

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

PASSED BY THE

THIRTY-FOURTH LEGISLATURE

OF THE

STATE OF MAINE,

1855.

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Published by the Secretary of State, agreeably to Resolves of June 28, 1820, February  
26, 1840, and March 16, 1842.  
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AUGUSTA:
STEVENS & BLAINE, PRINTERS TO THE STATE.

1855.

PUBLIC LAWS

OF THE

STATE OF MAINE.

1855.

they shall not be required to make such entries in said book, nor to enter the name of such person on the check list, as aforesaid; but such person having so produced and exhibited his papers, shall not be deprived of the right to vote by reason of his name not being entered in the said book, but his right to vote shall be determined in the manner it would be if this act had not been passed.

CHAP. 189.

Right to vote, how determined, if name be not on check list.

SECT. 3. All acts and parts of acts inconsistent with this act are hereby repealed.

SECT. 4. This act shall take effect from and after its approval by the governor.

[Approved March 17, 1855.]

Chapter 189.

An act to provide for the adoption of children.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows:

SECT. 1. Any inhabitant of this state may petition the judge of probate in the county wherein he or she may reside, for leave to adopt a child not his or her own by birth.

Leave to adopt a child, petition for.

SECT. 2. If both or either of the parents of such child shall be living, they or the survivor of them, as the case may be, shall consent in writing to such adoption; if neither parent be living, such consent may be given by the legal guardian of such child; if there be no legal guardian, no father nor mother, the next of kin of such child within the state, may give such consent, and if there be no such next of kin, the judge of probate may appoint some discreet and suitable person to act in the proceedings as the next friend of such child, and give or withhold such consent.

Written consent of parent, &c., must be given.

Judge of probate may appoint some discreet person to act.

SECT. 3. If the child be of the age of fourteen years, or upwards, the adoption shall not be made without his or her consent.

Consent of child necessary if fourteen years of age.

SECT. 4. No petition by a person having a lawful wife, shall be allowed, unless such wife shall join therein; and no petition by a person having a lawful husband shall be allowed, unless such husband shall join therein.

If petitioner be husband or wife, partner must join.

SECT. 5. If upon such petition, so presented and consented to as aforesaid, the judge of probate shall be satisfied of the identity and relations of the persons, and that the petitioner, or in case of husband and wife, the petitioners are of sufficient ability to bring up the child, and furnish suitable nurture and education, having reference to the degree and condition of its parents, and that it is

Judge of probate shall decree and confirm adoption.

CHAP. 189. fit and proper that such adoption should take effect, he shall make a decree setting forth the said facts, and ordering that, from and after the date of the decree, such child should be deemed and taken, to all legal intents and purposes, the child of the petitioner or petitioners.

To be deemed, in certain cases, the legal child.

SECT. 6. A child so adopted, as aforesaid, shall be deemed, for the custody of the person and right of obedience by such parent or parents by adoption, the same to all intents and purposes, as if such child had been born in lawful wedlock of such parents or parent by adoption.

Legal obligations between parent and child to cease.

SECT. 7. The natural parent or parents of such child shall be deprived by such decree of adoption of all legal rights whatsoever as respects such child; and such child shall be free from all legal obligations of maintainance and obedience as respects such natural parent or parents.

If parent be insane, &c., proceedings in case of.

SECT. 8. Upon petition of any person for leave to adopt a child under the provisions of this act, if it shall be made to appear to the judge of probate, that either of the parents of such child is hopelessly insane or intemperate, the judge shall proceed in the case, in like manner and to the same effect, as he would be authorized to do in case such insane or intemperate person were dead; *provided, however,* that the judge of probate shall, if in his judgment it shall be expedient, appoint some discreet and suitable person to act in the proceedings as the next friend of such child, and give or withhold such consent.

Name of adopted child may be changed.

SECT. 9. When any inhabitant of this state shall petition the judge of probate for leave to adopt a child, not his or her own, by birth, according to the provisions of this act, the person so petitioning, may at the same time apply for a change of name of such child, and if the judge of probate shall decree that such adoption shall take effect, he may pass the decree changing the name of such child without requiring public notice to be given of such application or of the change decreed.

Appeal from decree of judge of probate.

SECT. 10. Any petitioner, or any child which is the subject of such a petition, by any next friend, may claim and prosecute an appeal to the supreme judicial court from such decree of the judge of probate in like manner, and with the like effect as such appeals may now be claimed and prosecuted in cases of wills, saving only, that in no case shall any bond be required of nor any costs awarded against such child or its next friend, so appealing.