

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-