

for sale, or knowingly use any kerosene or coal oils, or any of the products thereof, which by reason of being adulterated, or for any other reason, will, at the temperature of one hundred and thirty (130) degrees of Fahrenheit's thermometer, emit an explosive vapor or gas, or be deficient in quality for illuminating purposes. *Provided*, that the quantity used for tests shall not be less than one-half pint; *And provided further*, that the gas or vapor from said oils may be used for illuminating purposes, when the oils from which said gas or vapor is generated are contained in reservoirs outside the building illuminated by such gas. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall upon conviction thereof be punished by imprisonment in the county jail not more than one year, or by a fine not exceeding five hundred dollars, or by both fine and imprisonment, in the discretion of the court.

Gas from rejected oils may be used.

SEC. 8. Chapter 86, of the general laws of 1875, entitled, *Repeal*. "An act to provide for the inspection of mineral oils for illuminating purposes," and all acts or parts of acts inconsistent with the provisions of this act, are hereby repealed.

SEC. 9. This act shall take effect and be in force from and after the first day of April, 1876.

When act to take effect.

Approved March 2, 1876.

## CHAPTER XCI.

### AN ACT PROVIDING FOR THE ADOPTION OF CHILDREN.

*Be it enacted by the Legislature of the State of Minnesota:*

SECTION 1. Any inhabitant of this state may petition the district court, in the county of his residence, for leave to adopt a child not his own, and, if desired, for a change of the child's name, but the prayer of such petition, by a person having a husband or wife, shall not be granted unless the husband or wife joins therein.

Petition.

SEC. 2. No such adoption shall be permitted without the consent of such of the parents of the child as may be living, unless it shall appear to the court that either of the parents has abandoned the child or gone to parts unknown, when such consent may be given by the parent if any, having the charge and care of the child. In case neither of the parents is living, or if both parents or the only living parent shall have abandoned the child, such consent may be given by the guardian, if such child has any, and if there be no guardian, such consent may be given by any of the next of kin of such child, residing in this state;

Consent of parents.

and if there be no next of kin residing in this state, or if such next of kin be unknown, such consent may be given by the chairman of the board of county commissioners of the county where the petition is made. In case of a child not born in lawful wedlock, such consent may be given by the mother alone, if she is living and has not abandoned such child.

SEC. 3. If the child is of the age of fourteen years or upward, the adoption shall not be made without his consent.

Court to order  
notice of hear-  
ing.

SEC. 4. If such child has no parent living or has been abandoned by its parents, and has no guardian nor next of kin in this state, or if his next of kin, if any, are unknown, the court shall, before hearing the petition, order notice of such hearing, and of the time and place thereof, as fixed by the court, to be given by publication thereof, in some newspaper of general circulation, published in the county where such petition is presented, at least once in each week for three successive weeks, the last publication to be at least ten days before the time fixed for the hearing. If there be no newspaper published in such county, then the notice may be published, as aforesaid, in some newspaper published at the capital of the state.

Order of adop-  
tion.

SEC. 5. If upon the hearing of the petition so presented and consented unto as aforesaid, the court shall be satisfied of the identity and relations of the persons concerned, and that the petitioner is, or in case of husband and wife, that the petitioners are of sufficient ability to bring up the child, and to furnish him suitable nurture and education, and that it is fit and proper that the petition for leave to adopt such child be granted, a decree shall be made setting forth the facts, and ordering that from and after the date of the decree, the child shall be deemed and taken to be the child of the petitioner or petitioners, and the court may, if desired, in and by the same decree change the name of such child.

Relations.

SEC. 6. A child so adopted as aforesaid shall be deemed, as respects all legal consequences and incidents of the natural relation of parent and child, the child of such parent or parents by adoption, the same as if he had been born to them in lawful wedlock; except that such adoption shall not, in itself, constitute such child the heir of such parent or parents by adoption.

SEC. 7. The natural parents of such child shall be deprived by the decree aforesaid of all legal rights respecting the child, and such child shall be free from all obligations of maintenance and obedience respecting his natural parents.

When act to take  
effect.

SEC. 8. This act shall be in force from and after its passage.

Approved February 26, 1876.