

HOUSE No. 1541

The Commonwealth of Massachusetts

HOUSE OF REPRESENTATIVES, April 13, 1931.

The committee on Public Welfare, to whom was referred so much of the final report of the special commission established to investigate the laws relative to dependent, delinquent and neglected children and children otherwise requiring special care (House, No. 1200) as relates to reforming the terminology in illegitimacy cases (Appendix XL), report the accompanying bill (House, No. 1541).

For the committee,

ALBERT L. BARTLETT.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Thirty-One.

An Act reforming the Terminology in Illegitimacy Cases.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section eight of chapter one hundred
2 and twenty-one of the General Laws, as amended by
3 section thirty-five of chapter one hundred and fifty-
4 five of the acts of nineteen hundred and twenty-eight,
5 is hereby further amended by striking out, in the sixth
6 line, the word "bastardy" and inserting in place
7 thereof the word: — illegitimacy, — so as to read as
8 follows: — *Section 8.* It shall ascertain whether any
9 inmates of state institutions under its supervision
10 have settlements in the commonwealth, and shall
11 cause laws relative to the support by towns of sane
12 state charges to be enforced, and may prosecute
13 cases of illegitimacy if the mother has no settlement
14 in the commonwealth. It shall also prepare, and
15 annually mail, on or before April first, to the clerk
16 of the board of public welfare of each town, a form
17 for returns to be made by such boards under sections
18 thirty-three and thirty-four of chapter one hundred
19 and seventeen, and from said returns it shall prepare
20 tables of persons supported by towns.

1 SECTION 2. Section twenty-two of chapter two
2 hundred and seventy-two of the General Laws is

3 hereby amended by striking out, in the second line,
4 the words "a bastard" and inserting in place thereof
5 the word:— illegitimate,— so as to read as fol-
6 lows:— *Section 22.* A woman who conceals the
7 death of issue of her body, which if born alive would
8 be illegitimate, so that it cannot be ascertained
9 whether it was born alive, or, if born alive, whether
10 it was murdered, shall be punished by a fine of not
11 more than one hundred dollars or by imprisonment
12 for not more than one year.

1 SECTION 3. Section twenty-three of said chapter
2 two hundred and seventy-two is hereby amended by
3 striking out, in the first line, the word "bastard" and
4 inserting in place thereof the word:— illegitimate,—
5 so as to read as follows:— *Section 23.* A woman
6 indicted for the murder of her infant illegitimate child
7 may also be charged in the same indictment with the
8 crime described in the preceding section; and if she
9 is acquitted of murder she may be convicted of the
10 concealment.

1 SECTION 4. Chapter two hundred and seventy-
2 three of the General Laws is hereby amended by
3 striking out the title of said chapter and inserting in
4 place thereof the following:— DESERTION, NON-
5 SUPPORT AND ILLEGITIMACY,— and by striking out
6 the heading above sections eleven to nineteen, in-
7 clusive, and inserting in place thereof the word:—
8 ILLEGITIMACY.

1 SECTION 5. Section nineteen of said chapter two
2 hundred and seventy-three is hereby amended by
3 striking out, in the second line, the word "bastardy"
4 and inserting in place thereof the word:— illegiti-

5 macy, — so as to read as follows: — *Section 19.* No
6 proceedings shall be maintained under any of the
7 eight preceding sections in any case where illegitimacy
8 proceedings were begun before July first, nineteen
9 hundred and thirteen.

1 SECTION 6. The schedule of forms and pleadings
2 appended at the end of chapter two hundred and
3 seventy-seven of the General Laws is hereby amended
4 by striking out the word “bastardy” wherever ap-
5 pearing therein and inserting in place thereof the
6 word: — illegitimacy.

1 SECTION 7. Section sixteen A of chapter two hun-
2 dred and seventy-eight of the General Laws, inserted
3 by chapter two hundred and fifty-one of the acts of
4 nineteen hundred and twenty-three, is hereby amended
5 by striking out, in the sixth line, the word “bas-
6 tardy” and inserting in place thereof the word: —
7 illegitimacy, — so as to read as follows: — *Section*
8 *16A.* At the trial of a complaint or indictment for
9 rape, incest, carnal abuse or other crime involving
10 sex, where a minor under seventeen years of age is
11 the person upon, with or against whom the crime is
12 alleged to have been committed, or at the trial of a
13 complaint or indictment for illegitimacy, where the
14 mother of the child whose paternity is in question is
15 such a minor, the presiding justice shall, if said trial
16 is before a district court, or may, if before the su-
17 perior court, exclude the general public from the
18 court room, admitting only such persons as may have
19 a direct interest in the case.