

S. F. No. 21.

## CHAPTER 64.

Orphans'  
home societies.

*An act to amend sections two, six and seven of chapter seventeen of the General Laws of the State of Minnesota of eighteen hundred and ninety-three (1893), entitled, "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, being sections two thousand nine hundred and thirty-three (2933), two thousand nine hundred and thirty-seven (2937) and two thousand nine hundred and thirty-eight (2938), of the Statutes of Minnesota of eighteen hundred and ninety-four (1894).*

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

Sec. 2, C. 17,  
Laws 1893,  
amended.

SECTION 1. That section two (2) of chapter seventeen (17) of the General Laws of Minnesota for 1893 be amended so as to read as follows:

Powers of  
societies.

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 ten 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 courts, 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 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.

SEC. 2. That section six (6) of chapter seventeen (17) of the General Laws of Minnesota of 1893 be amended so as to read as follows:

Sec. 6, C. 17,  
Laws 1893,  
amended.

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 ten 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 mendicity, 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 cases 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 or guardian, 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 guardians.

Complaint of  
judge of pro-  
bate, how  
made.

And if said judge of probate shall so find he shall enter such finding in the records of his court, and may in his discretion, upon the written request of the superintendent of such society, certify and direct that such child or children shall be turned over to the care and custody of said society, for the purpose of adoption, or to be placed by contract as provided in section two of chapter seventeen aforesaid, 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.

Disposition by  
judges of pro-  
bate.

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, except as follows:

Parents re-  
leased and  
lose rights  
when order  
is made.

Whenever one or both of the parents of any ward of such society committed to its care by any probate court, have become able to support such child and educate it,

Child, how  
restored to  
parents.

the child shall, by resolution adopted by the board of said society, be restored to the parent or parents making the application therefor, in which case the suitability of the home of such parents shall be ascertained by careful investigation, and the action of such society shall be subject to the review of the probate court in which the child was committed. Subject also to an appeal from the decision of such probate court to the district court as in other cases. 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 to attend any examination on behalf of said child. 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, village 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 shall show who, if any one, appeared in behalf of the petition or of the child on such examination.

Appeal to district court.

An appeal to the district court from the decision of the probate court may be taken by the parents or either of them, or guardians or petitioners, as in other cases of appeal from the probate court.

Sec. 7, C. 17, Laws 1893, amended.

SEC. 3. That section seven of chapter seventeen of the General Laws of Minnesota for one thousand eight hundred and ninety-three (1893) be amended so as to read as follows:

Judge of probate to issue citation to parents.

Sec. 7. Whenever a petition, such as is provided for in section six of this act shall be presented and signed by the parties as above provided, if one or both of the parents of the child reside in the state, the judge of probate shall issue a citation or notice, fixing the time and place for the hearing of said petition, which shall be served on said parents or guardian, if they can be found in the state, not less than five 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 be placed by contract as provided in section two of

chapter seventeen as aforesaid. *Provided*, such citation or notice shall not be necessary if such parent or parents or guardian 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 or guardian 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 the guardian 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.

Not necessary when parents join in petition.

SEC. 4. This act shall take effect and be in force from and after its passage.

Approved March 18, 1899.

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#### CHAPTER 65.

S. F. No. 204.

*An act to prevent occupants from acquiring title to public streets, highways, alleys, public squares or levees, or any part or portion thereof within this state by adverse possession.*

Public grounds no title acquired in by possession.

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

SECTION 1. No occupant of any public street, highway, alleys, public square or levee or any part or portion thereof within this state shall acquire any title to any such street, highway, alleys, public square or levee, or any part or portion thereof, by reason of such occupancy. *Provided*, that the provisions of this act shall not affect pending actions.

No title to may be acquired by occupancy; not to affect actions pending.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

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

Approved March 18, 1899.

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#### CHAPTER 66.

S. F. No. 120.

*An act relating to the addition of territory to all incorporated villages of one thousand inhabitants or over.*

Incorporated villages.

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