

when amended, shall read as follows: Section 4495. Any person who may be imprisoned, pursuant to a sentence, in the county jail or county workhouse, or who shall have been committed for the purpose of detaining him for trial for any offense not punishable by imprisonment for life, and who shall break prison and escape shall be punished by imprisonment in the county jail *not more than six months; provided, that in counties having workhouses the commitment may be made to the workhouse instead of to the county jail.*

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1905.

No. 438, S.]

[Published May 1, 1905.

CHAPTER 131.

AN ACT to amend section 4587c of the statutes of 1898, providing punishment for abandoning wife or child.

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

Abandonment of wife or child. SECTION 1. Section 4587c of the statutes of 1898 is hereby amended to read as follows: Section 4587c. Any parent who shall wilfully abandon his or her minor child or children, leaving such child or children in a destitute condition, or being of sufficient ability to maintain or to earn the means with which to support him or them, or who shall unreasonably refuse or neglect to provide for such child or children; and any person after having been determined by the judgment of any court of record having jurisdiction thereof, to be the father of any bastard child, who shall unreasonably refuse or neglect to provide for said child, and any husband who shall wilfully abandon his wife, leaving her in a destitute condition, or being of sufficient ability to furnish her means of support or to earn such means, shall unreasonably refuse or neglect to do so, shall be punished by imprisonment in the state prison not exceeding one year or in the county jail not more than six months nor less than fifteen days, ten days of which time of

imprisonment in the county jail may, in the discretion of the court, be upon a diet of bread and water only; provided, that in counties having workhouses the commitment may be made to the workhouse instead of to the county jail, in which case the provision as to diet may be applied to imprisonment in the workhouse. In all cases arising under the provisions of this section the wife of the defendant shall be competent to testify for or against him.

SECTION 2. This act shall take effect and be in force from and after its passage and publication.

Approved April 29, 1905.

No. 46, S.]

[Published May 1, 1905.

CHAPTER 132.

AN ACT relating to restitution on reversal or setting aside a judgment.

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

Restitution on reversal of judgment; undertaking pending new trial. SECTION 1. There is hereby constituted a new section of the statutes of 1898 to be numbered 2894b, and to read as follows: Section 2894b. If any judgment or part of a judgment rendered by any circuit court or any county court having civil jurisdiction be collected and such judgment be afterwards set aside or reversed the court in which such judgment was rendered shall order the same to be restored with interest from the time of the collection, but in case a new trial is ordered the party who has collected such judgment may retain the same pending such new trial, upon giving an undertaking in such sum and with such sureties as the court shall order, conditioned for the restoration of the amount collected with interest from the time of collection. The order of restitution may be obtained upon proof of the facts upon notice and motion and may be enforced as a judgment. Nothing