

## HOUSE....No. 78.

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[Substituted by the Senate as amendment of House Bill (No. 7) with same title.]

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### Commonwealth of Massachusetts.

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In the Year One Thousand Eight Hundred and Fifty-  
Nine.

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### AN ACT

In addition to An Act to provide for the Adoption of  
Children.

*Be it enacted by the Senate and House of Representatives, in General Court assembled, and by the authority of the same, as follows:—*

1    SECT. 1. The consent of any parent to the adop-  
2    tion of his child, shall not be required under the  
3    provisions of the three hundred and twenty-fourth  
4    chapter of the acts passed in the year one thousand  
5    eight hundred and fifty-one, whenever it shall appear

6 by the petition and shall be proved to the satisfaction  
7 of the court, that such parent has wilfully deserted  
8 and neglected to provide for the proper care and main-  
9 tenance of said child for one year next preceding the  
10 filing of the petition, but the same proceedings may  
11 be had on the petition as if such parent were dead.

1     SECT. 2. Whenever any parent shall not consent  
2 to the adoption of his child, the court shall order  
3 personal notice of the pendency of the petition to be  
4 given to such parent if to be found within the Com-  
5 monwealth, and if such parent cannot be found therein,  
6 the petition and order of the court thereon shall  
7 be published, once a week, for three successive weeks,  
8 in such newspaper printed in the county where the  
9 petition is pending, as the court shall direct, and the  
10 court may order any further notice that it may deem  
11 necessary or proper; and any parent who shall not  
12 have had personal notice of said petition, may apply  
13 to the supreme judicial court for a reversal of the  
14 decree of adoption, at any time within one year after  
15 actual notice thereof; and the said court may, after  
16 due notice, reverse said decree, if it shall be proved  
17 that the parent applying for a reversal had not so  
18 wilfully deserted or neglected to provide for his child.

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SENATE, February 9, 1859.

Passed to be engrossed.

Sent down for concurrence.

S. N. GIFFORD, *Clerk.*