

sum of eight thousand dollars shall have been paid in in cash.

SECTION 3. This act shall take effect upon its passage.

Approved June 15, 1870.

AN ACT RELATING TO THE STATE VISITING AGENCY AND JUVENILE OFFENDERS.

Chap. 359

Be it enacted, &c., as follows :

SECTION 1. The governor, with the advice and consent of the council, shall appoint a visiting agent of the board of state charities, who shall hold his office for three years, unless sooner removed, and who shall receive an annual salary of twenty-five hundred dollars, and may employ such assistants and incur such expenses as said board may approve.

Visiting agent board of state charities, term of office, salary, &c.;

SECTION 2. Said agent or his assistant shall as often as once a year, visit by himself or an assistant all children maintained wholly or in part by the state, or who have been indentured or placed in charge of a person by any state institution, board, or officer of the Commonwealth, or under any provision of this act. He shall inquire into the condition of such children and make such other investigations in relation thereto as said board of state charities may prescribe. And for the purpose aforesaid, said agent or his assistant may have private interviews with such children at any time.

—to visit annually all children indentured by the state;

SECTION 3. When said agent is of opinion that a child so indentured or placed in charge of a person cannot, with advantage to the child, be longer so held, he shall report the facts to the institution, board, or officer, by which such child was indentured, and said institution, board or officer may cancel the indenture or contract, by giving notice as provided in section one, chapter three hundred and two, acts of eighteen hundred and sixty-nine, and return such child to the institution from which indentured or taken ; or, on application of such institution, board or officer, the board of state charities may transfer him or her to any other institution maintained by the Commonwealth for the support or reformation of children, or indenture him or her to some other person, or otherwise provide for his or her maintenance during minority, or for a less time. The cancellation of the indenture or contract shall not operate as a discharge of the minor under any sentence or order of commitment.

—to report facts if in his opinion children ought not to remain indentured;

SECTION 4. No child shall be indentured, adopted or taken in charge of any person from a state institution until notice of an application therefor has been given to said agent, and his report, in writing, made after investigation

—to be notified before child is taken from any state institution, and to report to board if

child is disposed of contrary to his recommendation;

into the propriety thereof, is filed with such institution. And all applications for the release or discharge of any children so indentured or placed in charge of persons, shall be given to said agent for his report, in like manner. And if any child is disposed of contrary to his report and recommendation, he shall report all the facts in the case to the board of state charities for its action.

—to seek out suitable persons to adopt, &c., children committed to state institutions;

SECTION 5. Said agent shall seek out suitable persons who are willing to adopt, take charge of, educate and maintain children arrested for offences, committed to any state institution, abandoned or neglected, and give notice thereof to the institutions, boards, officers or persons having authority so to dispose of said children; and he shall from time to time make report to said board of state charities of his doings under this act.

—to appoint person to perform his duties in relation to industrial school for girls.

SECTION 6. The duties of said agent as declared in section two of this act in relation to girls indentured, adopted or taken from the state industrial school for girls, shall be performed by a person or persons appointed by said agent, with the approval of the trustees of said school and paid out of the appropriation for said school.

Children under sixteen years to be tried by judge except for offences punishable by imprisonment for life, &c.

SECTION 7. When a boy or girl, except in the county of Suffolk, is brought before a trial justice, police or municipal court, on complaint for any offence not punishable by imprisonment for life, except for an offence against a town or city by-law or ordinance, and, in said county of Suffolk, is so brought for any offence first described, but not now within the final jurisdiction of any police or municipal court therein, and it appears at or before the trial, that such boy or girl is under the age of sixteen years, the justice or court shall make an endorsement of the fact upon the original warrant, and the officer who served said warrant, or any other officer qualified to serve the same, shall take said boy or girl with said warrant and the complaint before the judge of the probate court, who shall have jurisdiction thereof in like manner as if originally brought before him. And in the county of Suffolk, all boys and girls under sixteen years of age, complained of for any offence before any police or municipal court, shall have the complaints against them heard and determined, by themselves, separate from the general and ordinary criminal business of said courts: in all such cases, the notice provided in section eight shall be given to the visiting agent, and they may be disposed of by the judge of said court in the manner provided in section ten, if deemed expedient.

Proceedings in Suffolk County.

SECTION 8. When a complaint against any boy or girl for any offence is made or pending before a judge of the probate court or a commissioner, notice in writing thereof shall be given to said agent, who, by himself or an assistant shall have an opportunity to investigate the case, attend the trial and protect the interest of, or otherwise provide for such child. Said notice may be sent by mail to said agent or he may waive the same or the service thereof.

Agent to be notified when a complaint is made.

Notice may be sent by mail.

SECTION 9. A child arrested on any complaint referred to in the preceding sections may be held or committed to jail by the officer having said child in custody until the time appointed for the trial, unless admitted to bail as provided in section thirty-six, chapter one hundred and seventy of the General Statutes, and the judge of the probate court, as well as the magistrate named in said section, may admit to bail.

Child arrested may be committed to jail, until time of trial.

SECTION 10. The judge of the probate court or commissioner, before whom a child is brought on any complaint aforesaid, upon request of said agent may authorize the board of state charities to take and indenture, or place in charge of any person or in the state primary school, such child till he or she attains the age of twenty-one years, or for any less time. And said board may provide for the maintenance of any such child so indentured or placed in charge of a person, in whole or in part, at a cost to the state not exceeding the average cost of the support of children at the state primary school.

Judge may authorize board to indenture child upon request of agent.

SECTION 11. When a boy is convicted by a judge of the probate court of any offence, unless disposed of as provided in section ten, he may be sentenced and committed to any institution established by authority of the laws of the Commonwealth for the reformation of juvenile offenders; or, if below the age of twelve years, to the state reform school; if above the age of fourteen years, to the Massachusetts nautical school; and if between those ages, to either of said schools, in like manner and subject to the same provisions of law as now apply to boys committed to said schools or institutions respectively, or in the discretion of the judge, to such other punishment as is provided for the offence.

Disposition of boy, if convicted.

SECTION 12. When a girl is convicted by a judge of the probate court of any offence, unless disposed of as provided in section ten, she may be sentenced and committed to the state industrial school for girls, in like manner and subject to the same provisions of law as now apply to girls committed to said school, or, in the discretion of the judge, to such other punishment as is provided for the offence.

Disposition of girl, if convicted.

Judges of probate may receive complaints, issue warrants, &c., in any county.

SECTION 13. Judges of the probate courts may receive complaints, issue warrants and hear cases against juvenile offenders referred to in this act, at such times or places, in or out of their respective counties as convenience may require. And any judge of a probate court may act in any case for the judge of any other county, whether absent or not, when so requested.

Massachusetts Nautical School.

SECTION 14. The nautical branch of the State reform school shall hereafter be called the Massachusetts Nautical School, and its trustees shall have and exercise the same rights to indenture boys committed to it as are vested in the trustees of the State reform school.

Cases under laws of pauper settlement not affected.

SECTION 15. This act shall not prevent the board of state charities from disposing of any cases under the laws of pauper settlement, or the removal from the state of persons chargeable elsewhere.

Repeal.

SECTION 16. Section nine of chapter seventy-five, and section twenty-one of chapter seventy-six of the General Statutes, except as to said county of Suffolk, and so much of chapter four hundred and fifty-three of the acts of eighteen hundred and sixty-nine as is inconsistent with the provisions of this act are hereby repealed, saving all acts done and all proceedings commenced under the same.

SECTION 17. This act shall take effect upon its passage.

Approved June 15, 1870.

Chap. 360

AN ACT TO AMEND AN ACT FOR ENCOURAGING THE CULTIVATION OF USEFUL FISHES.

Be it enacted, &c., as follows :

Commissioners not to lease pond exceeding twenty acres in area.

SECTION 1. Section nine of chapter three hundred and eighty-four of the acts of the year eighteen hundred and sixty-nine is hereby so amended that the commissioners on inland fisheries shall have no authority to lease any great pond exceeding twenty acres in area situated within the limits of Dukes County.

SECTION 2. This act shall take effect upon its passage.

Approved June 15, 1870.

Chap. 361

AN ACT TO INCREASE THE SALARY OF THE DISTRICT-ATTORNEY FOR THE SUFFOLK DISTRICT.

Be it enacted, &c., as follows :

Salary of district-attorney, five thousand dollars.

SECTION 1. The annual salary of the district-attorney for the Suffolk district shall hereafter be five thousand dollars, to be paid out of the treasury, in monthly payments, and in that proportion for any part of a year, and from the first day of January last.