

hundred and twelve, authorizing the city of Springfield to lay out said streets as public ways, is hereby confirmed, and the city of Springfield is authorized to lay out and extend said streets or ways in accordance with the provisions of said decree. The bridges carrying the railroad tracks over said streets, and the abutments thereof, shall be subject to the approval of the board of railroad commissioners.

Bridges, etc.,
subject to
approval of
railroad com-
missioners.
Repeal.

SECTION 4. All acts and parts of acts inconsistent herewith are hereby repealed.

SECTION 5. This act shall take effect upon its passage.

Approved April 26, 1913.

Chap. 563 AN ACT RELATIVE TO ILLEGITIMATE CHILDREN AND THEIR MAINTENANCE.

Be it enacted, etc., as follows:

Courts having
jurisdiction of
complaints in
cases of main-
tenance, etc.,
of illegitimate
children.

SECTION 1. Whoever, not being the husband of a woman, gets her with child shall be guilty of a misdemeanor. Proceedings under any section of this act may be begun in the municipal, district or police court having jurisdiction in the place where the defendant lives, and if there be no such court, then in any municipal, district or police court in the county; or in the municipal, district or police court having jurisdiction in the place where the mother of the illegitimate child lives; and if there be no such court, then in any municipal, district or police court in the county. If no court has jurisdiction as aforesaid, proceedings may be begun before a trial justice in the county where such defendant or such mother lives.

Adjudication
to be final
unless appeal
is made to
superior court.

SECTION 2. If the defendant pleads guilty or nolo contendere, or is found guilty, the court or justice shall enter a judgment adjudging him the father of such child; but such adjudication shall not be made after a plea of not guilty, against the objection of the defendant, until the child is born or the court or justice finds that the mother is at least six months advanced in pregnancy. No provision of law limiting adjournments or continuances shall apply to proceedings under any section of this act. At the sitting when such adjudication is made, if made after a plea of not guilty, the defendant may appeal therefrom to the superior court as in other criminal cases. Such adjudication, whether any sentence be imposed or not, shall be final and conclusive unless an appeal from such adjudication to the superior court be taken as hereinbefore provided, or, if such adjudi-

cation, be made by the superior court, unless set aside upon an appeal taken not later than three days thereafter under the provisions of section thirty-two of chapter two hundred and nineteen of the Revised Laws, or upon exceptions. Such adjudication may be entered by the superior court notwithstanding exceptions have been alleged or an appeal has been taken. The court or justice making such adjudication may within one year thereafter grant a new trial for any cause.

New trial may be granted for cause.

SECTION 3. If the court or justice having jurisdiction of any case under any section of this act becomes satisfied that no living child will be born of which the defendant at the time of making the complaint was the father, or that the defendant and the mother have married each other and the child has become or will be the legitimate child of the defendant, or that adequate provision has been made for the maintenance of the child, the complaint may be dismissed and any adjudication vacated; and if the court or justice certifies that such provision has been made, no further complaint shall be maintained under any section of this act.

Complaint may be dismissed in certain cases, etc.

SECTION 4. If the child has not been born at the time of such adjudication, the court or justice having jurisdiction of the case shall continue the case from time to time until the child is born. At any time after such adjudication, after inquiring into the respective means of the defendant and the mother, the court or justice having jurisdiction of the case may make an order for the payment to the mother or to a probation officer of a sum of money to be determined by the court or justice for the expenses of the confinement of the mother, and for failure to comply with such order may order that the defendant be committed to jail, as for a contempt of court, for a term not exceeding two months, unless he shall sooner comply with the order of the court.

Court may make order for payment of money by defendant for certain expenses.

Penalty for failure to comply with order of court.

SECTION 5. After such adjudication, the court or justice having jurisdiction of the case may make such order as may be considered expedient relative to the care and custody of the child, and afterward from time to time may revise and alter the said order, as justice and the welfare of the child require, and the order shall be binding on all persons.

Court may make order relative to care, etc., of child.

SECTION 6. After such adjudication, and after the child has been born, the defendant shall be liable to contribute reasonably to the support of the child during minority, and shall be subject upon the original complaint under section one of this act, to all the penalties and all the orders for the support and maintenance of the child provided in the case

Liability of defendant for support of child, etc.

of a parent who is found guilty of unreasonably neglecting to provide for the support and maintenance of a minor child by chapter four hundred and fifty-six of the acts of the year nineteen hundred and eleven and acts in amendment thereof and in addition thereto; and the practice thereby established shall, so far as it is applicable, apply to proceedings under this section and the preceding sections of this act.

Penalty for neglect to provide for support of child, etc.

SECTION 7. Any father of an illegitimate child, whether such child shall have been begotten within or without this commonwealth, and whether such child shall have been begotten before or after the taking effect of this act, who neglects or refuses to contribute reasonably to the support and maintenance of such child shall be guilty of a misdemeanor, and, upon conviction thereof, shall be liable to all the penalties and all the orders for the support of the child provided in the case of a parent who is found guilty of unreasonably neglecting to provide for the support and maintenance of a minor child by chapter four hundred and fifty-six of the acts of the year nineteen hundred and eleven and acts in amendment thereof and in addition thereto; and the practice thereby established shall, so far as it is applicable, apply to proceedings under this section. If there has been any final adjudication under this act, such judgment, order or adjudication shall be conclusive on all persons in proceedings under this section; otherwise, the question of paternity shall be determined in proceedings under this section: *provided, however*, that no proceedings shall be maintained under the provisions of this act in any case where proceedings have been begun under chapter eighty-two of the Revised Laws and acts in amendment thereof or in addition thereto.

Final adjudication to be conclusive, etc.

Proviso.

Proceedings in case of appeal.

SECTION 8. Appealed proceedings under this act shall be placed on the trial list for each sitting of the superior court for the trial of criminal cases until tried, and shall have precedence next after the cases mentioned in section thirty-two of chapter one hundred and fifty-seven of the Revised Laws.

Repeal not to affect certain proceedings.

SECTION 9. Chapter eighty-two of the Revised Laws and all acts in amendment thereof or in addition thereto are hereby repealed; but this repeal shall not affect any proceeding begun before the first day of July, in the year nineteen hundred and thirteen.

Time of taking effect.

SECTION 10. This act shall take effect on the first day of July in the year nineteen hundred and thirteen.

Approved April 26, 1913.