

(98.04) (1) There shall be a city sealer of weights and measures in all cities having a population of more than 5,000 inhabitants according to the last official United States census, without counting inmates of any state penal institution or insane hospital therein situated. Any city under 5,000 inhabitants may adopt the same by a majority vote of the members of the common council. Such action may be repealed by a like vote of the common council. The city sealer shall be appointed by the mayor from a list to be furnished by the state or local civil service board under the rules of said board, *except that in cities of the fourth class he shall be appointed as determined by the city council.* He shall be paid a salary to be fixed by the board or body authorized to fix the salaries of city officials, and shall be provided with suitable office quarters in said city, and no fees shall be charged by him or by the city for inspection or testing of weights, measures, or weighing, or measuring devices.

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

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No. 399, S.]

[Published June 20, 1941.

CHAPTER 259.

AN ACT to repeal and recreate 166.12; to amend 69.26, 166.08, 166.11 (2), 296.36, 296.37, 322.03 (1), and 322.07; and to create 48.07 (9) and 322.03 (3) of the statutes, relating to the children's code.

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

SECTION 1. Subsection (9) of section 48.07 of the statutes is created to read:

(48.07) (9) All placements of children made under this section in foster homes, as defined in section 48.38, with the exception of placements made by the judge of the juvenile court for temporary care of less than 30 days, are subject to the provisions of this section 48.38 relating to foster homes.

SECTION 2. Section 69.26 of the statutes is amended to read:

69.26 The physician or midwife in attendance when any birth occurs shall file a certificate of birth, properly and completely filled out, giving all the particulars required by sections 69.01 to 69.59, inclusive, with the local registrar of vital statistics of the district in which the birth occurred within 5 days after the date of birth. * * * All certificate 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 bills or 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.

SECTION 3. Section 166.08 of the statutes is amended to read:

166.08 The district attorney shall appear and prosecute all illegitimacy proceedings including both the preliminary examination in justice court and the proceedings in the trial court *and all subsequent proceedings brought to modify the original judgment or agreement*. Private counsel in behalf of the complainant may appear with the district attorney, * * * *and reasonable attorneys' fees may be allowed and taxed against the defendant*. The district attorney shall draft all agreements referred to in section 166.07.

SECTION 4. Subsection (2) of section 166.11 of the statutes is amended to read:

(166.11) (2) All of the foregoing matters shall be ascertained and fixed by the court and, *together with such attorneys' fees as have been allowed*, shall be inserted in the judgment, * * * with an order directed to the clerk of the court to file with the state registrar of vital statistics a certified copy of all judgments determining the paternity of the child, and a report showing the name, date, and place of birth of the child and the name, color, residence, age, birthplace, and occupation of the father of the child. Judgments entered upon agreement of the parties shall conform to the above unless the parties are unable to agree as to the paternity of the child, when such adjudication may be omitted.

SECTION 5. Section 166.12 of the statutes is repealed and recreated to read:

(166.12) (1) Whenever settlement has been made pursuant to section 166.11 and the defendant fails to comply with the terms of such settlement, or whenever the judgment or agreement providing for the monthly support of an illegitimate child has been docketed or filed, the court shall have continuing jurisdiction and may, on the petition of the district attorney, the trustee, the mother, the named or adjudicated father, or any other person, agency or institution having legal custody of the child or upon stipulation signed by the defendant and the person, agency or institution having legal custody of the child and approved by the district attorney, revise and alter such judgment or agreement respecting the amount of support and the payment thereof and in its discretion may provide for or increase or decrease the amount of future support, and may make such further judgment or order as the circumstances of the parties require.

(2) Whenever a petition is brought to the court as hereinabove set forth, the district attorney, the defendant, and the person, agency, or institution having legal custody of the child, must be served with a copy of the petition at least 10 days before the date set for the hearing.

(3) Nothing in this section shall in any way be considered a derogation of section 351.30.

SECTION 6. Section 296.36 of the statutes is amended to read:

296.36 Any resident of this state, whether a minor or of full age, may, upon petition to the circuit court of the county where he resides and upon filing a copy of the notice, with proof of the publication thereof, as required by section 296.42, if no sufficient cause be shown to the contrary, have his name changed or established by order of said court. *If the person whose name is to be changed is a minor under the age of 14 years, such petition may be made by: (a) both parents, if living, or the survivor of them; (b) the guardian or person having legal custody of such minor if both parents are dead or if the parental rights have been terminated by judicial proceedings; (c) the mother, if the minor is illegitimate.* Such order shall be entered at length upon the records of the court and a copy thereof, duly certified,

shall be filed in the office of the register of deeds of such county, who shall make an entry thereof in a book to be kept by such register. *If the person whose name is changed was born in the state of Wisconsin, a notice shall be filed with the state registrar of vital statistics containing such information as the registrar shall require; the state registrar shall then add such information to the birth certificate or other records and direct the register of deeds and the local registrar to make similar additions.*

SECTION 7. Section 296.37 of the statutes is amended to read:

296.37 Any person desiring to alter or change his name may do so by filing with the register of deeds of the county in which he resides a declaration setting forth substantially as follows: First. His name or names usually used and known at the time of declaration, with his place of residence, giving street and house number. Second. His age, place of birth, and, if of foreign birth, the time he came to this country, and approximately the length of time he has resided in each place. Third. Briefly, the object and purpose of the alteration or change of name, for example, too many of the same name and other explanation may be given. Fourth. The name as changed or adopted. Fifth. A complete description of all real estate owned by him in this state, and the county wherein the same is situated. *If the person whose name is to be changed is a minor under the age of 14 years, such declaration may be filed by: (a) both parents, if living, or the survivor of them; (b) the guardian or person having legal custody of such minor if both parents are dead or if the parental rights have been terminated by judicial proceedings; (c) the mother, if the minor is illegitimate. If the person whose name is changed was born in the state of Wisconsin, a notice shall be filed with the state registrar of vital statistics containing such information as the registrar shall require; the state registrar shall then add such information to the birth certificate or other records and direct the register of deeds and the local registrar to make similar additions.*

SECTION 8. Subsection (1) of section 322.03 of the statutes is amended to read:

(322.03) (1) Upon the filing of a petition for adoption the court shall appoint a time and place for hearing such petition, which in the case of a minor child shall allow a reasonable

time, but not exceeding 30 days, for the prior investigation provided for in section 322.02. The court shall mail a notice of the date of hearing to the person or agency making such investigation. If the report of such investigation has not been completed or filed with the court or if the hearing on such petition is not had at the time appointed by the court, the hearing shall stand adjourned until the matter is heard. *The court may upon its own motion or upon the petition of an interested person fix the time for such adjourned hearing and upon such hearing may grant, dismiss, or deny the petition for adoption or grant a further adjournment.*

SECTION 9. Subsection (3) of section 322.03 of the statutes is created to read:

(322.03) (3) Such hearing may be held in chambers unless a person asserting an interest objects thereto.

SECTION 10. Section 322.07 of the statutes is amended to read:

322.07 * * * *An adopted person shall be deemed, for the purposes of inheritance and succession and for all other legal consequences and incidents of the natural relation of parents and children, the same to all intents and purposes as if the child had been born in lawful wedlock of such parents by adoption, excepting that such child shall not be capable of taking property expressly limited to the heirs of the body of such parents. The adoptive parents of such child and their heirs and next of kin shall be deemed for the purposes of inheritance and succession by such parents, their heirs and next of kin, the same to all intents and purposes as if such child had been born in lawful wedlock of such parents by adoption, and they shall take in accordance with the general statutory provisions regulating inheritance and succession as between a parent and a child dying without issue; providing further, that if no heirs or next of kin are found in the line of the adoptive parents, the property of the deceased shall go to the natural parents, and, in case they have died, then in their line of descent. The natural parents of such child shall be deprived, by such order of adoption, of such legal rights, if any, of whatsoever nature which they may have respecting such child and its property. Such child shall be freed from all legal obligations of maintenance and obedience to such natural parents; provided, that where the adoptive parent of such child shall be*

married to one of the natural parents of such child then the relation of such child toward such natural parent so married to the adoptive parents shall be in no way altered by such adoption, and the natural rights and obligations of such natural and adoptive parent toward such child shall be the same as if such child were the natural child of both the natural parent and the adoptive parent.

Approved June 18, 1941.

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[Published June 20, 1941.

CHAPTER 260.

AN ACT to amend 85.67 (2) of the statutes, relating to use of siren by volunteer firemen on way to a fire.

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

Subsection (2) of section 85.67 of the statutes is amended to read:

(85.67) (2) HORNS AND WARNING DEVICES. Every motor vehicle, when operated upon a highway, shall be equipped with a horn in good working order, capable of emitting sound audible under normal conditions for a distance of not less than 200 feet and it shall be unlawful, except as otherwise provided in this section, for any vehicle to be equipped with, or for any person to use upon a vehicle, any siren or compression spark plug whistle, or for any person at any time to use a horn otherwise than as a reasonable warning or to make any unnecessary or unreasonably loud or harsh sound by means of a horn or other warning device. *When authorized by the common council of any city or the board of any town or village, it shall be lawful for members of volunteer or part volunteer fire departments to equip their privately owned motor vehicles with a siren or red warning lights, provided such volunteer firemen shall only use such siren or red warning lights while traveling to the scene of a fire or during a public emergency.*

Approved June 18, 1941.