

October 15th in each year. But nothing in this section contained shall be construed to mean herds of stock which do not properly belong in any such municipality, and if any person or persons shall knowingly water at any such water troughs any animal infected with any infectious disease he shall be guilty of a misdemeanor, and upon conviction thereof before any justice of the peace, shall be punished by a fine not exceeding the sum of twenty-five dollars, or by imprisonment in the county jail not to exceed the term of fifteen days or by both such fine and imprisonment.

Approved March 6, 1911.

## ADOPTION

### CHAPTER 3.

[H. B. No. 264—O'Connor of Grand Forks]

#### ADOPTION OF MINOR AND ABANDONED CHILDREN.

AN ACT to Amend Section 4112 of the Revised Codes of 1905, Relating to the Adoption of Minor Children, and Children Who Have Been Abandoned.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. AMENDMENT.] That section 4112 of the Revised Codes of 1905 be amended to read as follows:

§ 4112. CONSENT OF PARENTS, GUARDIAN OR COUNTY COMMISSIONERS.] A legitimate child cannot be adopted without the consent of its parents, if living, nor an illegitimate child without the consent of its mother if living, except as hereinafter provided. Such consent is not necessary from a parent deprived of civil rights, or adjudged guilty of adultery or cruelty, and for either cause divorced, or from a parent adjudged to be an habitual drunkard, or of unsound mind, or who has been judicially deprived of the custody of the child on account of cruelty or neglect. If a child, under the age of four years has been in the sole care of persons other than its parents, with or without their consent or approval for the period of two years or over, and if its parent or parents have refused or neglected to support such child, then and in that case it may be legally adopted by the person so having the custody of such child by first obtaining the consent of the mother, or upon due proof of the facts of the parent or parents having refused to support such child for a period above specified, then such child may be adopted without the consent of such parent or parents. If a child has been abandoned by its parent or parents for a period of at least two years

or if the parent or parents of such child have refused or neglected to provide for its care or support for such period and if such child has in the meantime become a public charge upon the county in which it resides and has remained such for a period of at least two years, then and in such case it may be legally adopted without the consent of its parent or parents upon due proof of the fact of such abandonment or neglect for the period above specified and upon the consent of the board of county commissioners of the county wherein such child resides given at one of its regular meetings. In case the child has no parent living or the consent of the parent is not necessary under the provisions of this section and no other provision is made in this article for the obtaining of consent to such adoption, such consent may be given by the guardian if the child has a guardian and if there is no guardian, consent to the adoption may be given by the person having the custody of the child, or by the next of kin of the child residing in this state.

§ 2. **EMERGENCY.**] Whereas, there is at present no method by which children who have been abandoned by their parents and who are public charges, may be adopted without the consent of such parents, an emergency exists, and this act shall take effect from and after its passage and approval.

Approved March 6, 1911.

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## AGRICULTURE AND LABOR

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### CHAPTER 4.

[S. B. No. 267—Duncan]

#### CREATING A DAIRY DEPARTMENT.

**AN ACT** to Amend Sections 2, 3, 4, 10 and 14 of Chapter 92 of the Session Laws of the State of North Dakota of 1909, Relating to the Creation of a Bureau of the Department of Agriculture and Labor, to be known as the Dairy Department, to Provide for the Appointment of a Dairy Commissioner and Assistant Dairy Commissioners, Fixing Their Compensation, Defining Their Powers and Duties, Prescribing Rules and Regulations for the Manufacture and Sale of Dairy Products, Providing for a License for Creameries, Cream Stations, Cheese Factories, and Renovating or Process Butter Factories, Throughout the State.

*Be It Enacted by the Legislative Assembly of the State of North Dakota:*

§ 1. **AMENDMENT.**] Section 2 of chapter 92 of the Session Laws of North Dakota for the year 1909, is hereby amended to read as follows:

§ 2. **DEPUTY COMMISSIONERS.**] The Commissioner of Agriculture and Labor is hereby authorized and directed to appoint a deputy in his department, who shall be known as the Dairy Com-