

all the paupers in said town, except in cases when, in their opinion, such poor person is only temporarily afflicted, in which case they shall be allowed to expend a sum not exceeding ten dollars toward the relief of such person or persons, and such other person or persons as said supervisor, town clerk and justices of the peace shall otherwise direct.

Paupers to be removed to farm.

§ 9. The said supervisor, town clerk and justices of the peace shall have power to draw orders on the poor funds of said town in payment of said expenses aforesaid, and the overseers of the poor of said town shall not have power to draw or give orders except as in this act provided.

Orders on poor lands.

§ 10. The said supervisor, town clerk and justices of the peace aforesaid shall have full power to do and perform any and all acts necessary for the regulation of said farm, and the management, maintenance and support of said paupers thereon.

CHAP. 829.

AN ACT to empower the board of water commissioners of the city of Buffalo, together with the common council of said city, to establish or designate free public hydrants in said city, and providing for the appointment of water commissioners in said city.

PASSED June 25, 1873; three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. The board of water commissioners of the city of Buffalo, by and with the consent of the common council of said city, may locate and establish or designate any such hydrant or hydrants within said city of Buffalo for the free use of the public as shall be deemed advisable by said board of water commissioners, and the expense thereof may be assessed upon and collected from the property deemed benefited by the establishment of such hydrant or hydrants in like manner as is provided in title six of the charter of said city of Buffalo for assessments and collections to defray the expense of local improvements.

Hydrants for free use of public location of, etc.

§ 2. The water commissioners of said city shall hereafter be appointed by the mayor by and with the consent of the common council thereof.

Mayor to appoint water commissioners.

§ 3. This act shall take effect immediately.

CHAP. 830.

AN ACT to legalize the adoption of minor children by adult persons.

PASSED June 25, 1873.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Adoption, as provided for in this act, is the legal act whereby an adult person takes a minor into the relation of child, and thereby acquires the rights and incurs the responsibilities of parent in respect to such minor.

"Adoption" defined.

§ 2. Any minor child may be adopted by any adult, in the cases and subject to the rules prescribed in this act.

Any minor child may be adopted.

- Who may adopt.** § 3. A married man, not lawfully separated from his wife, cannot adopt a child without the consent of his wife; and a married woman, not lawfully separated from her husband, cannot adopt a child without the consent of her husband.
- Consent of child.** § 4. The consent of a child, if over the age of twelve years, is necessary to its adoption.
- Consent of parents.** § 5. Except in the cases provided for in the next section, a legitimate child cannot be adopted without the consent of its parents, if living, or the survivor, if one is dead; nor an illegitimate child without the consent of its mother, if she is living.
- When not necessary.** § 6. The consent provided for by the last section is not necessary from a father or mother deprived of civil rights, or adjudged guilty of adultery or cruelty, and who is, for either cause, divorced; or is adjudged to be an insane person or an habitual drunkard, or is judicially deprived of the custody of the child on account of cruelty or neglect.
- Consent of person having custody.** § 7. When the child to be adopted has neither father nor mother living, or whose consent, if living, is made unnecessary by the provisions of the last section, such consent must be given by an adult person having the lawful custody of the child.
- Proceedings before county judge.** § 8. The person adopting a child, and the child adopted, and the other persons whose consent is necessary, shall appear before the county judge of the county in which the person adopting resides, and the necessary consent shall thereupon be signed, and an agreement be executed by the person adopting, to the effect that the child shall be adopted and treated, in all respects, as his own lawful child should be treated.
- Examination of persons.** § 9. The judge shall examine all persons appearing before him pursuant to the last section, each separately, and, if satisfied that the moral and temporal interests of the child will be promoted by the adoption, he shall make an order in which shall be set forth, at length, the reasons for such order, directing that the child shall thenceforth be regarded and treated, in all respects, as the child of the person adopting.
- Name of child, etc.** § 10. A child, when adopted, shall take the name of the person adopting, and the two thenceforth shall sustain toward each other the legal relation of parent and child, and have all the rights and be subject to all the duties of that relation, excepting the right of inheritance, except that as respects the passing and limitations over of real and personal property, under and by deeds, conveyances, wills, devises and trusts, said child adopted shall not be deemed to sustain the legal relation of child to the person so adopting.
- When parent to forfeit claims.** § 11. Whenever a parent has abandoned or shall abandon an infant child such parent shall be deemed to have forfeited all claim that he or she would otherwise have, as to the custody of said child or otherwise, against any person who has taken, adopted and assumed the maintenance of such child; and in such case the person so adopting, taking and assuming the maintenance of such child may adopt it under the provisions of this act, with the same effect as if the consent of such parents had been obtained. In all cases of abandonment after this act takes effect the person adopting shall proceed under the provisions of this act within six months after he or she has assumed the maintenance of such child; in such case of abandonment, the county judge may make the order provided for in this act without the consent of such parent or parents.
- After adoption parents relieved from care, etc.** § 12. The parents of an adopted child are, from the time of the adoption, relieved from all parental duties toward, and of all responsibility for, the child so adopted, and have no rights over it.

§ 13. Nothing herein contained shall prevent proof of the adoption of any child, heretofore made according to any method practiced in this State, from being received in evidence, nor such adoption from having the effect of an adoption hereunder; but no child shall hereafter be adopted except under the provisions of this act, nor shall any child that has been adopted be deprived of the rights of adoption, except upon a proceeding for that purpose, with the like sanction and consent as is required for an act of adoption under the eighth section hereof; and any agreement and consent in respect to such adoption, or abrogation thereof hereafter to be made, shall be in writing, signed by such county judge or a judge of the supreme court, and the same, or a duplicate thereof, shall be filed with the clerk of the county and recorded in the book of miscellaneous records, wherein the same shall be made, and a copy of the same, certified by such clerk, may be used in evidence in all legal proceedings; but nothing in this act contained in regard to such adopted child inheriting from the person adopting shall apply to any devise or trust now made or already created, nor shall this act in any manner change, alter or interfere with such will, devise, or said trust or trusts, and as to any such will, devise or trust said adopted child shall not be deemed an heir so as to alter estates, or trusts, or devises in wills already made or trusts already created.

Not to affect proof of adoption heretofore made by any method practiced in this State.

Evidence.

CHAP. 831.

AN ACT to allow the persons associated as The Chi Psi Society to incorporate under chapter three hundred and nineteen of the laws of eighteen hundred and forty-eight, and to take and hold real and personal estate.

PASSED June 25, 1873.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION *. The persons in this State who are now or may be hereafter associated together under the name of The Chi Psi Society are hereby authorized to form an incorporation or incorporations under the three hundred and nineteenth chapter of the laws of eighteen hundred and forty-eight, entitled "An act for the incorporation of benevolent, charitable, scientific and missionary societies," passed April twelfth, eighteen hundred and forty-eight, and the several acts amendatory thereof and supplementary thereto, notwithstanding any thing in the said or other acts contained.

Persons authorized to form a corporation.

§ 2. Any incorporation which may be formed and organized by virtue of the provisions of this act is hereby empowered to take and hold, by gift, devise, grant or otherwise, subject to all provisions of law in relation to devises and bequests by last will and testament, real estate to the value of one hundred thousand dollars, and personal property to the value of one hundred and fifty thousand dollars.

Corporate powers.

§ 3. This act shall take effect immediately.

* So in the original.