

COMMITMENT OF MINORS TO CHARITABLE INSTITUTIONS

Act of Jun. 8, 1893, P.L. 399, No. 301

Cl. 23

AN ACT

Authorizing the commitment of minors by magistrates, justices of the peace or judges, of certain charitable societies, and providing for the method of such commitment and the cost of the visitation of such minors.

Section 1. Commitment of minors to certain charitable institutions allowed

It shall be lawful for any society duly incorporated, having for one of its objects the protection of children from cruelty, or the placing of children not otherwise provided for in families, to receive into its care and guardianship, at its discretion, minors committed to such care and guardianship by any justice of the peace, magistrate or judge of any court, upon complaint and due proof made, first, that such minor, by reason of incorrigible, unmanageable, vicious or wayward conduct, is beyond the control of the parent, or guardian of such infant, or, second, that the parents of such minor, by reason of vagrancy, incorrigible or vicious conduct, criminal offense, moral depravity or cruelty, are unfit to have the training and control of such minor, or, third, that the said minor is a vagrant and has no parent or guardian capable or willing to restrain, manage or take proper care of such minor, or the said society may receive under its care and guardianship any minor as aforesaid, when such minor has been committed to its care and guardianship by the judge of any court, after said minor shall have been duly convicted of any criminal offense.

1893, June 8, P.L. 399, Sec. 1.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 2. Minors may be committed to care of society, after conviction of crime

It shall be lawful for any justice of the peace, magistrate or judge of any court, to commit minors to any society, duly incorporated, having for one of its objects the protection of children from cruelty, or the placing of children not otherwise provided for in families, upon complaint and due proof made of facts such as are set forth in the first section of this act, after the said minors have been duly convicted of any criminal offense. 1893, June 8, P.L. 399, Sec. 2.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 3. Duties of justice making commitment

It shall be the duty of the justice of the peace or magistrate aforesaid, committing a vagrant or incorrigible or vicious minor as aforesaid, or any minor as provided in section one of this act, to annex to his commitment the names and residences of the different witnesses examined before him, and the substance of the testimony given by them respectively, on which the said adjudication was founded. 1893, June 8, P.L. 399, Sec. 3.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a

"district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 4. Commitment to be transferred to district attorney; his duties

It shall be the duty of any magistrate or justice of the peace, making a commitment as provided in the first and second sections of this act of a minor to any society, to transfer his commitment, together with the various matters annexed thereto as provided in the third section of this act, to the district attorney of the county in which said commitment shall be made, and it shall be the duty of the district attorney, when the same shall be placed in his hands, or as soon as it is possible thereafter, to place the said commitment, with the matters annexed, in the hands of a judge sitting at quarter sessions, who shall examine the same, and shall indorse thereon an order for the detention of the said minor by the said society, or if he shall be of the opinion that the said minor has been wrongfully committed, he shall indorse upon the commitment an order for the discharge of the said minor: provided, that nothing in this act contained shall be construed to interfere with the provisions of an act entitled "An Act for the better securing of personal liberty and preventing unlawful imprisonment", passed on February 18, 1785, commonly called the habeas corpus act. 1893, June 8, P.L. 399, Sec. 4.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 5. Society to place minors in families of same religious denomination as their parents

It shall be the duty of the duty of the (the repetition of the words "duty of the" appears superfluous.) society, to whom a commitment shall be made in accordance with the provisions of the first section of this act, when the minors so committed to it are placed in respectable families, subject to the visitation and supervision of such person as may from time to time be appointed for such purpose by the judges of the court of common pleas of the county in which such commitment shall be made, to select, so far as it may be possible, families of the same religious denomination as that to which the parents of children committed to its care shall belong. 1893, June 8, P.L. 399, Sec. 5.

Section 6. Judge to appoint visitors; duties of visitors

It shall be the duty of the judges of the several courts of Common Pleas within this Commonwealth to appoint visitors to visit the children committed in accordance with the provisions of this act, by any magistrate, justice of the peace or judge in their respective counties, the said visits to be made at intervals not longer than once every six months, and the said visitors shall report upon the character of the home in which said child shall be placed, and the expense of said visitation shall be fixed by the court, and borne by the counties aforesaid. 1893, June 8, P.L. 399, Sec. 6.

Compiler's Note: Section 28 of Act 207 of 2004 provided that any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

Section 7. Societies for protection of children in cities of first and second class

Authority is hereby given to every city of the first and second classes, in the discretion of the councils thereof, to make appropriations from the treasury thereof to any society having for one of its objects the protection of children from cruelty, or the placing of children not otherwise provided for in families, to which society children of the citizens of said city may by law be committed by the magistrate or judges of the county within which said city may be situated, and all laws and parts of laws inconsistent herewith are hereby repealed. 1893, June 8, P.L. 399, Sec. 7.