

No. 470, S.]

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CHAPTER 535

AN ACT to repeal 247.08; to amend 247.07 (intro. par.), (5) and (7), 247.33 and 247.36; to repeal and recreate 247.09; and to create 247.07 (8) of the statutes, relating to the causes for which divorces may be granted and to dower rights.

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

SECTION 1. 247.07 (intro. par.), (5) and (7) of the statutes are amended to read:

247.07 CAUSES FOR DIVORCE FROM CONTRACT OR FROM BED AND BOARD. (intro. par.) A divorce from the bond of matrimony, or from bed and board forever or for a limited time, may be adjudged for * * * any of the following causes:

(5) When the treatment of the wife by the husband has been cruel and inhuman, whether practiced by using personal violence or by any other means; or when the wife * * * is guilty of like cruelty to her husband * * *.

(7) Whenever the husband and wife shall have voluntarily lived entirely separate for the space of 5 years next preceding the commencement of the action, the same may be granted at the suit of either party. * * *

(7a) Such living apart for 5 years or more, pursuant to a decree of divorce from bed and board, without request during that period by either party to the other in good faith for a reconciliation and revocation of said judgment, shall not be any bar to an absolute divorce upon * * * that ground at the suit of either party * * *.

SECTION 2. 247.07 (8) of the statutes is created to read :

247.07 (8) On the complaint of the wife, when the husband, being of sufficient ability, refuses or neglects to provide for her.

SECTION 3. 247.08 of the statutes is repealed.

SECTION 4. 247.09 of the statutes is repealed and recreated to read :

247.09 KIND OF DIVORCE. When the court grants a judgment of divorce, the kind of divorce granted shall be in accord with the demand of the complaint or counterclaim of the prevailing party, except that a divorce from the bond of matrimony or a divorce from bed and board may be adjudged regardless of such demand whenever, in the opinion of the court, the circumstances of the case are such that it will be discreet and proper to do so.

SECTION 5. 247.33 of the statutes is amended to read :

247.33 In all cases of divorce from bed and board for any of the causes specified in s. * * * 247.07, 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. 247.36 of the statutes is amended to read :

247.36 When a marriage * * * is dissolved by the granting of a decree of divorce from the bonds of matrimony, *and also when the court, upon a divorce from bed and board, makes a final division of the estate under s. 247.26*, the wife shall not be entitled to dower in any lands of the husband; *nor, in such cases, shall the husband be entitled to curtesy in any lands of the wife.*

Approved August 6, 1957.