

Petition: Leave to Adopt - - - Decree of Adoption.

or when any book account shall be pleaded in off-set before a justice of the peace, such justice shall have the same power to examine parties under oath that is given to auditors under this act.

COURTS OF CHANCERY.] § 18. In all cases commenced under the first, fourth and fifth enumerations in § 2 of this act, the several courts of record in this state having chancery jurisdiction are empowered to hear, try and determine the same, to appoint auditors or commissioners in their discretion, to take testimony or to find and state facts or to take, adjust, and state accounts between said co-tenants, co-parceners or co-partners, and said courts are also empowered to make all such orders and decrees, either interlocutory or final, as may enable such courts to do complete justice to all parties, and such as such courts sitting in chancery could lawfully make in order to the adjustment and final settlement of all co-partnership accounts, matters and dealings whatever; and such courts shall render final judgment or judgments in any such action in favor of or against such co-tenants co-parceners or co-partners respectively as shall be just and equitable, and such as said courts sitting in chancery might render; and may enforce such judgment or judgments by execution or in any other way in which such courts sitting in chancery could enforce the same.

AUDITORS OR COMMISSIONERS.] § 19. Auditors and commissioners appointed agreeably to the provisions of the last preceding section, shall have the same power to administer oaths to parties and witnesses and to compel the attendance of witnesses and the production of books and papers, and the parties shall have the same right and be under the same obligation to testify as is provided in actions of account generally.

OTHER ACTIONS OF ACCOUNT.] § 20. Whenever on the trial of any action on book account, it shall appear to the court that any item or items of account or deal between the same parties, more properly belong to some other action of account under this act, the same may be tried and adjusted in said action on book account.

APPEALS AND WRITS OF ERROR.] § 21. Either party may appeal or prosecute a writ of error from the final judgment rendered under and by virtue of this act in the same manner, and upon the same conditions, as provided by law in other cases.

JURISDICTION OF CHANCERY COURTS.] § 22. Nothing in this act contained shall be so construed as to deprive courts of chancery of their jurisdiction in matters of account.

ADOPTION OF CHILDREN.

- § 1. *Petition, Leave to Adopt.*
- § 2. *Of the Petition.*
- § 3. *Decree of Adoption.*
- § 4. *Child's Consent.*

- § 5. *Effect of Adoption.*
- § 6. *Rule of Descent.*
- § 7. *Prior Adoptions, By Deed.*
- § 8. *The Natural Parents.*

An act to Revise the law in relation to the Adoption of Children. Approved 27th February 1874. In force 1 July 1874.

PETITION: LEAVE TO ADOPT.] § 1. Any resident of this state may petition the circuit or county court of the county in which he resides, for leave to adopt a child not his own, and, if desired, for a change of the child's name; but the prayer of such petition, by a person having a husband or wife, shall not be granted unless such husband or wife joins therein; and when they so join, the adoption shall be by them jointly.

OF THE PETITION.] § 2. The petition shall state the name, sex and age of the child sought to be adopted, and if it is desired to change the name, the new name; the name and residence of the parents of the child, if known to the petitioner, and of the guardian, if any, and whether the parents, or the survivor of them or the guardian, if any, consents to such adoption.

DECREE OF ADOPTION.] § 3. If the court is satisfied that the parents of the child or the survivor of them, has deserted his or her family, or such child, for the space of one year next preceding the application, or if neither is living, the guardian, or if there is no guardian, the next of kin in this state capable of giving consent, has notice of the presen-

Child's Consent - - - The Natural Parents.

tation of the petition, and consents to such adoption; or that such child has no father or mother living, and no next of kin living in this state capable of giving consent, or is a foundling, and that the facts stated in the petition are true, and that the petitioner is of sufficient ability to bring up the child and furnish suitable nurture and education, and that it is fit and proper that such adoption should be made, a decree shall be made setting forth the facts and ordering that from the date of the decree the child shall, to all legal intents and purposes, be the child of the petitioner or petitioners, and may decree that the name of the child be changed according to the prayer of the petition.

CHILD'S CONSENT.] § 4. If the child is of the age of 14 years, or upwards, the adoption shall not be made without his consent.

EFFECT OF ADOPTION.] § 5. A child so adopted shall be deemed, for the purpose of inheritance by such child, and his descendants and husband or wife, and other legal consequences and incidents of the natural relation of parents and children, the child of the parents by adoption, the same as if he had been born to them in lawful wedlock, except that he shall not be capable of taking property, expressly limited to the body or bodies of the parents by adoption, nor property from the lineal or collateral kindred of such parents by right of representation.

RULE OF DESCENT.] § 6. The parents by adoption and their heirs shall take by descent, from any child adopted, under this or any other law of this state, for the adoption of children, and the descendants and husband or wife, of such child only such property as he has taken or may hereafter take from or through the adopting parents, or either of them, either by gift, bequest, devise or descent, with the accumulations, income and profits thereof; and all laws of descent and rules of inheritance, shall apply to and govern the descent of any such property the same as if the child were the natural child of such parents; but the parents by adoption, and their heirs, shall not inherit any property which such child may take or have taken by gift, bequest, devise or descent, from his kindred by blood.

PRIOR ADOPTIONS: BY DEED.] § 7. The preceding section shall apply to any case where a child has heretofore been declared by any court to have been adopted, or where such adoption has been declared or assumed in any deed or last will and testament, giving, bequeathing or devising property to such child as the adopted child of the grantor or testator, and the wife or husband of such adopting parent shall be capable of inheriting from such child the same as if she or he had become the adopted mother or father of such child pursuant to this act.

THE NATURAL PARENTS.] § 8. The natural parents of a child so adopted, shall be deprived, by the decree, of all legal rights, as respects the child, and the child shall be freed from all obligations of maintenance and obedience as respects such parents.
