

## CHAPTER 17.

H. F. No. 467.

*An Act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same.*

Homes for orphans.

Be it enacted by the Legislature of the state of Minnesota:

SECTION 1. That whenever not less than twenty reputable citizens of the state of Minnesota have or shall associate themselves into a corporation under the laws of this state, for the purpose of securing homes for orphans or for homeless, abandoned and neglected or grossly ill-treated children, by adoption or otherwise, into private families, have or shall file with the secretary of state their articles of incorporation, together with a certificate signed by the governor and three or more members of the supreme court of the state of Minnesota, of their confidence in the trustworthiness of said corporation for said purposes, said corporation shall have power to receive such children for the purposes above expressed, in the manner herein specified; provided that at the end of ten years said power shall cease, unless a new certificate as provided above, signed by, at least, three members of the supreme court of Minnesota, shall be filed as above, and such certificates shall be filed every ten years during the continuance of such society. Such society shall have a main office and adopt rules for the transaction of business, which shall be published, and its financial records shall be open to the inspection of the public..

Society may be organized.

Organization to be approved by governor and judges of supreme court.

SEC. 2. That such society shall have the power to receive into its hands, and under its control, and may become the legal guardian of any child under two years of age of the state, who is grossly ill-treated by any person or persons exercising control over it, or who shall have been abandoned or is without a home, or is surrounded by bad or immoral influences, or whose living parent or parents, by written authority, shall assign the custody of the same to such society; and such society is hereby authorized and empowered to consent through its duly authorized agent in the courts of this state in place of, instead of, and whenever it is by law permitted to the parent or guardian of a minor child, to consent to the adoption of such child in the court, under the laws and in the manner provided for the adoption of children. That such society shall have the power and authority to enter into contracts with the persons taking the children, but not legally adopting them, as soon as possible after the period of ninety days trial upon which the child may have been taken has elapsed; and this contract shall provide for the proper care of the child until the age of sixteen years in the case of a girl and eighteen years in case

Powers of the society, care of children by adoption or otherwise.

of a boy, and shall specify the amount to be paid to the ward at the expiration of the period of the contract; provided that in no case shall such contract contain any provision of a sectarian or political nature regarding the care, custody or education of such children.

Expenditures  
for the child.

SEC. 3. The said society shall not in any case charge, or receive from the person or persons adopting any child through said society, any compensation for the same, except the expense of taking the child to the home where the child is placed, and persons so taking a child shall not be authorized to require of the society compensation for the care, clothing or medical attendance of such child, if it is returned to the keeping of said society.

Supervision of  
children placed  
in families.

SEC. 4. It shall be the duty of such society to keep a careful supervision of all children so placed by them and require of all families who have taken, except those who have legally adopted them, a full report of the condition and welfare of the child, not less frequently than once a year. Also the authorized agents of the society shall have the right to visit such families and personally investigate the condition and welfare of the children as occasion may require; and if such agents shall become satisfied upon due investigation that the influence of the home is vicious or harmful to the child, or that the treatment is unduly severe or seriously lacking in wise and considerate care, then the superintendent of the society shall have authority to require the return of the child to the care of the society at its main office at the expense of the family having it.

Reports to the  
state board of  
corrections and  
charities.

SEC. 5. It shall be the duty of the secretary of every such society to report to the state board of corrections and charities from time to time such facts with reference to children committed to the custody of the society as the said board may require on such blanks as they may prescribe, and the state board of corrections and charities, or its secretary, shall have the right at all times to investigate the homes in which such children may be placed, and in case the said board shall find at any time that any child has been placed in an improper home, or is not properly cared for, the said board or its secretary may order the society to transfer the child to a proper home, and if such change is not made within thirty days the said board may take charge of such child and make suitable provision for it.

Disposition of  
dependent chil-  
dren.

SEC. 6. Whenever a complaint or petition in writing of two of the commissioners of a county, or two of the town supervisors of any town, or of two aldermen of any city, or of two officers of any incorporated village or town, shall be made to the judge of probate of any county, stating that any minor child or children under two years of age, residing in such county, are in their opinion dependent upon the public for support or have been abandoned or neglected or are in a state of vagrancy or mendicancy, or are in a state of want or suffering, or are in peril of

life, health or morality, by cruel or bad treatment, or by the habitual intemperance or grave misconduct of parents or guardians, it shall thereupon be the duty of such judge of probate to investigate the facts in such case and ascertain whether such child or children are dependent, neglected, abandoned or ill-treated, the residence and so far as possible the whereabouts of the parents, whether the condition and treatment of said children and general surroundings are such as to imperil the life, health or morality in consequence of their surroundings, or of the grave misconduct or habitual intemperance of their parents or guardian, and if said judge of probate shall so find he shall enter such finding in his office, certifying and directing that such child or children shall be and are turned over to the care and custody of said society for the purpose of adoption into private families or otherwise as to said society seems best, and shall order that it be taken in charge of at once or as soon as it can be conveniently done by said society, and shall deliver to said society a certified copy of such order, which order shall contain, besides such finding, a statement of the facts as far as ascertained as to the age of the child, name, nationality, residence and occupation of the parents or either of them. That upon entering such order the parents of said child shall be released from all parental duties towards, and responsibility for such child, and shall thereafter have no rights over or to the custody, services or earnings of such child. That in case any parent or other person having the custody of such child, shall refuse to surrender said child to said society or its agent, said judge of probate is hereby authorized and empowered to direct the sheriff of the county to take possession of said child; and, if so directed, it shall be the duty of said sheriff to deliver said child to the said society or its agent. The said judge of probate is hereby authorized to compel the attendance of witnesses on such examination, and it shall be the duty of the county attorney, when requested by said judge of probate, to attend any examination on behalf of the petitioners. Any friend of said child may appear in its behalf in said probate court, and the said judge of probate may, in his discretion, request any county commissioner, town supervisor, alderman or other officer of the town or city, where such examination is had or where said child resides, to appear in behalf of the child, and the records of such proceedings should show who, if any one, appeared in behalf of the petition or of the child on such examination.

SEC. 7. Whenever a petition such as is provided for in section six of this act, shall be presented, signed by the parties as above provided, if it shall appear that one or both of the parents of the child reside in said county, the judge of probate shall issue a citation or notice, fixing the time and place for the hearing of said petition,

Probate judge  
to hear and de-  
termine.

which shall be served on one or both of said parents if either can be found in the county, not less than two days before the time fixed for the hearing of said petition, requiring them to appear, if they so desire, on said day and hour, and show cause, if any, why such child should not be taken from them and delivered to the care and custody of said society for purposes of adoption into a private family or otherwise as said society shall determine. Provided such citation or notice shall not be necessary if such parent or parents shall join in said petition. It shall be the duty of the probate judge in case such citation or notice has not been served upon said parents, before proceeding to hear and determine the petition, to require a certificate of the sheriff of the county that he has made diligent search to find and serve the same on one or both of the parents, but has been unable to find either of them; but, in case of such inability to give such notice, the proceedings shall be heard the same as though such notice had been given and such citation duly served.

No claim to any appropriation from the state.

SEC. 8. It is also herein expressly enacted that no provision of this law shall be construed as giving any claim to any society organized under it to an appropriation from the treasury of the state.

SEC. 9. This act shall take effect and be in force from and after its passage.

Approved March 29, 1893.

## CHAPTER 18.

H. F. No. 423.

United States Circuit Court of Appeals.

*An Act to furnish the reports and laws of Minnesota for the use of the United States Circuit Court of Appeals.*

Be it enacted by the Legislature of the state of Minnesota:

State reports and laws to be furnished by secretary of state.

SECTION 1. The secretary of state shall furnish two complete sets of the Minnesota supreme court reports, session laws and statutes, for the use of the United States Circuit Court of Appeals; one set for the use of said court at the city of St. Paul and the other for the use of said court at St. Louis.

SEC. 2. The said secretary of state shall furnish the current numbers of each of said sets of reports as fast as they are published, and shall furnish the session laws each session of the Legislature when published.

SEC. 3. This act shall take effect and be in force from and after its passage.

Approved April 17, 1893.