

JANE ELIZABETH SAVIN,

Plaintiff,

vs.

JOSEPH HENRY SAVIN,

Defendant.

FINDINGS OF FACT and

CONCLUSIONS OF LAW.

FILED

JUN 9 1927

At a regular term of said Court begun and held at the Court House in the city of Milwaukee, in said county, on the 4th day of April, 1927, and on the 26th day of May, 1927, during said term. Present the Honorable Otto M. Breidenbach, Circuit Judge Presiding.

The above entitled action having been duly noticed for trial, and the same having been duly placed upon the April, 1927, Term Calendar of said Court, and the same having come on in its regular order to be heard before the Court;

And due service of the summons and complaint upon the defendant personally having been made, as appears by the return of the sheriff endorsed upon said summons on file herein;

And it further appearing that on the 6th day of October, 1926, and within ten (10) days after service on the defendant, a copy of said summons and of said complaint were duly served upon the Honorable Eugene Wengert, the District Attorney and Divorce Counsel for said Milwaukee County, as appears by the admission of such service endorsed upon the original summons and complaint on file herein;

And it further appearing that twenty days have elapsed since the date of the service of the summons and complaint upon said defendant and that said defendant has failed to answer or demur to said complaint, and that said defendant has in no manner appeared herein, and is now in default, as more fully appears by the affidavit of Thomas E. Leahy, Esq., the attorney for the plaintiff, on file herein;

And the plaintiff appearing in person and by Thomas E. Leahy, her attorney, and the State of Wisconsin appearing by John J. Kenney, Esq., Assistant District Attorney, for said Milwaukee County, who is Divorce Counsel in and for said Milwaukee County, and the defendant appearing in person, and after hearing the testimony and proofs submitted by the plaintiff, the said John J. Kenney, Esq., Divorce Counsel, having appeared in open Court and on behalf of the public, made a fair and impartial presentation 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, and being fully advised in the premises, I, Otto H. Breidenbach, the Judge before whom this action was tried, do make these findings of fact and con-

clusions of law, as follows, to wit:

#### FINDINGS OF FACT.

FIRST: That for more than two years next preceding the commencement of this action the plaintiff has been a continuous and bona fide resident of the State of Wisconsin;

SECOND: That on the 4th day of October, 1890, at the city of London, England, the plaintiff and defendant intermarried and since that time have been and now are husband and wife;

THIRD: That the living issue of said marriage is as follows, to wit: Kathrine, 11 years old; Woodrow Wilson, 14 years old; John, 18 years old (self-supporting)

FOURTH: That there is not now pending in the Courts of The State of Wisconsin or any other State an action for divorce between these parties;

FIFTH: That the defendant has been guilty of a course of cruel and inhuman treatment towards the plaintiff; in that the defendant is possessed of a violent and ungovernable temper and in that he uses vile and obscene language towards this plaintiff; in that the defendant is addicted to the use of alcoholic liquors; in that the defendant is unclean in his habits; in that the defendant has repeatedly accused the plaintiff of infidelity; in that in the month of February, 1926, the defendant returned home in an intoxicated condition and forced the plaintiff to leave her home and remain outside during the night;

SIXTH: That the defendant's conduct toward the plaintiff has caused her to become sick and nervous and has affected her health;

SEVENTH: That the plaintiff and defendant own a homestead valued at approximately Two Thousand Dollars on which there is an incumbrance of about Six Hundred Fifty Dollars; that said property is located in the Town of Lake, Milwaukee County, Wisconsin, more specifically described as follows; to wit:

Lot Thirteen (13) Block One (1) Section Sixteen (16)  
Town Six (6) Range Twenty-two (22) in the Town of Lake .

and I find as

#### CONCLUSIONS OF LAW.

FIRST: That the plaintiff is entitled to judgment wholly dissolving the bonds of matrimony heretofore subsisting between the plaintiff and defendant and forever freeing the plaintiff and defendant from the obligations thereof; providing, however, that said judgment so far as it determines the status of the parties shall not be effective, except for the purpose of an appeal to review the same, until the expiration of one year from the date of the entry of same;

SECOND: That neither of the parties to this action shall marry again until one year after the entry of said judgment and the marriage of either of the parties to this action solemnized before the expiration of one year from the date of the entry of judgment herein shall be null and void.

THIRD: That the plaintiff is a fit and proper person to have the custody and control of the minor children of the parties to this action and that the custody and control of the children is awarded to the plaintiff;

That the defendant continue to pay as and for permanent alimony for the support and maintenance of the plaintiff and the minor children the sum of Eight Dollars (\$8.00) per week;

That the defendant further pay the arrearage in temporary alimony and Twenty Five Dollars (\$25.00) for attorney fees within sixty days;

That the plaintiff continue to make the payments on the homestead of the parties to this action;

That in the event the piece of real estate owned by the parties to this action be sold, that the defendant receive the sum of Two Hundred Dollars (\$200.00) from the proceeds of said sale; that said \$200.00 be and hereby is constituted a lien against the property; which is more specifically described as follows, to wit:

Lot Thirteen (13) Block One (1) Section Sixteen (16) Town Six (6) Range Twenty-two (22) in the Town of Lake, Milwaukee County;

LET JUDGMENT BE ENTERED ACCORDINGLY;

Dated Milwaukee, Wisconsin, this 4 day of June, 1927.

BY THE COURT,

Oliver W. Henderson  
Judge.

Findings approved this 3<sup>rd</sup> day of June 1927.

John J. Kenney  
Asst. Dist. Attorney &  
Divorce Counsel.

FILED

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