

GENERAL STATUTES

OF

MINNESOTA

1913

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COMPILED AND EDITED BY
FRANCIS B. TIFFANY

ST. PAUL
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in case of his death intestate, the adopting parents and their relatives shall inherit his estate, as if they had been his parents and relatives in fact. (3616)

Applies to all adopted children, whether adopted before or after passage of statute (114-324, 131+325, 35 L. R. A. [N. S.] 216).

7157. Importation of dependent children—Every person who shall bring or send into the state any child for the purpose of placing him out or procuring his adoption, or who shall place him out or procure his adoption, shall first obtain the consent of the state board of control, whose duty it shall be to carry out the provisions of this section, and such person shall conform to the rules of the board. He shall file with the board a bond to the state, approved by said board, in the penal sum of one thousand dollars, conditioned that he will send or bring here no child that is incorrigible or unsound of mind or body; that he will remove any such child who becomes a public charge during the period of adoption or placing out; that he will place the child under a written contract that the person with whom he is placed shall be responsible for his proper care and training; and that he will at all times supervise such care, and visit such child at least once a year. Any person who shall violate any provision of this section shall be guilty of a misdemeanor, but nothing herein shall prohibit a resident of the state from receiving into his family or adopting a child from another state. (3617)

7158. Commitment to orphan asylums, etc.—When it shall appear upon examination before any court that a child under the age of sixteen is engaged in a mendicant occupation, or as a gymnast, contortionist, rider, or acrobat, or in any indecent or immoral exhibition or vocation, or one dangerous to health, or that the person having custody has been convicted of criminal assault upon the child, the court, if it shall deem it for the welfare of the child, may commit such child to an orphan asylum, or make other lawful provision for his care. (3618)

7159. Hospital guardian of child, when—Any hospital incorporated under the laws of this state for the purpose of caring for destitute women who are about to become mothers, and for destitute and illegitimate children born in such hospital or left in its care by the mothers for the purpose of being placed in suitable homes, shall be the guardian of the persons of such children, and may consent, in lieu of their parents, to their adoption by suitable persons, and may also contract with such persons for homes for them without adoption. (3619)

7160. Change of name—Procedure—Penalty—A person who shall have resided in any county for one year may apply to the district court thereof to have his name changed in the manner herein specified. He shall describe in his application all lands in the state in or upon which he claims any interest or lien, and shall appear personally before the court and prove his identity by at least two witnesses. If he be a minor, his guardian or next of kin shall also appear. Every person who, with intent to defraud, shall make a false statement in any such application, shall be guilty of a misdemeanor. (3620)

7161. Order—Filing copies—If it shall appear to the court to be proper, it shall grant the application, and set forth in the order a description of the lands, if any, in which the applicant claims to have an interest. The clerk shall file such order, and record the same in the judgment book. If lands be described therein, a certified copy of the order shall be filed for record, by the clerk, with the register of deeds of each county wherein any of the same are situated. And such order shall not be filed, nor any certified copy thereof be issued, until the applicant shall have paid to the clerk the cost of such record. The fee of the clerk shall be two dollars, and for each certified copy of the order, fifty cents. (3621)

CHAPTER 73A

DEPENDENT, NEGLECTED AND DELINQUENT CHILDREN

7162. Terms defined—This act shall apply only to children under the age of seventeen years. For the purpose of this act the words "dependent child" and "neglected child" shall mean any child who for any reason is destitute or homeless or abandoned; or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill fame or with any vicious or disreputable per-

sons, or whose home, by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such a child; and any child under the age of ten years who is found begging, peddling or selling any articles or singing or playing any musical instrument upon the street, or giving any public entertainment, or who accompanies or is used in aid of any person so doing. The words "delinquent child" shall include any child under the age of seventeen years who violates any law of this state or any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons; or who without just cause and without the consent of its parents or custodian absents itself from its home or place of abode; or who is growing up in idleness or crime; or who knowingly frequents a house of ill fame; or who knowingly patronizes any policy shop or place where any gaming device is or shall be operated; or who frequents any saloon or dram shop where intoxicating liquors are sold, or who patronizes or visits any public pool room or bucket shop; or who wanders about the streets in the night time without being in any lawful business or occupation; or who habitually wanders about any railroad yards or tracks or jumps or hooks on to any moving train or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language; or who is guilty of immoral conduct in any public place or about any school house. Any child committing any of the acts herein mentioned shall be deemed a delinquent child, and shall be proceeded against as such in the manner hereinafter provided. A disposition of any child under this act or any evidence given in such cause shall not in any civil, criminal or other cause or proceeding whatever in any court be lawful or proper evidence against such child for any purpose whatever excepting subsequent cases against the same child under this act. The word "child" or "children" may mean one or more children, and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purpose the care or disposition of children coming within the meaning of this act. ('05 c. 285 § 1)

See §§ 7178-7192, as to counties having less than 50,000 inhabitants.

7163. Same—Jurisdiction of district court in counties having not less than 33,000 inhabitants—Jury trial—The district court in counties having or which may hereafter have a population of not less than thirty-three thousand (33,000) inhabitants therein, shall have original and exclusive jurisdiction in all cases coming within the terms of this act. In all trials under this act, except as hereinafter provided, any person interested therein may demand a jury; or, a judge of his own motion may order a jury to try the case. ('05 c. 285 § 2, amended '13 c. 43 § 1)

7164. Same—Designation of judge—Juvenile court—Deputy clerk—In counties having over 50,000 population the judges of the district court shall, at such times as they shall determine, designate one of their number whose duty it shall be to hear all cases arising under this act, unless absent or disabled in which case another judge shall be temporarily assigned for said purpose, and such designation shall be for the period of one year unless otherwise ordered. The judge of the juvenile court so designated, shall devote his first service, and all necessary time to the business of said juvenile court, and the work of the juvenile court shall have precedence over all other court work. A special court room to be designated as the juvenile court room, shall be provided for the hearing of such cases, and the findings of the court shall be entered in a book or books to be kept for that purpose, and known as the "juvenile record," and the court may for convenience be called the "juvenile court."

The judge designated to hear cases under this act may, upon consultation with the clerk, designate a duly appointed deputy clerk who shall have special charge of the duties to be performed by the clerk in connection with said juvenile court, and whose duty it shall be to keep all books and records thereof, to issue summons and process, to attend to correspondence in connection with such court, and in general to perform such duties in the administration of the business of said court, whether or not herein specifically enumerated, as the judge may direct.

Such judge may fix the compensation of such deputy at a sum not exceeding \$1,800.00 per annum, which sum shall be paid monthly by the board of county

commissioners on the certificate of such judge or the clerk of the court that such services have been rendered. When not engaged in the duties pertaining to such juvenile court such deputy shall do such work in the clerk's office as the clerk may direct. When such deputy clerk is absent the clerk, or another deputy, may perform such duties. The judge may from time to time change the designation of such deputy clerk, at his discretion, and may change the compensation, but shall not increase it to an amount exceeding the maximum sum hereinbefore given. ('05 c. 285 § 3, amended '07 c. 394; '09 c. 418; '13 c. 364 § 1)

7165. Same—Petition—Any reputable person resident in the county, having knowledge of a child in his county who appears to be either neglected, dependent or delinquent, may file with the clerk of a court having jurisdiction in the matter a petition in writing, setting forth the facts verified by affidavit. The petition shall set forth the name and residence of each parent, if known, and if both are dead or the residence unknown, then the name and residence of the legal guardian, if known, or if not known, then the name and residence of some near relative, if there be one, and his residence is known. It shall be sufficient that the affidavit is upon information and belief. ('05 c. 285 § 4)

7166. Same—Summons—Notice—Warrant—Hearing—Detention home—Upon the filing of the petition a summons shall be issued by the clerk of the court requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall not be less than twenty-four hours after service. Such summons shall be served as provided by law for the service of summons in civil actions. The parents of the child, if living, and their residence is known, or its legal guardian, if one there be, or if there is neither parent nor guardian, or if his or her residence is not known, then some relative, if there be one and his residence is known, shall be notified of the proceedings, and in any case the judge may appoint some suitable person to act in behalf of the child. Where the person to be notified resides within the county, service of notice shall be the same as service of the summons, but in any other case service of notice shall be made in such manner as the court may direct. If the person summoned as herein provided shall fail without reasonable cause to appear and abide the order of the court, or bring the child, he may be proceeded against as in case of contempt of court. In case the summons cannot be served or the party served fails to obey the same, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian or the person having custody of the child or with whom the child may be or against the child itself. On the return of the summons or other process, or on the appearance of the child with or without summons or other process in person before the court, and on the return of the service of notice, if there be any person to be notified or a personal appearance or written consent to the proceedings of the person or persons, if any to be notified, or as soon thereafter as may be the court shall proceed to hear and dispose of the case in a summary manner. Pending the final disposition of any case, the child may be retained in the possession of the person having the charge of the same, or may be kept in some suitable place provided by the city or county authorities.

County commissioners shall have authority to purchase, lease, erect, equip, and maintain a detention home and the same may, with the approval of the district court judges, be a separate institution, or it may be established and operated in connection with any other organized charitable or educational institution; but the plans, location, equipment and operation of said detention home shall in all cases have the approval of the judges of the district court. There shall be a superintendent and matron appointed for such home, but they shall both be probation officers of said juvenile court, and shall be appointed and removed by the district judges. The salaries of the superintendent, matron and other employes shall be fixed by the judges of the district court. The juvenile court may place in said detention home, for temporary detention, or for a period of not more than six months under any order, any child coming before or within the jurisdiction of said court, and any child who is placed in such home may be released therefrom by order of said juvenile court at any time. Provided that in any detention home or orphans homes conducted by any charitable institution where the inmates are taught the branches of study usually pursued in our public schools

and where agriculture, horticulture or gardening is studied and carried on by the inmates thereof, any delinquent child may be committed to such detention home during the pleasure of the court, but in no case shall such child be detained beyond the age of its majority. The county commissioners of all counties to which this act applies are hereby authorized, empowered and required to provide the necessary funds to make all needful appropriations to carry out the provisions of this act. ('05 c. 285 § 5, amended '07 c. 172; '11 c. 353 § 1)

Historical—1907 c. 172 amended 1905 c. 285, by adding to the end of section 5 thereof certain provisions respecting a detention home. 1911 c. 353 amends 1907 c. 172, so as to read as set forth in the last paragraph above set forth.

Judgment entered under 1905 c. 285, which recites jurisdictional facts, cannot be impeached collaterally on habeas corpus (108-447, 122+319).

Status of girl under charge of delinquency before adjudication of delinquency (118-170, 136+746).

7167. Same—Probation officers—Duties—Compensation—The court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; such probation officers shall act under the orders of the court in reference to any child or children, committed to his care, and it shall be the duty of said probation officers to make such investigations with regard to any child or children as may be required by the court before or after trial and to furnish to the court such information and assistance as the judge may require, and to take charge of any child or children before or after trial, whenever he may be so directed by the court, and to keep such records and to make such reports to the court as the court may order or direct. Probation officers heretofore or hereafter appointed under the provisions of chapter one hundred fifty-four of the General Laws of Minnesota for 1899, and all laws amendatory thereof shall be subject to the orders of the court in reference to all matters covered by the provisions of this act. Probation officers appointed under authority of this act shall serve without compensation from the county, save only that the majority of the judges of the court may direct the payment of such salary to such probation officers as may be approved by the board of county commissioners of the county where such officers are appointed. ('05 c. 285 § 6)

Historical—1899 c. 154, referred to in this section, was amended by 1903 c. 270. Said acts were repealed by §§ 9453, 9456; the provisions of the amended act being incorporated in §§ 9385-9393.

7168. Same—Dependent or neglected children—Commitment—When any child under the age of seventeen years shall be found to be dependent or neglected, within the meaning of this act, the court may make an order committing the child to the care of some suitable state institution or to the care of some reputable citizen of good moral character, as provided by law, or to the care of some association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children, which association shall have been accredited as hereinafter provided. The court may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution, which will receive it for like purpose without charge. ('05 c. 285 § 7)

7169. Same—Guardianship—Adoption—Proceedings—In any case where the court shall award a child to the care of any association or individual in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward, and be subject to the guardianship of the association or individual to whose care it is committed. Such association or individual shall have authority to place such child in a family home, with or without indenture, and may be made party to any proceeding for the legal adoption of the child, and may by its or his attorney or agent appear in any court where such proceedings are pending and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. Provided, however, that when adoption proceedings for any such child or children are commenced in any other court than the court which originally committed such child, then a copy of the petition in such adoption proceedings shall be filed in the office of the clerk of the court which originally committed such child, at least thirty days before any final decree of adoption shall be entered. Such guardianship shall not include the guardianship of any estate of the child. ('05 c. 285 § 8)

7170. Same—Hearing continued—Commitment—Discharge—In the case of a delinquent child the court may continue the hearing from time to time, and may commit the child to the care or custody of a probation officer, and may allow said child to remain in its own home, subject to the visitation of the probation officer; such child to report to the probation officer as often as may be required, and subject to be returned to the court for further or other proceedings whenever such action may appear to be necessary; or the court may cause the child to be placed in a suitable family home, subject to the friendly supervision of a probation officer and the further order of the court; or it may authorize the child to be boarded out in some suitable family home, in case provision is made by voluntary contribution or otherwise for the payment of the board of such child, until suitable provisions may be made for the child in a home without such payment; or the court may commit such child to the state training school, or the court may commit the child to any institution incorporated under the laws in this state, that may care for delinquent children, or be provided by city or county suitable to the care of such children, or to any state institution which may be established for the care of delinquent children. In no case shall a child be committed beyond the age of twenty-one years. A child committed to such an institution shall be subject to the control of the board of managers thereof, and the said board shall have power to parole such child on such conditions as it may prescribe, and the court shall, on the recommendation of the board, have power to discharge such child from custody whenever, in the judgment of the court, his or her reformation is complete, or the court may commit the child to the care and custody of some association that will receive it, embracing in its objects the care of neglected or dependent children, and that has been duly accredited as hereinafter provided. The district court may, in its discretion, cause any delinquent child to be proceeded against in accordance with the laws that may be in force governing the commission of crimes and misdemeanors, or the violation of municipal ordinance. ('05 c. 285 § 9, amended '09 c. 204 § 1)

7171. Same—Support by parents—In any case in which the court shall find a child neglected, dependent or delinquent, it may, in the same or subsequent proceeding, upon the parents of said child, or either of them being duly summoned, or voluntarily appearing, proceed to inquire into the ability of such parent or parents to support the child or contribute to its support, and if the court shall find such parent or parents able to support the child or contribute thereto, the court may enter such order or decree as shall be, according to equity in the premises, and may enforce the same execution, or in any way in which a court of equity may enforce its orders or decrees. ('05 c. 285 § 10)

7172. Same—State board of control—Duties and powers—Powers of court—All associations receiving children under this act shall be subject to the same visitation, inspection and supervision by the state board of control as are the public charitable institutions of this state, and it shall be the duty of the said board to pass annually upon the fitness of every such association as may receive, or desire to receive; children under the provisions of this act, and every such association shall annually, at such time as said board shall direct, make report thereto, showing its condition, management and competency to adequately care for such children as are, or may be committed to it, and such other facts as said board may require, and upon said board being satisfied that such association is competent and has adequate facilities to care for such children, it shall issue to the same a certificate to that effect, which certificate shall continue in force for one year, unless sooner revoked by said board, and no child shall be committed to any such association, which shall not have received a certificate within fifteen months next preceding the commitment. The court may, at any time, require from any association receiving or desiring to receive children under the provisions of this act, such reports, information and statements as the judge shall deem proper or necessary for his action, and the court shall in no case be required to commit a child to any association whose standing, conduct or care of children or ability to care for the same, is not satisfactory to the court. ('05 c. 285 § 11)

7173. Same—Surrender of child—Adoption—It shall be lawful for the parents, parent, guardian or other person having the right to dispose of a dependent or neglected child to enter into an agreement with any association or

institution incorporated under any public or private law of this state for the purpose of aiding, caring for or placing in home such children, and being approved as herein provided, for the surrender of such child to such association or institution, to be taken and cared for by such association or institution or put into a family home. Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution, by its attorney or agent, to appear in any proceeding for the legal adoption of such child, and consent to its adoption and the order of the court made upon such consent shall be binding upon the child and its parents or guardian or other person the same as if such person were personally in court and consented thereto whether made party to the proceeding or not. ('05 c. 285 § 12)

7174. Same—Religious belief of parents—The court in committing children shall place them, as far as it deems practicable in the care and custody of some individual holding the same religious belief as the parents of said child, or with some association which is controlled by persons of like religious faith of the parents of the said child. ('05 c. 285 § 13)

7175. Same—To be liberally construed—This act shall be liberally construed to the end that its purpose may be carried out, to-wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents, and in all cases where it can properly be done, the child to be placed in an approved family home and become a member of the family by legal adoption or otherwise. ('05 c. 285 § 14)

7176. Responsibility of parents, etc.—Penalty—In all cases when any child shall be a delinquent, dependent or neglected child, as defined by section 1 of chapter 285, General Laws of 1905 [7162], the parent or parents, legal guardian or person having the custody of such child, or any other person who, by an act of omission or commission, or by word, shall have encouraged, caused, or contributed to, or who is responsible for the delinquency, dependency or neglect of such child, shall be guilty of a misdemeanor. The court may impose conditions upon any person found guilty under this act; and, so long as such person shall comply therewith to the satisfaction of the court, the sentence imposed may be suspended. ('07 c. 92 § 1)

7177. Same—Concurrent jurisdiction—The several juvenile courts in this state, established under the provisions of chapter 285, General Laws, 1905 [7162-7175], shall have concurrent jurisdiction of the offenses described in this act. And upon complaint being made against any such person so contributing to the delinquency or dependency of such child, such person may be brought before the court upon a warrant, and, if adjudged guilty by the court, may be punished as by statute provided for the punishment of misdemeanors. ('07 c. 92 § 2, amended '09 c. 305 § 1)

7178. Counties having less than 50,000 inhabitants—Terms defined—This act shall apply only to children under the age of seventeen (17) years. For the purpose of this act the words "dependent child" and "neglected child" shall mean any child who for any reason is destitute or homeless or abandoned; or dependent upon the public for support; or has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill-fame or with any vicious or disreputable persons or whose home by reason of neglect, cruelty or depravity on the part of its parents, guardian or other person in whose care it may be, is an unfit place for such child, and any child under the age of ten (10) years who is found begging, peddling or selling any article or singing or playing any musical instrument upon the street, or giving any public entertainment, or who accompanies or is used in aid of any person so doing. The words "delinquent child" shall include any child under the age of seventeen (17) years who violates any law of this state or any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons, or who without just cause and without the consent of its parents or custodian absents itself from its home or place of abode, or who is an habitual truant; or who is growing up in idleness; or who knowingly frequents a house of ill-fame; or who knowingly patronizes any policy shop or place where any gaming device is or shall be operated; or who frequents any saloon or dram shop where intoxicating liquors are sold; or who patronizes or visits

any public pool room or bucket shop; or who wanders about the streets in the night time without being in any lawful business or occupation; or who habitually wanders about any railroad yard or track or jumps or hooks on to any moving train, or enters any car or engine without lawful authority; or who habitually uses vile, obscene, vulgar, profane or indecent language; or who is guilty of immoral conduct in any public place or about any schoolhouse. Any child committing any of the acts herein mentioned shall be deemed a delinquent child, and shall be liable to guardianship as hereinafter provided. The word "child" or "children" may mean one or more children and the word "parent" or "parents" may be held to mean one or both parents, when consistent with the intent of this act. The word "association" shall include any corporation which includes in its purpose the care or disposition of children coming within the meaning of this act. That a child is dependent, neglected or delinquent shall be a ground for the appointment of a guardian for such child. ('09 c. 232, amended '13 c. 260 § 2)

Historical—By 1913 c. 260 § 1 the title of 1909 c. 232 is amended to read as follows: "An act to provide for the guardianship of dependent, neglected and delinquent children and for the surrender by municipal courts and justices of the peace of jurisdiction of juveniles in certain cases." Section 2 amends 1909 c. 232 "so as to read as follows," the act as amended embracing 16 sections, of which § 16 repeals all inconsistent acts and parts of acts. For the counties to which the act applies, see § 7192.

7179. Same—Appointment of guardians—The judge of probate shall have jurisdiction over the appointment of guardians for dependent, neglected and delinquent children. He shall provide himself with a suitable book in which to record all proceedings taken under the provisions of this act, at the expense of the county, and he shall record in said book all proceedings taken in each case coming before him under this act, but need not record any evidence taken except as it shall seem to him proper and necessary. The reasons for appointing such a guardian shall be entered therein and any parent or the attorney for any child may appeal from the final disposition of the guardianship matter by complying with the law regulating appeals from probate courts. ('09 c. 232, amended '13 c. 260 § 2)

7180. Same—Petition—Any reputable person resident in the county having knowledge of a child in his county, who appears to be either neglected, dependent or delinquent, may file with the probate court of the county where such child resides, a petition in writing, setting forth the facts verified by affidavit. The petition shall set forth the name and residence of each parent if known, and if both are dead or the residence unknown, then the name and residence of the legal guardian, if known, or if not known, then the name and residence of some near relative, if there be one, and his residence is known. It shall be sufficient that the affidavit is upon information and belief. ('09 c. 232, amended '13 c. 260 § 2)

7181. Same—Summons—Place of hearing—Notice—Warrant—Children brought before municipal court or justice on criminal charge—Upon the filing of the petition a summons shall be issued by the judge of probate of such county, requiring the person having custody or control of the child, or with whom the child may be, to appear with the child at a place and time stated in the summons, which time shall not be less than twenty-four (24) hours after service. Such place may be in the county seat of such county, or in any other city or village in the county, at the discretion of the probate judge. The said summons shall be served as provided by law for the service of summons in civil actions. The parents of the child, if living, and their residence is known, or its legal guardian, if one there be, or if there is neither parent nor guardian, or if his or her residence is not known, then some relative, if there be one, and his residence is known, shall be notified of the proceedings. In any case the judge may appoint some suitable person to act in behalf of the child. Where the person to be notified resides in the county, service of notice shall be the same as service of the summons, but in any other case service of notice shall be made in such manner as the court may direct. Notice by registered mail proven by receipt of letter containing same, shall be sufficient. If the person summoned as herein provided shall fail without reasonable cause to appear, and abide the order of the court, or bring the child, he may be proceeded against as in case of contempt of court.

In case the party served fails to obey the summons, and in any case when it shall be made to appear to the court that such summons will be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian or the person having custody of the child, or with whom the child may be, or against the child itself. On the return of the summons or other process, or on the appearance of the child with or without summons or other process in person before the court, and on return of the service of notice, if there be any person to be notified or a personal appearance or written consent to the proceedings of the person or persons, if any to be notified, or as soon thereafter as may be, the court shall proceed to hear and dispose of the case. Pending the final disposition of any case, the child may be retained in the possession of the person having the charge of the same, or may be kept in some suitable place designated by the judge of probate, at the expense of the county.

Whenever any child under the age of seventeen (17) years is brought before any municipal court or justice of the peace in any county where this act applies, on a criminal charge, judgment shall not be pronounced against the said child until forty-eight (48) hours shall have elapsed from the time of his arraignment. If at any time before judgment is pronounced proceedings under this act for the guardianship of the said child are commenced in the probate court of the county where said child resides, and a certified copy of the petition and summons therein is filed with the municipal court or justice of the peace having jurisdiction of said child, such court or justice shall forthwith discharge the child from custody, and the matter of the guardianship of the said child shall proceed in the probate court, as hereinbefore provided. ('09 c. 232, amended '13 c. 260 § 2)

7182. Same—Probation officers—Duties—Compensation—The court shall have authority to appoint or designate one or more discreet persons of good character to serve as probation officers during the pleasure of the court; such probation officers shall act under the orders of the court in reference to any child or children, committed to his care, and it shall be the duty of said probation officers to make such investigations with regard to any child or children as may be required by the court before or during the hearing of the application for a guardian, and to furnish to the court such information and assistance as the judge may require, and to take charge of any child or children before hearing, during the continuance of the hearing, and after hearing until the guardian shall assume custody of the child, whenever he may be so directed by the court, and to keep such records and to make such reports to the court as the court may order or direct. Probation officers appointed under the authority of this act shall receive the same fees as constables for similar services, including all travel and in addition thereto such salary as the board of county commissioners of the county where such officers are appointed, upon recommendation of the probate judge shall direct. ('09 c. 232, amended '13 c. 260 § 2)

7183. Dependent or neglected children—Guardians, etc.—When any child under the age of seventeen (17) years, shall be found to be dependent or neglected, within the meaning of this act, the court may make an order appointing a suitable guardian for such child, and such guardian may be any state institution or association willing to receive it, embracing in its objects the purpose of caring for or obtaining homes for dependent or neglected children, which association shall have been accredited as hereinafter provided. The court may, when the health or condition of the child shall require it, cause the child to be placed in a public hospital or institution for treatment or special care, or in a private hospital or institution which will receive it for like purpose without charge. ('09 c. 232, amended '13 c. 260 § 2)

7184. Same—Guardianship—Adoption—Proceedings—In any case where the court shall appoint as guardian of any dependent or neglected child, any association or individual in accordance with the provisions of this act, the child shall, unless otherwise ordered, become a ward, and be subject to the guardianship of the association or individual to whose care it is committed. Such association shall have authority to place such child in a family home of the same religious belief as the parents of such child, with or without in-

denture, and may be made party to any proceedings for the legal adoption of the child, and may by its attorney or agent appear in any court where such proceedings are pending and assent to such adoption. And such assent shall be sufficient to authorize the court to enter the proper order or decree of adoption. When adoption proceedings for any child or children are commenced, a copy of the petition in such adoption proceedings shall be filed in the court which appointed the guardian for such child, at least thirty (30) days before any final decree of adoption shall be entered. Such guardianship shall not include the guardianship of any estate of the child. ('09 c. 232, amended '13 c. 260 § 2)

7185. Same—Property of child—Termination of guardianship, etc.—If any child so put under guardianship have any property, the income of said property shall, unless more than is necessary, be applied to the education of such child, and upon cause shown to the probate court appointing such guardian, the principal or any part thereof may be used for the same purpose. In the case of the guardianship of any dependent, neglected or delinquent child by an individual or association, any parent may after the expiration of one year of such guardianship, apply to the probate court which has created such guardianship for the termination thereof; and if it appears by clear and convincing evidence the conditions which produced or contributed to the dependency, neglect, or delinquency of such child no longer exist, the child, unless previously adopted under the provisions of section 7 of this act [7184], shall be restored to its parents. Ten days' notice by registered mail, or by personal service, of the hearing upon said application, shall be given to such child and the guardian thereof, and such guardian shall produce such child at such hearing. ('09 c. 232, amended '13 c. 260 § 2)

7186. Same—Hearing continued—Temporary guardian—State institutions, etc.—In all proceedings under this act the court may continue the hearing from time to time. Pending continuance, the child may be allowed to remain in its own home, subject to the visitation of the probation officers, or may be committed to the care or custody of a probation officer as a temporary guardian. When any child is found to be delinquent within the meaning of this act, the court may appoint as a guardian for the said child, any institution incorporated under the laws of this state that may care for delinquent children and become their guardian, or any suitable state institution. Such state institution shall then receive the said child and shall care for it in accordance with the laws now or hereafter governing such institution. The court may in its discretion, cause any delinquent child to be proceeded against in accordance with the laws that may be in force governing the commission of crimes and misdemeanors, or the violation of municipal ordinances. ('09 c. 232, amended '13 c. 260 § 2)

7187. Same—State board of control—Duties and powers—Powers of court—All associations receiving children under this act shall be subject to the same visitation, inspection and supervision by the state board of control as are the public charitable institutions of this state, and it shall be the duty of said board to pass annually upon the fitness of every such association as may receive, or desire to receive, children under the provisions of this act, and every such association shall annually, at such time as said board shall direct, make report thereto, showing its conditions, management and competency to adequately care for such children as are or may be committed to it and such other facts as said board may require, and upon said board, being satisfied that such association is competent and has adequate facilities to care for such children it shall issue to the same a certificate to that effect, which certificate shall continue in force for one (1) year, unless sooner revoked by said board, and no child shall be committed to any such association, which shall not have received a certificate within fifteen (15) months next preceding the commitment. The court may at any time require from any association receiving or desiring to receive children under the provisions of this act, such reports, information and statements as the judge shall deem proper or necessary for his action and the court shall in no case be required to appoint as guardian of a child any association whose standing, conduct or care of chil-

dren or ability to care for the same, is not satisfactory to the court. ('09 c. 232, amended '13 c. 260 § 2).

7188. Same—Surrender of child—Adoption—It shall be lawful for persons having the right to dispose of a dependent or neglected child to enter into an agreement with any association or institution incorporated under any public or private law of this state for the purpose of aiding, caring for, or placing in homes such children, and being approved as herein provided, for the surrender of such child to such association or institution, to be taken and cared for by such association or institution or put into a family home. Such agreement may contain any and all proper stipulations to that end, and may authorize the association or institution, by its attorney or agent, to appear in any proceedings for the legal adoption of such child, and consent to its adoption and the order of the court made upon such consent shall be binding upon the child and its parents or guardian or other persons, the same as if such person were personally in court and consented thereto whether made party to the proceeding or not. ('09 c. 232, amended '13 c. 260 § 2)

7189. Same—Religious belief of parents—The court in appointing an individual, or an association as a guardian for children, shall, whenever possible, select an individual holding the same religious belief as the parents of said child, or an association which is controlled by persons of like religious faith as the parents of the said child. ('09 c. 232, amended '13 c. 260 § 2)

7190. Same—To be liberally construed—This act shall be liberally construed to the end that its purpose may be carried out, to-wit: That the care, custody and discipline of a child shall approximate as nearly as may be that which should be given by its parents. ('09 c. 232, amended '13 c. 260 § 2)

7191. Same—Expenses, how paid—The expenses of the proceedings provided for by this act, including the care of children during continuances, when not with relatives, the necessary expenses for travel and board incurred by the judge of probate when holding court in places other than the county seat, and fifteen cents a folio to the judge of probate for all records made by him, additional to his salary, shall be paid by the parents of the child, if of sufficient means, and if not, so paid by the county upon the certificate of the judge of probate. Suit to recover the same from the parents shall be brought by the county attorney when a judgment therefor could probably be collected. ('09 c. 232, amended '13 c. 260 § 2)

7192. Same—To what counties applicable—This act shall apply to all counties having a population of less than 50,000 according to the last state or national census. ('09 c. 232, amended '13 c. 260 § 2)

7193. Bailiff in counties having not less than 200,000 or over 275,000 inhabitants—In counties having not less than two hundred thousand (200,000) nor more than two hundred and seventy-five thousand (275,000) a bailiff of the juvenile division of the district court shall be appointed by the district judge of the juvenile division of the district, of said county, and in determining at any time, to which counties this act is applicable reference shall only be had to the state census then last taken.

He shall serve four (4) years, unless removed by said judge for cause.

Such bailiff shall be under the direction of the judge of the juvenile division of the district court, and he shall be in attendance at all sessions of said court, and he shall serve all summons, writs, warrants and process issued out of said court, and perform such other duties as directed by the judge of said juvenile court.

The salary of said bailiff in any county in this state now or hereafter having not less than two hundred thousand (200,000) nor more than two hundred and seventy-five thousand (275,000) inhabitants, is hereby fixed at one thousand dollars (\$1,000) per annum, and shall be paid out of the county treasury in equal monthly installments. ('11 c. 149 § 1)

7194. County home for boys and girls in certain counties—The county commissioners of said county shall have authority to lease, purchase, erect, equip, and maintain a home for boys and a home for girls, and the general character and location of each such homes shall have the approval of the judge designated and assigned to the juvenile court of such county. There

may be a superintendent or a matron, or both, in charge of each of such homes, who shall be probation officers, and shall be appointed and may be removed by such judge of said court. The county commissioners of said county may hire and discharge such other employes as may be necessary, and shall fix the salaries of the said superintendent, matrons and other employes of such home or homes. ('13 c. 83 § 1)

"An act authorizing the leasing or purchase and maintenance of a home for boys and a home for girls in connection with the juvenile court in counties having a population of over two hundred thousand and not over three hundred thousand inhabitants, and authorizing the board of county commissioners to provide and maintain the same."

7195. Same—Duties of school board, etc.—The school board, or the commissioner of education, as the case may be, of the city in which such court is located, shall furnish all necessary instructors for the boys and girls placed in such homes and shall furnish all necessary school supplies and school books for all dependent or indigent children placed in such homes by said court. ('13 c. 83 § 2)

7196. Same—Powers of juvenile court and county board—The juvenile court of said county may place in said homes for temporary detention any child coming before or within the jurisdiction of said court, and any child who is placed therein may be released therefrom by order of said juvenile court at any time. The county commissioners of said county are hereby authorized, empowered and required to provide the necessary funds to make all needful appropriations to carry out the provisions of this act. ('13 c. 83 § 3)

7197. Aid to mothers—Powers of court—Whenever any child under the age of fourteen years shall be found to be dependent or neglected within the meaning of chapter 285, General Laws 1905 [7162-7175], or chapter 232, General Laws 1909 [7178-7192] or chapter 27, Revised Laws 1905, and it shall also appear that the mother of such child is a widow, or that her husband, if living, is an inmate of a penal institution or an insane asylum, or because of physical disability is unable to support his family, and that the dependent or neglected condition of such child is due wholly or in part to the poverty of the mother and the want of adequate means to properly care for such child and that the mother of such child is otherwise a proper person to have the custody of such child and that the welfare and best interests of such child will be subserved by permitting it to remain in the custody of its mother, the court may, in its discretion, make and file an order finding and determining such facts, and therein and thereby fix and determine the amount of money, not exceeding \$10.00 per month, which it deems necessary for the county to contribute towards the support of such child in her own home. ('13 c. 130 § 1)

The provisions of R. L. 1905, c. 27, are included in chapter 27 hereof.

7198. Same—Duty of county auditor and treasurer, etc.—A certified copy of such order shall be filed with the county auditor of the county of which such child's mother is a resident, and thereupon and thereafter, and so long as such order remains in force and unmodified, it shall be the duty of the county auditor each month to draw his warrant on the general revenue fund of his county in favor of the mother for the amount specified in such order. Such warrant shall be delivered to the clerk of the court making the order and shall by the latter be delivered to the mother upon her executing duplicate receipts therefor, one to be retained by the auditor and the other shall be filed by the clerk with the other records in the proceedings relating to such child. It shall be the duty of the county treasurer to pay such warrant out of the funds in the general revenue fund of the county when properly presented. No such county aid shall be paid towards the support of any child who has arrived at the age of fourteen (14) years, nor to any mother who has not resided in said county one year and in the state two years continuously next preceding the making of such order. ('13 c. 130 § 2)

7199. Same—Revocation of order, etc.—The court may at any time revoke or modify any order previously made; a certified copy of any such subsequent order shall forthwith be filed with the county auditor and thereafter warrants shall be drawn and payments made only in accordance with such subsequently executed order. ('13 c. 130 § 3)