

HOUSE No. 651

By Mr. Smith of Holbrook, petition of George N. Welch and another for the receiving as prima facie evidence in courts, offices and certain other places official findings, records, reports and certified copies of death, presumed death, missing or other status issued by the Secretaries of War and Navy and other federal officers and employees. Legal Affairs.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Seven.

AN ACT TO PROVIDE FOR THE RECEIVING AS PRIMA FACIE EVIDENCE IN ANY COURT, OFFICE OR OTHER PLACE IN THIS STATE, OFFICIAL FINDINGS, RECORDS, REPORTS, OR CERTIFIED COPIES THEREOF, OF DEATH, PRESUMED DEATH, MISSING OR OTHER STATUS, ISSUED BY THE SECRETARIES OF WAR AND NAVY AND OTHER FEDERAL OFFICERS AND EMPLOYEES.

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. A written finding of presumed death,
2 made by the secretary of war, the secretary of the navy,
3 or other officer or employee of the United States
4 authorized to make such finding, pursuant to the
5 Federal Missing Persons Act (56 Stat. 143, 1092, and
6 58 Stat. 679; 50 U. S. C. App. Supp. 1001-17), as now
7 or hereafter amended, or a duly certified copy of such

8 finding, shall be received in any court, office or other
9 place in this state as prima facie evidence of the death
10 of the person therein found to be dead, and the date,
11 circumstances and place of his disappearance.

1 SECTION 2. An official written report or record, or
2 duly certified copy thereof, that a person is missing,
3 missing in action, interned in a neutral country, or
4 beleaguered, besieged or captured by an enemy, or is
5 dead, or is alive, made by any officer or employee of the
6 United States authorized by the act referred to in sec-
7 tion one or by any other law of the United States to
8 make same, shall be received in any court, office or
9 other place in this state as prima facie evidence that
10 such person is missing, missing in action, interned in a
11 neutral country, or beleaguered, besieged or captured
12 by an enemy, or is dead, or is alive, as the case may be.

1 SECTION 3. For the purposes of section one and sec-
2 tion two of this act any finding, report or record, or duly
3 certified copy thereof, purporting to have been signed
4 by such an officer or employee of the United States as
5 is described in said sections, shall prima facie be
6 deemed to have been signed and issued by such an
7 officer or employee pursuant to law, and the person
8 signing same shall prima facie be deemed to have acted
9 within the scope of his authority. If a copy purports
10 to have been certified by a person authorized by law
11 to certify the same, such certified copy shall be prima
12 facie evidence of his authority so to certify.

1 SECTION 4. If any provision of this act or the ap-
2 plication thereof to any person or circumstance be
3 held invalid, such invalidity shall not affect any other

4 provision or application of the act which can be given
5 effect without the invalid provision or application, and
6 to this end the provisions of this act are declared to
7 be severable.

1 SECTION 5. This act shall take effect immediately.

A preliminary chapter of the introduction is given
to the student the general question of the
in the first part of the introduction the student
is to study.

CHAPTER I. THE ILL.