judgment or decree, and the marriage of any such person solemnized within one year from the date of entry of any such judgment or decree of divorce shall be null and void.

SECTION 3. Section 2362 of the statutes is amended to read: Section 2362. In rendering a judgment of nullity of marriage or for divorce, whether from the bond of matrimony or from bed and board, the court may make such further provisions therein as it shall deem just and proper concerning the care, custody, maintenance, and education of the minor children of the parties, and \* \* \* give the care and custody of the children of such marriage to one of the parties to the action, or may, if the interest of any such child shall demand it, and if the court shall find that neither of the parents is a fit and proper person to have the care and custody of any such child, give the care and custody of such child to any fit and proper person, who is a resident of this state and willing to receive and properly care for such child, or to any institution incorporated for such purposes and willing and authorized to receive and care for such child, having due regard to the age and sex of such child. Whenever the welfare of any such child will be promoted thereby, the court granting such decree shall always have the power to change the care and custody of any such child, either by giving it to or taking it from such parent or other person or such institution, provided that no order changing the custody of any child shall be entered until after notice of such application shall have been given the parents of such child, if they can be found, and also to the person or institution that then has the custody of such child.

SECTION 4. Section 2366 of the statutes is amended to read: Section 2366. In a judgment in an action for a divorce \* \* \*, although such divorce be denied, the court may make such order for the support and maintenance of the wife and children, or any of them, by the husband or out of his property as the nature of the case may render suitable and proper.

SECTION 5. Section 2370 of the statutes is amended to read: Section 2370. \* \* \* In all cases of divorce from bed and

*heard for any of the causes specified in section 2357, the court may decree a separation forever thereafter, or for a limited time, as shall seem just and reasonable, with a provision that in case of a reconciliation at any time thereafter, the parties may apply for a revocation or suspension of the decree; and upon such application the court shall make such order as may be just and reasonable.*

SECTION 6. Section 2371 of the statutes is amended to read: Section 2371. Upon rendering a judgment annulling a marriage the court may make provision for restoring to the wife the whole or such part, as it shall deem just and reasonable, of any estate which the husband may have received from her or the value thereof, and may compel him to disclose what estate he shall have received and how the same has been disposed of.

\* \* \*

SECTION 7. Section 2373 of the statutes is amended to read: Section 2373. When a marriage shall be dissolved by the \* \* \* granting of a decree of divorce from the bonds of matrimony, the wife shall not be entitled to dower in any lands of the husband.

SECTION 8. There are created nineteen new sections of the statutes to read: Section 2351. A marriage may be annulled for any of the following causes existing at the time of marriage.

1. Incurable physical impotence or incapacity of copulation, at the suit of either party, provided that the party making the application was ignorant of such impotency or incapacity at the time of marriage.

2. Consanguinity or affinity where the parties are nearer of kin than the first cousins, computing by the rule of civil law, whether of the half or of the whole blood, at the suit of either party; but when any such marriage shall not have been annulled during the lifetime of the parties, the validity thereof shall not be inquired into after the death of either party.

3. When such marriage was contracted while either of the parties thereto had a husband or wife living, at the suit of either party.

4. Fraud, force, or coercion, at the suit of the innocent and injured party, unless the marriage has been confirmed by the acts of the injured party.

5. Insanity, idiocy, or such want of understanding as renders either party incapable of assenting to marriage, at the suit of the other, or at the suit of a guardian of the lunatic or incompetent, or of the lunatic or incompetent on regaining reason, unless such lunatic or incompetent, after regaining reason, has confirmed the marriage; provided that where the party

compos mentis is the applicant, such party shall have been ignorant of the other's insanity or mental incompetency at the time of the marriage, and shall not have confirmed it subsequently to such person's regaining reason.

6. At the suit of the wife when she was under the age of sixteen years at the time of the marriage, unless such marriage be confirmed by her after arriving at such age.

7. At the suit of the husband when he was under the age of eighteen at the time of the marriage, unless such marriage be confirmed by him after arriving at such age.

Section 2353. Divorce shall be of two kinds:

1. Divorce from the bonds of matrimony, or divorce a vinculo matrimonii.

2. Divorce from bed and board, or divorce a mensa et thoro.

Section 2354. For the purposes of annulment of marriage, jurisdiction may be acquired by publication as provided in the statutes, or by personal service upon the defendant within this state, when either party is a bona fide resident of this state at the time of the commencement of the action.

Section 2355. For purposes of divorce, either absolute or from bed and board, jurisdiction may be acquired by publication as provided in the statutes or by personal service upon the defendant within this state, under the following conditions:

1. When, at the time the cause of action arose, either party was a bona fide resident of this state, and has continued so to be down to the time of the commencement of the action, except that no action for absolute divorce shall be commenced for any cause other than adultery or bigamy, unless one of the parties has been for the two years next preceding the commencement of the action a bona fide resident of this state.

2. If, since the cause of action arose, either party, for at least two years next preceding the commencement of the action, has continued to be a bona fide resident of this state.

Section 2360. No decree for divorce shall be granted if it appears to the satisfaction of the court that the suit has been brought by collusion, or that the plaintiff has procured or connived at the offense charged, or has condoned it, or has been guilty of adultery not condoned; provided that the parties may, subject to the approval of the court, stipulate for a division of estate, for alimony, or for the support of children, in case a divorce be granted or a marriage annulled.

Section 2360f. Any one charged as a *particeps criminis* shall be made a party, upon his or her application to the court, subject to such terms and conditions as the court may prescribe.

Section 2360g. All hearings and trials to determine whether

or not a decree shall be granted shall be had before the court, and not before a referee, or any other delegated representative, and shall in all cases be public.

Section 2360h. In each county of the state the circuit judge or judges in and for such county shall by order filed in the office of the clerk of the circuit court on or before the first Monday of July of each year, appoint some reputable attorney, of recognized ability and standing at the bar, divorce-counsel for such county. Before entering upon the discharge of his duties, such counsel shall take and file in the office of the clerk of the circuit, an oath to support the constitution of the United States and of the State of Wisconsin and to faithfully, fearlessly, and impartially discharge the duties of such office. The person so appointed shall continue to act until his successor is appointed and qualified, but such counsel may be removed at any time by an order signed by the judge or judges who appointed him and filed in the office of the clerk of the circuit court of such county. Provided that in any county having a population of two hundred and fifty thousand or more according to the last state or national census, there shall be no appointment of divorce-counsel, but the district attorney or any assistant district attorney shall be the divorce-counsel thereof and perform all the duties of such office.

Section 2360h—1. In any action to affirm or annul a marriage, or for a divorce, the plaintiff shall within ten days after making service on the defendant serve a copy of the summons and complaint upon the divorce-counsel of the county in which the action is begun.

Section 2360h—2. No decree in an action to affirm or annul a marriage, or for divorce, shall be granted in any action in which the defendant shall not appear and contest the right to a divorce in good faith, until such divorce-counsel or the divorce counsel of the county in which the action is tried shall have appeared in open court and on behalf of the public made a fair and impartial presentation of the case to the court and fully advised the court as to the merits of the case and the rights and interests of the parties and of the public, nor until the proposed findings and judgment shall have been submitted to such divorce-counsel.

Section 2360h—3. Neither such divorce-counsel nor any law partner of such divorce-counsel shall appear in any action to affirm or annul a marriage, or for a divorce, in any court of the county in which he shall be acting as such divorce counsel, except as herein provided. In case such divorce-counsel or his partner shall be in any way interested in any such action, the

presiding judge shall appoint some reputable attorney to perform the services enjoined upon such divorce-counsel herein, and such attorney so appointed shall take and file the oath and receive the compensation provided for herein.

Section 2360h—4. For each case in which such divorce-counsel appears as provided herein, excepting counties having a population of two hundred and fifty thousand or more, he shall receive the sum of ten dollars to be paid by the county wherein the action was tried upon the order of the presiding judge and the certificate of the clerk of the circuit court; provided that when any case shall occupy more than one day of the time of such divorce-counsel, the court may, in its discretion, require the parties to the action or either of them to pay such additional sum to compensate such divorce-counsel, as the justice of the case may require, having due regard to the financial ability of such parties, which additional sum in counties having a population of two hundred and fifty thousand or more shall be paid in the treasury of the county.

Section 2360i. No decree for annulment of marriage, or for divorce, shall be granted in any action in which the defendant does not appear and defend the same in good faith unless the cause is shown by affirmative proof aside from any admission to the plaintiff on the part of the defendant.

Section 2360j. No record or evidence in any case shall be impounded, or access thereto refused, except by special written order of the court made in its discretion in the interests of public morals.

Section 2360k. 1. In every action brought to affirm or annul a marriage, or for divorce from the bonds of matrimony, in which it shall be determined by the verdict of a jury or by the findings of a court that the marriage be annulled or the divorce granted, an interlocutory judgment shall be entered which shall fully determine the rights of the parties, provide for the care, custody, and maintenance of the minor children of such marriage, fix the amount of alimony to be paid for the support of the wife, and the amount of suit money and attorney fees.

2. Such judgment shall also determine the status of the parties to such action, but such determination of the status of the parties shall not be effective, except for the purposes of an appeal to review the same, until after one year from the date when such interlocutory decree was entered.

3. Any of the provisions of such interlocutory judgment may be reviewed by an appeal therefrom, if taken within one year from the date on which such interlocutory judgment was entered or from the date of the last modification or revision of the

same, if it shall be modified or revised by the court after it is first entered.

Section 2360 l. 1. At the expiration of one year from the entry or from the last modification or revision of such interlocutory judgment, the final judgment may be entered, unless such interlocutory judgment shall have been reversed or so modified on appeal as to prevent the entry of such final judgment, or unless the court, for sufficient cause, upon its own motion; or upon the application of a party to the action, shall otherwise order before the expiration of such period.

2. If an appeal from such interlocutory judgment be pending at the expiration of said year, no final judgment shall be entered until such appeal shall have been finally determined.

3. Such final judgment shall be entered by the court upon application of either party, or of their heirs or personal representatives, if they are deceased, and shall, when entered, be final and conclusive, and no appeal shall be taken therefrom; but such final judgment shall be subject to modification upon application to the court granting the same, so far as it shall have provided for alimony or for the care, custody, and maintenance of the children of such marriage. An appeal may be taken from any determination of the court made upon such application to modify the judgment after such final judgment shall have been entered.

Section 2360 n. The court, upon granting a divorce from the bonds of matrimony, may allow the wife to resume her maiden name or the name of a former deceased husband in case there be no children of the marriage.

Section 2360 r. Full faith and credit shall be given in all the courts of this state to a decree of annulment of marriage or divorce by a court of competent jurisdiction in another state, territory, or possession of the United States, when the jurisdiction of such court was obtained in the manner and in substantial conformity with the conditions prescribed in sections 2358 and 2359. Nothing herein contained shall be construed to limit the power of any court to give such effect to a decree of annulment, or divorce, by a court of a foreign country as may be justified by the rules of international comity; provided that if any inhabitant of this state shall go into another state, territory, or country for the purpose of obtaining a decree of divorce for a cause which occurred while the parties resided in this state, or for a cause which is not ground for divorce under the laws of this state, a decree so obtained shall be of no force or effect in this state.

Section 2360 s. Nothing in this act contained shall affect or

apply to any action for annulment of marriage or for divorce, now pending.

Approved June 9, 1909.

No. 258, S.]

[Published June 11, 1909.

## CHAPTER 324.

AN ACT to appropriate the sums of money herein named to the Wisconsin Industrial School for Girls.

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

SECTION 1. There is hereby appropriated out of any money in the general fund, not otherwise appropriated, to the industrial school for girls, the following sums of money:

(1) For insurance by the state, repair of buildings, and care of property belonging to the state of Wisconsin, and occupied by said school at North Point in the city of Milwaukee, county of Milwaukee, state of Wisconsin, during the ensuing two years, namely, 1909 and 1910, the sum of twelve thousand dollars.

(2) For necessary industrial appliances and work in said school, two thousand dollars.

SECTION 2. A correct account shall be kept by the managers of said school of the expenditure of said sums hereby appropriated, and a detailed statement of the purposes for which said sums were expended, and the same shall be reported to the governor and legislature in the next annual or biennial reports of said school.

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

Approved June 9, 1909.

No. 435, S.]

[Published June 11, 1909.

## CHAPTER 325.

AN ACT to amend section 4416 of the statutes, relating to larceny of horses.

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

SECTION 1. Amend section 4416 to read: Section 4416. Any person who shall steal any horse, mare, gelding, colt, filly, ass, or mule of any value, or who shall receive or buy any such animal, knowing the same to have been stolen, with intent, by such receiving or buying, to defraud the owner, or who shall conceal