

record or records of any arrests of such minor that such minor is developing such vicious and evil tendencies that there is apparent danger of such minor leading a life of crime and disorder and becoming morally depraved and degenerated, and that because of such conditions it appears to be for the welfare of such minor as well as for the peace and good order of society that it be committed; (7) or if it appears that such minor is of such character and surrounded by such conditions that he or she is likely to become or is in danger of becoming vicious, depraved or immoral. A court of record, a judge thereof or a justice of the peace having criminal jurisdiction may commit such minors falling within this description to a juvenile institution incorporated under the laws of this State, to be kept until 21 years of age, unless sooner discharged by such institution or by due process of law, and such judge or justice, at the trial of any such minor, shall take into consideration all the conditions and circumstances surrounding or records relating to such minors as well as the best interests and welfare of such minors and that of the State and community at large. The court or justice may require such minor to be brought before him upon a warrant or order, or commit without such warrant or order, if such minor can be brought or is present without it or the circumstances are such that a warrant should be dispensed with; but in all cases where a minor is charged with being a minor without proper care and guardianship under this section, the parent or custodian should be duly notified to appear before the person trying such minor at the time and at the place of the trial, if such parent, guardian or custodian can be located, and all courts or justices of the peace acting under the provisions of this section are vested with all the incidental powers necessary to the effectual execution of the powers herein enumerated.

See art. 23, sec. 258.

1904, art. 42, sec. 19. 1888, art. 42, sec. 19. 1886, ch. 57. 1900, ch. 306.

19. A minor held in any custody, under a commitment or otherwise, for care and guardianship is said to be in private custody within the meaning of section 20.

Ibid. sec. 20. 1888, art. 42, sec. 20. 1888, ch. 79. 1890, ch. 70.

20. Whenever a minor is brought before a court or judge upon *habeas corpus* in private custody, the court or judge, in the determination of the case shall be guided and controlled by a parental consideration of what is demanded by the best interests of such minor, and the custody shall be determined without regard to technicalities of procedure and without reference to any alleged technical claim or right of custody; the minor, when brought up by *habeas corpus*, shall be deemed to be in the custody of and subject to the order of the court or judge issuing the writ or hearing the case and the court or judge may adjourn the examination from time to time, and shall not allow the proceedings to be controlled by the parties thereto, or any of them,