

two hundred dollars, or by imprisonment for not more than ninety days, or both.

(4) The dairy and food commissioner shall enforce this section, and for that purpose the provisions of section 98.02 shall apply insofar as appropriate, and the said commissioner is hereby authorized to approve and register such brands and labels intended for use under the provisions of this section as may be submitted to him for that purpose and as may in his judgment conform to the requirements of law; provided, however, that in any prosecution under this section the fact that any brand or label involved in said prosecution has not been submitted to him for approval, or if submitted, has not been approved by him, shall be immaterial.

SECTION 2. This act shall take effect January 1, 1928.

Approved June 13, 1927.

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No. 152, A.]

[Published June 14, 1927.

## CHAPTER 212.

AN ACT to create section 269.56 of the statutes, to make uniform and to provide for declaratory judgments.

*The people of the State of Wisconsin, represented in Senate and Assembly, do enact as follows:*

SECTION 1. A new section is added to the statutes to read: 269.56 (1) Courts of record within their respective jurisdictions shall have power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect; and such declarations shall have the force and effect of a final judgment or decree.

(2) Any person interested under a deed, will, written contract or other writings constituting a contract, or whose rights, status or other legal relations are affected by a statute, municipal ordinance, contract or franchise, may have determined any question of construction or validity arising under the instrument, statute,

ordinance, contract or franchise and obtain a declaration of rights, status, or other legal relations thereunder.

(3) A contract may be construed either before or after there has been a breach thereof.

(4) Any person interested as or through an executor, administrator, trustee, guardian, or other fiduciary, creditor, devisee, legatee, heir, next of kin, or cestui que trust, in the administration of a trust, or of the estate of a decedent, an infant, lunatic or insolvent, may have a declaration of rights or legal relations in respect thereto:

(a) To ascertain any class of creditors, devisees, legatees, heirs, next of kin or others; or

(b) To direct the executors, administrators or trustees to do or abstain from doing any particular act in their fiduciary capacity; or

(c) To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings.

(5) The enumeration in subsections (2), (3) and (4) does not limit or restrict the exercise of the general powers conferred in subsection (1) in any proceeding where declaratory relief is sought, in which a judgment or decree will terminate the controversy or remove an uncertainty.

(6) The court may refuse to render or enter a declaratory judgment or decree where such judgment or decree, if rendered or entered, would not terminate the uncertainty or controversy giving rise to the proceeding.

(7) All orders, judgments and decrees under this section may be reviewed as other orders, judgments and decrees.

(8) Further relief based on a declaratory judgment or decree may be granted whenever necessary or proper. The application therefor shall be by petition to a court having jurisdiction to grant the relief. If the application be deemed sufficient, the court shall, on reasonable notice, require any adverse party whose rights have been adjudicated by the declaratory judgment or decree, to show cause why further relief should not be granted forthwith.

(9) When a proceeding under this section involves the determination of an issue of fact, such issue may be tried and determined in the same manner as issues of fact are tried and deter-

mined in other civil actions in the court in which the proceeding is pending.

(10) In any proceeding under this section the court may make such award of costs as may seem equitable and just.

(11) When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the right of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise, such municipality shall be made a party, and shall be entitled to be heard, and if the statute, ordinance or franchise is alleged to be unconstitutional, the attorney-general of the state shall also be served with a copy of the proceeding and be entitled to be heard.

(12) This section is declared to be remedial; its purpose is to settle and to afford relief from uncertainty and in security with respect to rights, status and other legal relations; and is to be liberally construed and administered.

(13) The word "person" wherever used in this section, shall be construed to mean any person, partnership, joint stock company, unincorporated association, or society, or municipal or other corporation of any character whatsoever.

(14) The several sections and provisions of this section except subsection (1) and (2) are hereby declared independent and severable, and the invalidity, if any, or any part or feature thereof shall not affect or render the remainder of the act invalid or inoperative.

(15) This section shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it, and to harmonize, as far as possible, with federal laws and regulations on the subject of declaratory judgments and decrees.

(16) This section may be cited as the uniform declaratory judgments act.

SECTION 2. This act shall take effect upon passage and publication.

Approved June 13, 1927.