

No. 33, S.]

[Published April 20, 1945.]

CHAPTER 38.

AN ACT to create 328.39 of the statutes, relating to the presumption of legitimacy of a child born in wedlock.

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

328.39 of the statutes is created to read:

328.39 PRESUMPTION OF LEGITIMACY. Whenever it is established in an action that a child was born to a woman while she was the lawful wife of a specified man, any party asserting the illegitimacy of the child in such action shall have the burden of proving beyond all reasonable doubt that the husband was not the father of the child. In all such actions the husband and the wife are competent to testify as witnesses to the facts. The court or judge shall in such cases appoint a guardian ad litem to appear for and represent the child whose paternity is questioned. In divorce and separation actions, in which the question of illegitimacy is raised, and in illegitimacy proceedings, the court being satisfied that the parties to the action are unable to adequately compensate the guardian ad litem for his services and expenses, the court shall then make an order specifying the guardian's fee and expenses which fee and expenses shall be paid as provided in section 357.26.

Approved April 18, 1945.

No. 38, S.]

[Published April 20, 1945.]

CHAPTER 39.

AN ACT to amend 69.30 (1) of the statutes, relating to the furnishing of copies of birth certificates to villages and towns in counties having a population of 500,000 or more.

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

69.30 (1) of the statutes is amended to read:

69.30 (1) The physician or midwife in attendance upon any birth shall file a certificate of birth, properly and completely filled out, giving all the particulars required by this chapter, with the register of deeds of the county in which the birth oc-

curred within 5 days after birth, except that in cities such certificate shall be filed with the health officer. *In counties having a population of 500,000 or more, the register of deeds and the city health officer shall, within 10 days after the filing of an original birth certificate, make an exact copy of such birth record whenever the parents of the child born were residents of any town or village in such county, and shall transmit such copies to the town or village clerk without fee or charge therefor.* All certificates for illegitimate births subsequent to October 1, 1907 shall be kept in a separate file and shall be subject to public inspection only upon court order, except for obtaining proof of heirship. A copy of an illegitimate birth record shall be furnished only upon the order of any county judge or judge of the juvenile court. All charges for professional services rendered by the physician or midwife in attendance upon a birth shall be unlawful if the birth certificate, properly filled out, is not reported as herein provided.

Approved April 18, 1945.

No. 39, S.]

[Published April 20, 1945.]

CHAPTER 40.

AN ACT to amend 40.07 (8) of the statutes, relating to election of certain school district officers.

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

40.07 (8) of the statutes is amended to read:

40.07 (8) In counties having a population of 500,000 or more, any school district, the boundaries of which are co-extensive with those of a village, may at any election called and held as provided in the pertinent provisions of subsections (2), (3), (4), (4a), (5), (6) and (7) of this section by resolution, adopted by a majority of the votes cast in favor thereof, determine to elect its officers on any date, except Sundays, between the first Tuesday of April and the second Monday of July, both days inclusive. In the event of such determination such election shall be held annually thereafter on the date so fixed and until the electors shall determine otherwise. All of the pertinent provisions of subsections (2), (3), (4), (4a), (5), (6) and (7) of this