

HOUSE...No. 7.

Commonwealth of Massachusetts.

HOUSE OF REPRESENTATIVES, January 20, 1859.

The Committee on Probate and Chancery, to whom was referred the Order in relation to the expediency of amending chapter 324 of laws of 1851, have considered the same, and report the accompanying Bill.

Per Order,

THOS. H. RUSSELL, *Chairman.*

Commonwealth of Massachusetts.

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

AN ACT

In addition to the 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 Wherever it shall appear, by the petition of any
2 inhabitant of this Commonwealth, agreeably to the
3 provisions of the statute passed in the year one thou-
4 sand eight hundred and fifty-one, chapter three hun-
5 dred and twenty-four, for leave to adopt a child that
6 the parents, or either of them, of such child, has
7 deserted said child, or wilfully neglected to provide
8 for its proper care and maintenance, for the space of
9 one year next preceding the time of filing such peti-
10 tion, the probate court shall appoint a guardian, *ad*
11 *litem*, for said child, and shall order personal notice

12 of the pendency of said petition to be given to the
13 parents of the child, or either of them who shall not
14 have given his or her assent thereto, if resident within
15 this Commonwealth, and found therein, by service of
16 a copy of said petition; or if the parents, or either of
17 them, who has not given his or her assent, shall not
18 be then resident within this Commonwealth, or can-
19 not be found therein, the court shall order public
20 notice of said petition to be given by publishing the
21 same once a week, three weeks in succession, in a
22 newspaper published in the county, and may order
23 any further notice that it may deem necessary or
24 proper; and upon return made of such notice if it
25 shall appear to the satisfaction of said court that such
26 child has been deserted by its parents, or either of
27 them, or that they or either of them has so neglected
28 to provide for its proper care and maintenance, and
29 that the best interests of said child require that such
30 adoption shall take effect, the consent which would
31 otherwise be required of the parent or parents so
32 deserting or neglecting, may be given by the guardian so
33 appointed in the same manner and with the same effect
34 as if such parent or parents had given such consent:
35 *provided, however,* that either parent who shall not have
36 had personal notice of such petition, may apply to
37 the supreme judicial court for a reversal of such
38 decree, at any time within one year after actual
39 notice of such decree; and the said court shall have
40 power to reverse said decree after notice, if they shall
41 be satisfied that such parent so applying for such
42 reversal had not so deserted or neglected to provide
43 for such child.

