

No. 163, A.]

[Published July 14, 1947.]

**CHAPTER 383.**

AN ACT to renumber 247.17 to be 247.17 (1); to amend 247.17 (1), as renumbered, 247.29, 247.37 (2) and 261.01 (3); and to create 247.17 (2) of the statutes, relating to divorce, fees and duties of divorce counsel and place of trial in civil actions.

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

SECTION 1. 247.17 of the statutes is renumbered 247.17 (1) and amended to read:

247.17 (1) \* \* \* Excepting in counties having a population of 250,000 or more, \* \* \* in any action to affirm or annul a marriage, or for a divorce, the divorce counsel shall receive the sum of \* \* \* \$15 for appearing upon the trial and the sum of \$10 for making an investigation, to be paid by the county wherein the action was tried upon the order of the presiding judge and the certificate of the clerk of the \* \* \* court \* \* \*. The court may order payment for an investigation whether or not the divorce counsel appears upon the trial, but in any case only after satisfactory proof in writing that such investigation has been made is filed with the court. When any case shall occupy more than one day of the time of such divorce counsel, the court may, in its discretion, require the parties to the action or either of them to pay such additional sum to compensate such divorce counsel, as the justice of the case may require, having due regard to the financial ability of such parties, which additional sum in counties having a population of 250,000 or more or in counties where the divorce counsel is compensated on a salary basis shall be paid into the treasury of the county.

SECTION 2. 247.17 (2) of the statutes is created to read:

247.17 (2) In counties having a population of less than 250,000, the county board may by resolution provide an annual salary for the divorce counsel and the divorce counsel upon his appointment by the circuit judge or judges shall receive such annual salary in lieu of the fees otherwise prescribed. When the divorce counsel is paid an annual salary as provided in this subsection the county board may also by resolution prescribe such other duties to be performed by him in the

field of domestic relations law as are allied with and are not in conflict with his duties as divorce counsel.

SECTION 3. 247.29 of the statutes is amended to read:

247.29 All orders or judgments providing for permanent or temporary alimony or support of children shall direct the payment of all such sums to the clerk of the court for the use of the person or persons to whom the same has been awarded. A party securing an order for temporary alimony or support money shall forthwith file said order, together with all pleadings in the action, with the clerk of the court. Said clerk shall disburse the money so received pursuant to said judgment and order and take receipts therefor. All moneys received or disbursed pursuant to this rule shall be entered in a record book kept by said clerk, which shall be open to the inspection of the parties to the action or of their attorneys. If the alimony or support money adjudged or ordered to be paid shall not be paid to the clerk at the time provided in said judgment or order, the clerk and the divorce counsel of said county shall take such proceedings as shall be directed by the court or presiding judge to secure the payment of such sum. Copies of any order issued to compel such payment shall be sent to counsel who represented the party who was awarded alimony or support money. In case any fees of officers in any proceedings taken by the divorce counsel, including the compensation of the divorce counsel at the rate of \* \* \* \$20 per day, be not collected from the person proceeded against, the same shall be paid out of the county treasury upon the order of the presiding judge and the certificate of the clerk of the court.

SECTION 4. 247.37 (2) of the statutes is amended to read:

247.37 (2) So far as said judgment or decree affects the status of the parties the court shall have power to vacate or modify the same for sufficient cause shown, upon its own motion, or upon the application of either party to the action, at any time within one year from the granting of such judgment or decree, provided both parties are then living. But no such judgment or decree shall be vacated or modified without the service of notice of motion, or order to show cause on the divorce counsel, and on the parties to the action, if they be found. *The court may direct the divorce counsel or appoint some other attorney, to bring appropriate proceedings for the*

*vacation of said judgment or decree. The compensation of the divorce counsel or other attorney for performing such services shall be at the rate of \$20 per day, same to be paid out of the county treasury upon order of the presiding judge and the certificate of the clerk of the court. If the judgment or decree shall be vacated it shall restore the parties to the marital relation that existed before the granting of such judgment or decree. If after vacation of the judgment or decree either of the parties shall bring an action in this state for divorce against the other the court may order the complainant in such action to reimburse the county the amount paid by it to the divorce counsel or other attorney in connection with such vacation proceedings.*

SECTION 5. 261.01 (3) of the statutes is amended to read:

261.01 (3) Of an action for the annulment or affirmance of a marriage or for a divorce, *the action must be commenced in the county in which either party resides.*

Approved July 10, 1947.

No. 205, A.]

[Published July 14, 1947.

#### CHAPTER 384.

AN ACT to renumber 97.27 to be 97.27 (1) and to create 97.02 (10) (j), 97.025 (6) and 97.27 (2) of the statutes, restricting sale of diabetic ice cream, and use of saccharin in prepared foods and providing a penalty.

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

SECTION 1. 97.02 (10) (j) of the statutes is created to read:  
 97.02 (10) (j) Diabetic ice cream is a frozen or partially frozen product made from cream, or milk and cream, and saccharin, and may contain added milk solids, added milk fat, eggs, natural flavoring, edible gelatin or harmless vegetable gum, and shall contain not less than 13 per cent of milk fat, nor more than one-half of one per cent of said gelatin or gum, or a mixture of said gelatin and gum. The volume of ice cream after being melted shall be not less than one-half the volume of the ice cream as manufactured and sold. It shall contain no sugar.