

deemed and used as the common gaol and limits thereof for the said County of Madawaska, until it be notified by Proclamation of the Lieutenant Governor or Administrator of the Government for the time being, that a common gaol has been erected in the said County of Madawaska.

7. Every Sheriff, Coroner, Constable or other officer in and for the said County of Madawaska, who may be required or authorized to take and commit any person to the common gaol of the said County of Madawaska by virtue of any process or authority, shall be and he is hereby authorized and empowered to convey and commit such person to the common gaol at Grand Falls aforesaid, in the same manner as if the said gaol was actually situate within the limits of the said County of Madawaska; and the gaoler of the said County of Victoria shall also be deemed to be the gaoler of the said County of Madawaska until such Proclamation as aforesaid, and the gaoler of Victoria shall detain and safely keep such person in the same manner as if such gaoler were the gaoler of Madawaska.

CAP. XXX.

An Act relating to the adoption of Children.

| Sec. | Sec. |
|--|--|
| 1 Who may adopt children. | rents to be divested of all right to child. |
| 2 When consent of child and parent is to be had; proviso. | 6 Child or guardian, &c., may appeal from decree of Judge. |
| 3 When consent of parent not necessary; when consent of guardian or next of kin is required. | 7 Claim of child upon adopted parents. |
| 4 When Judge may declare child adopted, &c. | 8 Property of child dying intestate, how disposed of. |
| 5 After decree of Judge, natural pa- | |

Passed 14th April, 1873.

BE it enacted by the Lieutenant Governor, Legislative Council, and Assembly, as follows:—

1. That any unmarried person, or if married, the husband and wife jointly, may petition any Judge of the Supreme Court sitting in Equity, for leave to adopt a child or children, not theirs by birth, and for a change of name of such child or children.

2. When any such child is of the age of twelve years or upwards, the written consent of such child to such adoption shall be presented with the aforesaid petition, and also written consent by each of the parents of such child, or in case of death of one of such parents, by the survivor of them, to such adoption; provided one of the living parents is not hopelessly insane or divorced from the other, and not having the custody of such child or children.

3. In any case of hopeless insanity or of divorce as aforesaid, then the consent of such insane parent or divorced person not having the custody of such child or children shall not be necessary; if there are no living parents, then such written consent as aforesaid must be given by the legal guardian or guardians, if any, of such child or children (but the powers of such guardian shall wholly cease upon adoption); in case the said child or children should not have any

guardian or guardians, then by one of the next of kin to the child or children, residing within the jurisdiction of the said Court; and if there are no next of kin, then by a discreet and suitable barrister, to be appointed by the said Judge, to act in the proceedings as next friend of and for such child; such barrister to be appointed on the petition of the person or persons desiring to adopt such child.

4. If the Judge is satisfied as to the truth of matters stated in the petition, and as to the identity and relations of the parties, and of the ability of the petitioner or petitioners to bring up and educate the child properly, and of the fitness and propriety of such adoption, he shall make a decree setting forth the facts, and declaring that from the date of such decree, such child to all legal intents and purposes is the child of such petitioners, and the surname of the child is thereby changed to the surname of the petitioner or petitioners adopting such child.

5. By such decree the natural parents shall be divested of all legal rights in respect of such child or children, and such child or children after the date of the decree aforesaid, shall be free from all legal obligations of obedience and maintenance in respect to them; and such child shall be for the custody of the person and right of obedience, as well of lineal inheritance but not collateral, to all intents and purposes the child of his or her adopter or adopters, and shall take his or her surname, as if they had been the natural parents of such child or children.

6. Any petitioner, or any such child or children, by his guardian or next friend, may appeal to the Supreme Court at any term thereof from any decree, in the same manner and with the same effect as in other cases; but no bond to prosecute the appeal shall be required of such child, guardian, or next friend, nor any costs be awarded against either party.

7. That when the child (or children) is so adopted, he or she shall have the same right to any claim for nurture, maintenance and education upon his or her so adopted parents, as if such adopted child were the natural child of such adopters.

8. If any such child at the time of adoption be, or at any time afterwards become possessed of or entitled to any property, real or personal, (other than such as he or she may become possessed of or entitled to as such adopted child under the provisions of this Act), such property shall, in the case of such adopted child dying under age or intestate, go and be distributed to and among such person or persons as the same would have gone to and been distributed amongst had such adoption not taken place; provided that on failure of any person to take as last mentioned, such property, real and personal, shall pass to the adopter or adopters, or to the person or persons who would have been entitled to the same had the said adopter or adopters been seized, possessed of, or entitled to the said property, and died so seized, possessed or entitled.

Printed and Published at the Royal Gazette Office, by G. E. FENETY, Printer to the Queen's Most Excellent Majesty.

Wednesday, 14th May, 1873.