

## ADDENDUM PREFACE

In order to have the statute volumes available at the earliest possible date, it was necessary to send copy to the printer in late February, 1960, and this copy included only the legislative actions through January, 1960.

The legislature passed and the governor approved 8 acts at the final May, 1960 adjourned session. The statute sections amended or created by these acts are printed on the following pages.

The following sections are involved:

20.850	(11)	am.	247.03	(1)	am.	247.21		am.
20.850	(11a)	r.		(2)	am.	247.23	rn. 247.23	(1)
29.174	(1)	see c. 693, L. 1959	247.05		r. cr.	247.23	(2)	cr.
			247.055		cr.	247.37	(2)	see c. 690, L. 1959
32.01	(1)	am.	247.06		r. cr.			
32.02	(5)	am.	247.061 to 247.063		cr.	251.04	(6)	am.
41.21	(1)	(b) r. cr.	247.065		r.	253.02	(4)	am.
49.40	(2)	am.	247.066		cr.	261.01	(3)	r.
66.054	(4)	(a) 7 cr.	247.081		r. cr.	262.08	(3)	r.
108.05	(1)	*	247.085	(1) (a)	am.			
236.335		am.	247.085	(1) (c)	am.			
245.03	(2)	am.	247.085	(2)	am.			
245.06	(1)	(a) am.	247.125		am.			
		(d) am.	247.13	(3)	am.			
		(e) am.	247.15		am.			
245.16	(intro. par.)	am.	247.20		r. cr.			

\*Schedule amended by Ind. Comm.

**WE URGE USERS OF THESE VOLUMES TO ANNOTATE THE SECTIONS IN THE BASIC TEXT AFFECTED BY THE MAY ACTS.**

James J. Burke  
Revisor

CHAPTER 20. APPROPRIATIONS AND SALARIES.

20.850 Vocational and adult education.

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(11) VOCATIONAL AND ADULT EDUCATION; STATE AID. Annually, beginning July 1, 1961, \$1,785,000 for state aid for schools of vocational and adult education, including area schools and programs, established and maintained pursuant to s. 41.15, and any school once granted such state aid shall be entitled thereto as long as the character of its work meets with the approval of the state board of vocational and adult education, to be distributed as provided in s. 41.21 (1). Of this amount \$315,000 is allotted to carry out the provisions of s. 41.21 (1) (b) 3.

(11a) VOCATIONAL AND ADULT EDUCATION; SUPPLEMENTAL AID. Repealed. L. 1959, c. 696.

CHAPTER 29. FISH AND GAME.

29.174 Conservation of fish and game; powers of commission.

(1) There shall be established and maintained, as hereinafter provided, such open and close seasons for the several species of fish and game, and such bag limits, size limits, rest days and conditions governing the taking of fish and game as will conserve the fish and game supply and insure the citizens of this state continued opportunities for good fishing, hunting and trapping. Except for the Apostle Islands other than Madeline Island and except for deer hunting licenses issued under s. 29.105 (5), no deer hunting license shall be valid in a designated area if dated on or after the opening date for the gun deer season for such area unless the open season in an area overlaps the open season in another area in which case deer hunting licenses dated before the opening date in any area shall be valid in any other area during the period such seasons overlap.

CHAPTER 32. EMINENT DOMAIN.

32.01 Definitions.

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(1) "Person" includes the state, a county, town, village, city, school district or other municipal corporation, a board, commission, corporation, or housing authority created under ss. 66.40 to 66.404, or redevelopment authority created under s. 66.431.

32.02 Who may condemn; purposes.

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(5) Any Wisconsin corporation engaged in the business of transmitting or furnishing heat, power or electric light for the public, or any corporation holding a valid permit issued under s. 107.05, for the construction and location of its lines or for ponds or reservoirs or any dam, dam site, flowage rights or undeveloped water power.

CHAPTER 41. SPECIAL SCHOOLS.

41.21 State aid to vocational and adult education.

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(1) (b) If it appears from such report that such school has been maintained pursuant to law, in a manner satisfactory to the state board of vocational and adult education, the board shall certify to the director of budget and accounts, in favor of the several local boards of vocational and adult education, the following amounts in state aids:

1. 15 cents for each student period of 50 minutes or more of actual attendance for instruction in courses which have a vocational objective and are approved by the state board of vocational and adult education; except terminal technical courses provided for under subd. 2; but the state board may, in the case of related instruction for apprentices indentured under s. 106.01 (5) (d) and students required to attend classes under s. 40.77 (2) and behind the wheel driver training, provide aids on the basis of a minimum of 10 stu-

dents per class period of actual instruction, regardless of the number of students actually enrolled and attending.

2. 30 cents for each student period of 50 minutes or more of actual attendance for instruction in courses approved by the state board of vocational and adult education which have been evaluated and approved as terminal technical courses.

3. State aid for administrative, supervisory and co-ordination salaries as approved by of the state board of vocational and adult education but not to exceed 35 per cent of the amount expended in salaries for instruction as state aid or not to exceed 80 per cent of the amount expended for administrative, supervisory and co-ordination salaries which ever amount is the smaller, but not to exceed \$8,500 for each school.

4. If the appropriation available for state aids in any one year under subds. 1, 2 and 3 is insufficient to pay the full amount as provided in these subdivisions, the payments shall be prorated among the various districts entitled thereto.

CHAPTER 49. PUBLIC ASSISTANCE.

49.40 Medical care.

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(2) Upon forms prescribed by the department claims by counties for reimbursement for vendor medical payments made in behalf of recipients shall be made at the same time and in the same manner as other claims for aid to the blind, aid to dependent children, old-age assistance and aid to the totally and permanently disabled and if approved by the department 50 per cent as to old-age assistance recipients and 35 per cent as to recipients of aid to the blind, aid to dependent children and aid to the totally and permanently disabled, of such expenditures after deduction of any federal aid that may be received for such expenditures shall be certified by the department to the department of administration as reimbursement to the counties. Any federal aid that may be received for such expenditures shall be certified by the department to the department of administration as reimbursement to the counties. To facilitate prompt reimbursement the certification of the department may be based upon the certified statements of the county officers, provided that any necessary audit adjustments for any month of current or prior years may be included in subsequent certifications.

CHAPTER 66. GENERAL MUNICIPALITY LAW.

66.054 Licenses for fermented malt beverages.

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(4) RESTRICTIONS ON BREWERS, BOTTLERS AND WHOLESALERS.

(a) \* \* \* \* \*

7. Purchase advertising and other services and rights for a fair consideration from any corporate Class "B" licensee who is a member of a regularly established athletic league and whose principal business is the ownership, maintenance and operation of a professional athletic team, playing a regular schedule of games and whose principal source of income is derived from the sale of tickets to games played by such teams.

CHAPTER 108. UNEMPLOYMENT RESERVES AND COMPENSATION.

108.05 Amount of benefits.

(1) WEEKLY BENEFIT RATE, FOR TOTAL UNEMPLOYMENT.

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Pursuant to 108.05 (2) (d) the Industrial Commission amended line 38 and created lines 39 and 40 of the schedule to read:

38.	92.01	to	94.00	47
39.	94.01	to	96.00	48
40.	96.01	or more		49

NOTE: The foregoing changes are effective as to benefit determinations whose first benefit check is issued in the half year starting July 1, 1960.

CHAPTER 236. PLATTING LANDS AND RECORDING AND VACATING PLATS.

236.335 Prohibited subdividing; forfeit.

No lot or parcel in a recorded plat shall be divided, or thereafter used if so divided, for purposes of sale or building development if the resulting lots or parcels do not conform to this chapter or any applicable ordinance of the approving authority or the rules of the state board of health under s. 236.13. Any person making or causing such a division to be made shall forfeit not less than \$100 nor more than \$500 to the approving authority, or to the state if there is a violation of this chapter or said rules of the state board of health.

CHAPTER 245. MARRIAGE.

245.03 Who shall not marry; divorced persons.

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(2) It is unlawful for any person, who is or has been a party to an action for divorce in any court in this state, or elsewhere, to marry again until one year after judgment of divorce is granted, and the marriage of any such person solemnized before the expiration of one year from the date of the granting of judgment of divorce shall be void.

245.06 Antenuptial physical examination and tests.

(1) (a) All persons making application for license to marry shall within 20 days prior to such application submit to an examination for the presence of any venereal disease and a Wassermann or other standard blood test for syphilis, either in this state, in the state where such person to be examined resides, or, if the person is serving in the military forces of the United States, as provided in sub. (2).

\* \* \* \* \*

(d) The certificate shall be in the following form:

VOID AFTER 20 DAYS FROM DATE OF EXAMINATION  
BY PHYSICIAN

I, .... (name of physician), being a physician, legally licensed to practice in the state of ....., do certify I have on ....., 19.., made a thorough examination of .... (name of person) for, and believe such person to be free from, all venereal disease; and I do certify that such person was given the Wassermann or other standard blood test for syphilis at .... (name and address of laboratory) from blood taken by .... on ....., 19.., and that the result of such test was negative.

Dated at ....., this .. day of ....., 19...

..... (Signature of physician)

..... (P.O. address)

(e) Such certificate of negative finding as to each of the parties to a proposed marriage shall be filed with the county clerk at the time application for a license to marry is made, and it is unlawful for any county clerk to issue a license to marry if such certificates of negative findings as to both parties to the proposed marriage are not so filed, except as provided in par. (f) and s. 245.07.

245.16 Marriage contract, how made; officiating person.

Marriage may be validly solemnized and contracted in this state only after a license has been issued therefor, and only in the following manner: by the mutual declarations of the 2 parties to be joined in marriage, made before a duly authorized officiating person and in the presence of at least 2 competent adult witnesses other than such officiating person, that they take each other as husband and wife. The following are duly authorized to be officiating persons:

CHAPTER 247. ACTIONS AFFECTING MARRIAGE.

247.03 Actions affecting marriage.

(1) Actions affecting marriage are:

(a) To affirm marriage.

- (b) Annulment.
- (c) Divorce.
- (d) Legal separation (formerly divorce from bed and board).
- (e) Custody.
- (f) For support.
- (g) For alimony.
- (h) For property division.

(2) Such actions other than those specified in sub. (1) (e) to (h) shall be commenced within 10 years after the cause of action arose, except that an action for annulment under s. 247.02 (3) may be commenced at any time while either of the parties has a husband or wife living.

**247.05 Jurisdiction in actions to determine questions of status.**

A court of this state having jurisdiction to hear actions affecting marriage may exercise jurisdiction quasi in rem by service of a summons and complaint pursuant to ss. 247.061, 247.062 or 247.063 to determine questions of status under any of the following circumstances:

(1) ACTIONS BY OR AGAINST RESIDENTS TO AFFIRM OR ANNUL MARRIAGE OR TO OBTAIN LEGAL SEPARATION. Actions to affirm or annul marriage or to obtain a legal separation shall be commenced in the county of this state in which at least one of the parties has been a bona fide resident for not less than 30 days preceding the commencement of the action; or

(2) ACTIONS BY NONRESIDENTS TO AFFIRM OR ANNUL MARRIAGE CONTRACTED WITHIN THIS STATE. Actions to affirm or annul a marriage contracted within this state may be commenced in any county of this state when both parties are nonresidents of the state provided the action is commenced within a year after such marriage; or

(3) ACTIONS BY OR AGAINST RESIDENTS FOR DIVORCE. Regardless of where the cause of action arose, an action for divorce by or against a person who has been a bona fide resident of this state for at least 2 years next preceding the commencement of the action shall be commenced in the county of this state in which at least one of the parties has been a bona fide resident for not less than 30 days next preceding the commencement of the action.

(4) ACTIONS FOR CUSTODY OF CHILDREN. The question of a child's custody may be determined as an incident of any action properly commenced under sub. (1), (2) or (3); or under s. 247.055; or an independent action for custody may be commenced in any county of this state in which the child is present. The effect of any determination of a child's custody shall not be binding personally against a defendant parent or guardian unless the defendant has been made personally subject to the jurisdiction of the court in the action as provided in s. 247.06

**247.055 Jurisdiction over claims for support, alimony or property division.**

A court of this state having jurisdiction to hear actions affecting marriage may, by service of a summons and complaint pursuant to ss. 247.061, 247.062 or 247.063, hear actions or determine claims against the defendant for support, alimony or property division under any of the following circumstances:

(1) PERSONAL JURISDICTION. If personal jurisdiction over the defendant is acquired under s. 247.06, the court may determine claims and enter a judgment in personam against the defendant either in an action to determine a question of status under s. 247.05 or in an independent action for support, alimony or property division. Such independent actions shall be commenced in the county in which either party resides at the commencement of the action or, if neither party resides in the state, in any county which the plaintiff designates in the complaint.

(2) JURISDICTION OVER PROPERTY OF DEFENDANT. If, with reasonable diligence, personal jurisdiction over the defendant cannot be acquired under s. 247.06, but property belonging to the defendant is found within the state when the action is commenced, the court may enter a judgment quasi in rem determining the claims and ordering them satisfied out of such property either in an action to determine a question of status under s. 247.05 or in an independent action for support, alimony or property division. Such independent actions shall be commenced in the county in which either party resides at the commencement of the action or, if neither party resides in the state, in any county which the plaintiff designates in the complaint.

**247.06 Actions in which personal claims are asserted against defendant.**

If a personal claim is asserted against the defendant in any action under s. 247.05 or 247.055 (1), the court has jurisdiction to grant such relief only if the defendant:

(1) Pursuant to s. 247.061 or 247.063:

- (a) Is personally served with a summons within the state; or
- (b) Being domiciled within the state, cannot with reasonable diligence be personally served under par. (a), is served by having a copy of the summons left at his usual place of abode within the state in the presence of some competent member of the family of at least 14 years of age, who shall be informed of the contents thereof; or
- (2) Being domiciled within the state, cannot with reasonable diligence be served under sub. (1), is personally served with a summons without the state pursuant to s. 247.062 or 247.063; or
- (3) Makes a general appearance in the action.

**247.061 Serving and filing summons and complaint where defendant served within the state.**

When the defendant can with reasonable diligence be served personally within the state or at his usual place of abode therein pursuant to s. 247.06 (1) (b), actions under ss. 247.05 and 247.055 shall be commenced by such service and within 10 days thereafter the summons shall be filed in court and a copy thereof served upon the family court commissioner. Service and filing of the complaint shall be as follows:

(1) **ACTIONS FOR DIVORCE OR LEGAL SEPARATION.** (a) In every action for divorce or legal separation there shall be a waiting period of 60 days after service of the summons upon the defendant before the complaint may be served upon the defendant unless the court, upon good cause shown that such waiting period will be injurious to the health or safety of either of the parties or any child of the marriage or that some other emergency exists, and upon the recommendation of the family court commissioner, issues an order waiving such waiting period.

(b) If after 60 days have passed following service of the summons a copy of the complaint is not served upon the defendant, the defendant, in person or by attorney may within the next 20 days, serve a demand in writing on the plaintiff's attorney for a copy of the complaint, specifying a place embracing a post-office address within this state, where the complaint may be served and a copy of the complaint shall be served within 20 days thereafter accordingly.

(c) Within 10 days following the service of a copy of the complaint upon the defendant, the complaint shall be filed in court and a copy served upon the family court commissioner.

(d) If the complaint is not served within 120 days after service of the summons upon the defendant, the action may be dismissed upon motion of either party or the family court commissioner.

(2) **OTHER ACTIONS AFFECTING MARRIAGE, OR FOR SUPPORT, ALIMONY, PROPERTY DIVISION OR CUSTODY OF CHILDREN.** In all other actions affecting marriage the general provisions in ch. 262 for the service and filing of the complaint in regular civil actions shall apply.

**247.062 Serving and filing summons and complaint where defendant not personally served within the state.**

When the defendant cannot with reasonable diligence be served personally within the state under s. 247.061, service may be made as follows:

(1) **PERSONAL SERVICE WITHOUT THE STATE.** By personally serving the summons and a copy of the verified complaint upon the defendant without the state and within 10 days thereafter, filing the summons and verified complaint in court and serving copies of the summons and verified complaint on the family court commissioner; or

(2) **MAILING AND PUBLICATION.** If with reasonable diligence the defendant cannot be served under sub. (1), service may be made by mailing a copy of the summons and verified complaint and publication of the summons. Prior to mailing and publication the summons, verified complaint, and plaintiff's affidavit describing efforts to make personal service upon the defendant within or without the state shall be filed in court. If the defendant's post-office address is known or can with reasonable diligence be ascertained, copies of the summons and the verified complaint shall be mailed to the defendant, at or immediately prior to the first publication. Publication shall consist of publishing the summons, without the complaint, in a newspaper, published in this state, likely to give notice to the defendant, once a week for 3 successive weeks. The mailing to the defendant may be omitted if his post-office address cannot be ascertained with reasonable diligence. Within 10 days following the first publication, copies of the summons and verified complaint shall be served upon the family court commissioner.

**247.063 Serving and filing summons and complaint where defendant is a person under disability.**

In actions commenced under ss. 247.05 and 247.055 service on a person under disability shall be by serving the summons and complaint as provided by ss. 247.061 and 247.062 and, in addition, where prescribed by s. 262.06 (2) (a) or (b) upon a person designated therein.

**247.065 Actions to compel support; jurisdiction. Repealed. L. 1959, c. 690.**

**247.066 Summons, content and form.**

(1) **ACTIONS FOR DIVORCE OR LEGAL SEPARATION, SUMMONS SERVED WITHIN STATE.** When in an action for divorce or legal separation the summons is served within the state either personally upon the defendant or at his usual place of abode therein, the summons shall specify whether the action is for divorce or legal separation, shall be approved in writing by the plaintiff and shall be substantially in the following form:

.... Court, .... County.

A. B., Plaintiff,  
P. O. Address ....

v.

C. D., Defendant,  
P. O. Address ....

The State of Wisconsin, to said defendant:

You are hereby summoned and required to serve upon ...., plaintiff's attorney, whose address is ...., an answer or other pleading to the complaint for [divorce] [legal separation] within 20 days after such complaint is served upon you. In the absence of a court order to the contrary, service of such complaint upon you shall be delayed for 60 days after service of this summons. If no copy of the complaint is served upon you after such 60 days have passed, you may in the next 20 days thereafter demand in writing of the plaintiff's attorney a copy of the complaint. If you fail to answer or defend the above entitled action in the court aforesaid, judgment will be rendered against you according to the demand of the complaint.

E. F.  
Plaintiff's Attorney  
P. O. Address ....  
.... County, Wisconsin

Approved:

....

A. B. Plaintiff

(2) **OTHER ACTIONS AFFECTING MARRIAGE.** In all other actions affecting marriage the general provisions in ch. 262, respecting the content and form of summons in regular civil actions, shall apply.

**247.081 Reconciliation effort; waiting period for trial of actions for divorce or legal separation.**

(1) **RECONCILIATION EFFORT, ACTIONS FOR DIVORCE OR LEGAL SEPARATION.** In every action for divorce or legal separation the family court commissioner shall cause an effort to be made to effect a reconciliation between the parties.

(2) **WAITING PERIOD FOR TRIAL OF ACTIONS FOR DIVORCE OR LEGAL SEPARATION.** No action for divorce or legal separation, contested or uncontested, shall be brought to trial until the happening of whichever of the following events occurs first:

(a) A report by the family court commissioner to the court showing the result of a reconciliation effort. This report shall not be filed with or become part of the record of the case. Facts therein shall not be considered at trial unless separately alleged and established by competent evidence; or

(b) The expiration of 60 days after the filing of the complaint when the summons is served within the state under s. 247.061; or

(c) The expiration of 120 days after the filing of the complaint when the summons is served personally without the state under s. 247.062 (1); or

(d) The expiration of 120 days after the first day of publication when the summons is served by mailing and publication under s. 247.062 (2); or

(e) An order by the court, after consideration of the recommendation of the family court commissioner, directing immediate trial of such action for the protection of the health or safety of either of the parties or any child of the marriage or for other emergency reasons.

**247.085 Contents of complaint.**

(1) \* \* \* \* \*

(a) The name and age of the parties, the date and place of marriage and the facts relating to the residence of both parties.

\* \* \* \* \*

(c) Whether or not an action for obtaining a divorce or legal separation by either of the parties was or has been at any time commenced, or is pending in any other court or before any judge thereof, in this state or elsewhere, and if either party was previously divorced, the name of the court in which the divorce was granted and the time and place the divorce was granted.

(2) In an action for divorce or legal separation, the complaint or counterclaim shall state the statutory ground for the action without detailing allegations which constitute the basis for such ground. The facts relied upon as the statutory ground for the action shall be furnished in a verified bill of particulars within 10 days after a written demand therefor. Such demand shall be deemed waived unless made within 20 days after the service of the complaint or counterclaim. If the bill or particulars is not furnished within such time the complaint or counterclaim may be dismissed upon motion of any party or of the family court commissioner. Where a bill of particulars has been demanded, the time to answer or reply shall begin to run from the time such bill of particulars is furnished. The court, upon motion therefor, may order either party to furnish such verified bill of particulars, or if the bill of particulars furnished is insufficient, may require additional facts to be supplied so as to advise the other party of the facts relied upon as the statutory ground for the action.

**247.125 Order for appearance of defaulted party.**

Unless nonresidence in the state is shown by competent evidence, or unless the court shall for other good cause otherwise order, the party in default in actions for divorce, annulment or legal separation shall be required to appear upon the trial. A court order requiring him or her to do so shall accordingly be procured by the party seeking the judgment, and shall be served upon such defaulted party personally before the trial.

**247.13 Family court commissioner (formerly divorce counsel); appointment; powers; oaths; assistants.**

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(3) Menominee county shall be attached to Shawano county to the extent of office and functions of the family court commissioner, and the duly appointed family court commissioner of Shawano county shall serve as family court commissioner for Menominee county with all the duties, rights and power of the family court commissioner therein; and no family court commissioner shall be appointed in Menominee county, the county not being organized for that purpose.

**247.15 Default actions; family court commissioner to appear.**

(1) No judgment in any action in which the family court commissioner is required by s. 247.081 (1) or 247.14 to appear or otherwise discharge his duties under this chapter shall be granted until such commissioner in behalf of the public has made a fair and impartial investigation of the case and fully advised the court as to the merits of the case and the rights and interests of the parties and the public and the efforts made toward reconciliation of the parties or the reason such reconciliation attempt has not been made. Such family court commissioner is empowered to cause witnesses to be subpoenaed on behalf of the state when in his judgment their testimony is necessary to fully advise the court as to the merits of the case and as to the rights and interests of the parties and of the public. The fees of such witnesses shall be paid out of the county treasury as fees of witnesses in criminal cases are paid. The court may order that such fees be repaid to the county by one of the parties to the action, in which case it shall be the duty of the family court commissioner to enforce such order.

(2) Except as otherwise provided under ss. 247.081 (1) and 247.14, in any county having a population of 500,000 or more in any action for divorce or for the annulment of a marriage in which the defendant has appeared and has interposed an answer or an answer and counterclaim and in which one of the parties thereto informs the court that he or she will not oppose the prayer of the other party and if the court is satisfied from the facts submitted that the withdrawal of such opposition is done in good faith and without collusion, the court may then order such action to be tried as a default without the presence or appearance of the family court commissioner.

**247.20 Former name of wife.**

The court, upon granting a divorce in which alimony jurisdiction is terminated, may allow the wife to resume her maiden name or the name of a former deceased husband, or



the name of a husband of a former marriage of which there are children in her custody, unless there are children of the current marriage as to whom the parental rights of the wife have not been terminated.

**247.21 Foreign decrees; comity of states; divorce abroad to circumvent law.**

Full faith and credit shall be given in all the courts of this state to a judgment of annulment of marriage, divorce or legal separation by a court of competent jurisdiction in another state, territory or possession of the United States, when the jurisdiction of such court was obtained in the manner and in substantial conformity with the conditions prescribed in s. 247.05. Nothing herein contained shall be construed to limit the power of any court to give such effect to a judgment of annulment, divorce or legal separation, by a court of a foreign country as may be justified by the rules of international comity. No person domiciled in this state shall go into another state, territory or country for the purpose of obtaining a judgment of annulment, divorce or legal separation for a cause which occurred while the parties resided in this state, or for a cause which is not ground for annulment, divorce or legal separation under the laws of this state and a judgment so obtained shall be of no effect in this state.

**247.23 Support of wife and children; suit money.**

(1) In every action to affirm or annul a marriage or for a divorce or legal separation or to compel support by husband, the court or family court commissioner may, during the pendency thereof, make such orders concerning the care, custody and suitable maintenance of the minor children, requiring the husband to pay such sums for the support of the wife and the minor children in her custody and enabling her to carry on or defend the action, and in relation to the persons or property of the parties as in its discretion shall be deemed just and reasonable and may prohibit either spouse from imposing any restraint on the personal liberty of the other.

(2) Notice of motion for an order under sub. (1) may be served at the time the action is commenced or at any time thereafter. If the action is commenced by service of a summons without the complaint under s. 247.061, the relief sought shall be based upon an affidavit of the party seeking the relief, but the affidavit shall not set forth any of the grounds for divorce unless necessary to support the same.

**247.37 Effect of judgment of divorce.**

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(2) So far as said judgment affects the marital status of the parties the court has the 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, provided both parties are then living. But no such judgment shall be vacated or modified without the service of notice of motion, or order to show cause on the family court commissioner, and on the parties to the action, if they are found. The court may direct the family court commissioner or appoint some other attorney, to bring appropriate proceedings for the vacation of said judgment. The compensation of the family court commissioner when not on a salaried basis or other attorney for performing such services shall be at the rate of \$50 per day, which shall 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 is vacated it shall restore the parties to the marital relation that existed before the granting of such judgment. If after vacation of the judgment either of the parties shall bring an action in this state for divorce against the other the court may order the plaintiff in such action to reimburse the county the amount paid by it to the family court commissioner or other attorney in connection with such vacation proceedings. Whenever a judgment of divorce is set aside pursuant to this subsection, the court shall order the record in the action impounded without regard to s. 247.19; and thereafter neither the record nor any part thereof shall be offered or admitted into evidence in any action or proceeding except by special order of the court of jurisdiction upon good cause shown in any paternity proceedings under ss. 52.21 to 52.45 or by special order of any court of record upon a showing of necessity to clear title to real estate.

CHAPTER 251. SUPREME COURT.

**251.04 Employees.**

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(6) Each justice may employ one attorney at law to assist him as law examiner and to perform such other duties as he may require. Each such attorney shall be admitted to

practice as an attorney in all courts of this state. The salary of each such attorney shall not exceed \$6,000 per annum.

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CHAPTER 253. COUNTY COURTS.

253.02 Branches of county court.

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(4) Branch No. 1 of the district court of Milwaukee county and branches Nos. 1 and 3 of the civil court of Milwaukee county shall be renamed branches Nos. 4, 5 and 6, respectively, of the Milwaukee county court on January 2, 1962. The judges of these branches of the Milwaukee county court and the judge of the Jefferson, Marathon, Waukesha and Wood county courts, branch No. 2 shall be elected at the spring, 1961, election. The term of the judge first elected for branch No. 2 of the Jefferson county court shall be for 4 years and to begin on the first Monday in January 1962.

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261.01 Place of trial.

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(3) ACTION AFFECTING MARRIAGE. Repealed. L. 1959, c. 690.

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CHAPTER 262. COMMENCING CIVIL ACTIONS.

262.08 Jurisdiction in rem or quasi in rem, grounds for generally.

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(3) (as r. and rec. by L. 1959, c. 226) Repealed. L. 1959, c. 690.

## CERTIFICATE.

(s. 35-18)

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I certify that each section of the statutes printed in this book has been compared with its respective original section in the statutes of 1898, or with the original section contained in the enrolled act from which the section was derived; and that, if an original section has been amended, that the section as printed herein has been compared with the amendments. I further certify that all sections are correctly printed.

JAMES J. BURKE,  
*Revisor.*

Madison, Wisconsin.

