

for interment by any relatives or friends of said deceased within 48 hours after death. *Provided, also,* that the remains of no person, who may be known to have relatives or friends, shall be so delivered or received without the written consent of said relatives or friends: *And provided further,* that the remains of no one detained for debt, or as witness, or on suspicion of crime, or of any traveler, or of any person who shall have expressed a desire in his or her last sickness, that his or her body may be interred, shall be delivered or received as aforesaid, but shall be buried in the usual manner: *And provided also,* that in case the remains of any person so delivered or received shall be subsequently claimed by any surviving relative or friend for interment: *Provided further,* that notice shall be given to friends or relatives of any deceased person if such friends or relatives are known to the authorities.

**BODY DECENTLY BURIED.]** § 2. It shall be the duty of the said professors and teachers decently to bury in some public cemetery, the remains of all bodies, after they shall have answered the purposes of study aforesaid; and for any neglect or violation of the provisions of this act, the party so neglecting shall forfeit and pay a penalty of not less than \$50. nor more than \$100., or be imprisoned in the county jail not less than six or more than 12 months, or both, at the discretion of the court. Such penalties to be sued for by the health or school officers, or any person interested therein, for the benefit of the school fund or health department, as the case may be.

**HOW USED.]** § 3. The remains or bodies of said persons as may be so received by the professors and teachers as aforesaid, shall be used for the purposes of medical and surgical study alone, and in this state only; and whoever shall use such remains for any other purpose, or shall remove such remains beyond the limits of this state, or in any manner traffic in the same or in any manner aid or assist in the same, shall be deemed guilty of a misdemeanor, and shall, on conviction, be imprisoned for a term not exceeding one year in a county jail.

**PENALTY FOR VIOLATION.]** § 4. Every person who shall deliver up the remains of any deceased person in violation of or contrary to any or all of the provisions contained in § 1 of this act, and every person who shall receive said remains, knowing the same to have been delivered contrary to any of the provisions of said section, shall each and every one of them be deemed guilty of a misdemeanor, and shall, on conviction, be imprisoned for a term not exceeding two years in a county jail.

## DIVORCE.

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| <ul style="list-style-type: none"> <li>§ 1. <i>Causes of Divorce.</i></li> <li>§ 2. <i>One Year in the State.</i></li> <li>§ 3. <i>Legitimacy of the Children.</i></li> <li>§ 4. <i>Courts having Jurisdiction.</i></li> <li>§ 5. <i>Where Complainant Resides.</i></li> <li>§ 6. <i>Process, Practice, Pleading.</i></li> <li>§ 7. <i>Charges Denied, Jury Trial.</i></li> <li>§ 8. <i>Testimony in Open Court, Default.</i></li> <li>§ 9. <i>Defendant's Confession.</i></li> <li>§ 10. <i>Collusion.</i></li> </ul> | <ul style="list-style-type: none"> <li>§ 11. <i>Proof of Foreign Marriage.</i></li> <li>§ 12. <i>Personal Liberty of Wife.</i></li> <li>§ 13. <i>Custody of Children.</i></li> <li>§ 14. <i>Poor Woman Prosecute Free.</i></li> <li>§ 15. <i>Suit Pending, Maintenance, Alimony.</i></li> <li>§ 16. <i>Resume Maiden Name.</i></li> <li>§ 17. <i>Title to Property.</i></li> <li>§ 18. <i>Maintenance, Alimony, Children.</i></li> <li>§ 19. <i>Plurality of Wives, Alimony.</i></li> <li>§ 20. <i>Sales to pay Alimony.</i></li> </ul> |
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*An act to Revise the law in relation to Divorce. Approved 10th March 1874. In force 1 July 1874.*

**CAUSES OF DIVORCE.]** § 1. In every case in which a marriage has been or hereafter may be contracted and solemnized between any two persons, and it shall be adjudged in the manner hereinafter provided that either party at the time of such marriage was and continues to be naturally impotent; or that he or she had a wife or husband living at the time of such marriage, or that either party has committed adultery subsequently to the marriage, or has wilfully deserted or absented himself or herself from the husband or wife without any reasonable cause, for the space of two years; or has been guilty of habitual drunkenness for the space of two years; or has attempted the life of the other by poison or other means showing malice; or has been guilty of extreme and repeated

*One Year in the State - - - Resume Maiden Name.*

cruelty; or has been convicted of felony or other infamous crime, it shall be lawful for the injured party to obtain a divorce and dissolution of such marriage contract.

**ONE YEAR IN THE STATE.] § 2.** No person shall be entitled to a divorce in pursuance of the provisions of this act, who has not resided in the state one whole year next before filing his or her bill or petition, unless the offense or injury complained of was committed within this state, or whilst one or both of the parties resided in this state.

**LEGITIMACY OF THE CHILDREN.] § 3.** No divorce shall, in any wise, affect the legitimacy of the children of such marriage, except in cases where the marriage shall be declared void on the grounds of a prior marriage.

**COURTS HAVING JURISDICTION.] § 4.** The circuit courts of the respective counties and the superior court of Cook county shall have jurisdiction in all cases of divorce and alimony allowed by this act.

**WHERE COMPLAINANT RESIDES.] § 5.** The proceedings shall be had in the county where the complainant resides, but process may be directed to any county in the state.

**PROCESS: PRACTICE: PLEADING.] § 6.** The process, practice and proceedings under this act shall be the same as in other cases in chancery, except as herein otherwise provided, and except that the answer of the defendant need not be on oath.

**CHARGES DENIED: JURY TRIAL.] § 7.** When the defendant appears and denies the charges in the complainant's bill for a divorce, either party shall have the right to have the cause tried by a jury.

**TESTIMONY IN OPEN COURT: DEFAULT.] § 8.** If the bill is taken as confessed, the court shall proceed to hear the cause by examination of witnesses in open court, and in no case of default shall the court grant a divorce, unless the judge is satisfied that all proper means have been taken to notify the defendant of the pendency of the suit and that the cause of divorce has been fully proven by reliable witnesses. Whenever the judge is satisfied that the interests of the defendant require it, the court may order such additional notice as equity may seem to require.

**DEFENDANT'S CONFESSION.] § 9.** No confession of the defendant shall be taken as evidence unless the court or jury shall be satisfied that such confession was made in sincerity and without fraud or collusion to enable the complainant to obtain a divorce.

**COLLUSION.] § 10.** If it shall appear, to the satisfaction of the court, that the injury complained of was obtained by collusion of the parties, or done with the assent of the complainant for the purpose of obtaining a divorce, or that the complainant was consenting thereto, or that both parties have been guilty of adultery, when adultery is the ground of complaint, then no divorce shall be decreed.

**PROOF OF FOREIGN MARRIAGE.] § 11.** A marriage which may have been celebrated or had in any foreign state or country, may be proved by the acknowledgment of the parties, their cohabitation, and other circumstantial testimony.

**PERSONAL LIBERTY OF WIFE.] § 12.** The court may prohibit the husband from interposing any restraint on the personal liberty of the wife during the pendency of the suit.

**CUSTODY OF CHILDREN.] § 13.** The court may, on the application of either party, make such order concerning the custody and care of the minor children of the parties during the pendency of the suit, as may be deemed expedient, and for the benefit of the children.

**POOR WOMAN PROSECUTE FREE.] § 14.** Any woman suing for a divorce, who shall make it appear satisfactorily to the court that she is poor, and unable to pay the expenses of such suit, shall be allowed by the court to prosecute her complaint without costs; and in such cases, no fees shall be charged by the officers of the court.

**SUIT PENDING: MAINTENANCE: ALIMONY.] § 15.** In all cases of divorce, the court may require the husband to pay to the wife, or pay into court for her use during the pendency of the suit, such sum or sums of money as may enable her to maintain or defend the suit; and in every suit for a divorce, the wife, when it is just and equitable, shall be entitled to alimony during the pendency of the suit. And in case of appeal or writ of error by the husband, the court in which the decree or order is rendered, may grant and enforce the payment of such money for her defense and such equitable alimony during the pendency of the appeal or writ of error, as to such court shall seem reasonable and proper.

**RESUME MAIDEN NAME.] § 16.** The court, upon granting to a woman a divorce from

*Divorce.*

the bonds of matrimony may allow her to resume her maiden name or the name of any former husband.

**TITLE TO PROPERTY.] § 17.** Whenever a divorce is granted, if it shall appear to the court that either party holds the title to property equitably belonging to the other, the court may compel conveyance thereof to be made to the party entitled to the same, upon such terms as it shall deem equitable.

**MAINTENANCE: ALIMONY: CUSTODY OF CHILDREN.] § 18.** When a divorce shall be decreed the court may make such order touching the alimony and maintenance of the wife, the care, custody and support of the children, or any of them, as, from the circumstances of the parties and the nature of the case, shall be fit, reasonable and just; and in case the wife be complainant, to order the defendant to give reasonable security for such alimony and maintenance, or may enforce the payment of such alimony and maintenance in any other manner consistent with the rules and practice of the court. And the court may, on application, from time to time, make such alterations in the allowance of alimony and maintenance, and the care, custody and support of the children, as shall appear reasonable and proper.

**PLURALITY OF WIVES: ALIMONY.] § 19.** When a divorce is granted to a woman who shall, in good faith, have intermarried with a man having at the time of such marriage another wife or wives living, the court may, nevertheless, allow the complainant alimony and maintenance the same as in other cases of divorce; but no such allowance shall be made as will be inconsistent with the rights of such other wife or wives, which shall first be ascertained by the court before the granting of such alimony or maintenance.

**SALES TO PAY ALIMONY.] § 20.** Whenever, in any case of divorce, a decree for alimony or maintenance is made a lien on any real estate to secure the payment of any money to become due by instalments, and a sale of such real estate shall become necessary to satisfy any of such instalments, the property shall be sold subject to the lien of the instalments not then due unless, the court shall, at the time, direct otherwise, and subsequent sales may, from time to time be made to enforce such lien as the instalments may become due, until all instalments are paid.

## DOWER.

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| <ul style="list-style-type: none"> <li>§ 1. <i>Estate of Curtesy, Dower.</i></li> <li>§ 2. <i>Survivor an Alien.</i></li> <li>§ 3. <i>Mortgage before Marriage.</i></li> <li>§ 4. <i>For Purchase Money.</i></li> <li>§ 5. <i>Surplus after Sale.</i></li> <li>§ 6. <i>In Mortgaged Lands.</i></li> <li>§ 7. <i>Jointure in Lieu of Dower.</i></li> <li>§ 8. <i>Assent to Jointure.</i></li> <li>§ 9. <i>Election, Jointure or Dower.</i></li> <li>§ 10. <i>Dower Barred by Devise.</i></li> <li>§ 11. <i>Election, Renunciation.</i></li> <li>§ 12. <i>Dying Testate, no Descendants.</i></li> <li>§ 13. <i>Form of Renunciation.</i></li> <li>§ 14. <i>When Divorced.</i></li> <li>§ 15. <i>Abandonment and Adultery.</i></li> <li>§ 16. <i>Right of Dower Prejudiced.</i></li> <li>§ 17. <i>Lands Exchanged.</i></li> <li>§ 18. <i>Dower Assigned.</i></li> <li>§ 19. <i>Failing to Assign.</i></li> <li>§ 20. <i>Petition for Dower.</i></li> <li>§ 21. <i>Persons under Guardianship.</i></li> <li>§ 22. <i>The Petition.</i></li> <li>§ 23. <i>Interested Persons made Parties.</i></li> <li>§ 24. <i>Unknown or Contingent Interests.</i></li> <li>§ 25. <i>Parties Unknown.</i></li> </ul> | <ul style="list-style-type: none"> <li>§ 26. <i>Summoned as in Chancery.</i></li> <li>§ 27. <i>Publication.</i></li> <li>§ 28. <i>Process cannot be Served.</i></li> <li>§ 29. <i>Non-resident Defendants.</i></li> <li>§ 30. <i>Appearance of Defendant.</i></li> <li>§ 31. <i>Answers under Oath.</i></li> <li>§ 32. <i>Suits Pending, Interpleader.</i></li> <li>§ 33. <i>Hearing, Pleadings, Issues.</i></li> <li>§ 34. <i>Commissioners to Assign, Oath.</i></li> <li>§ 35. <i>How Set Off.</i></li> <li>§ 36. <i>Assigned in a Body.</i></li> <li>§ 37. <i>The Homestead.</i></li> <li>§ 38. <i>Commissioners' Report. Writ of Possession.</i></li> <li>§ 39. <i>Estate Indivisible.</i></li> <li>§ 40. <i>Decree for Rents, Sale.</i></li> <li>§ 41. <i>Damages for Non-assignment.</i></li> <li>§ 42. <i>Commissioner Removed.</i></li> <li>§ 43. <i>On Petition of Heirs.</i></li> <li>§ 44. <i>Assigned in County Court.</i></li> <li>§ 45. <i>Waste, Repairs.</i></li> <li>§ 46. <i>Sales to Pay Debts. Dower Relinquished.</i></li> <li>§ 47. <i>Act Repealed, Reference.</i></li> </ul> |
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