

respective amounts shall be certified to by said commissioners or supervisors and by them deposited with the county auditor or township clerk and paid by the county or town, as the case may be. Before any road shall be opened or used, an amount of town orders or county warrants, as the case may be, equal to the damages assessed to individuals, shall be duly issued and deposited with said county auditor or town clerk, as the case may be, for the use and benefit of said individuals, and shall be delivered to him or them on demand. The issuing and depositing of said orders or warrants shall be deemed to be sufficient security for the payment of said damages. In no case shall a town be compelled to pay any damages that may be awarded in laying out, altering or discontinuing any county road.

§ 22. EMERGENCY.] Whereas, there is no provisions of law for laying out roads in unorganized townships, an emergency exists and this act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1899.

HOME FOR ORPHANS.

CHAPTER 98.

[H. B. 167.]

HOMES FOR ORPHANS.

AN ACT to Amend Sections 2 and 5 of Chapter 87 of the Laws of 1897.

Being "An Act Relating to Societies Organized for the Purpose of Securing Homes for Orphans or Abandoned, Neglected or Grossly Ill-treated Children, by Adoption or Otherwise, and Providing Rules for the Regulation of the Same."

Be it Enacted by the Legislative Assembly of the State of North Dakota:

§ 1. AMENDMENT.] That sections 2 and 5 of chapter 87 of the Laws of 1897, being an act passed by the Fifth legislative assembly of the State of North Dakota and approved March 12, 1897, entitled "An act relating to societies organized for the purpose of securing homes for orphans or abandoned, neglected or grossly ill-treated children, by adoption or otherwise, and providing rules for the regulation of the same," be and the same are hereby amended to read as follows:

§ 2. POWERS OF THE SOCIETY.] That such society shall have the power to receive into its hands and under its control, and may become the legal guardian of any child under fourteen years of

age without his consent, and over fourteen years and under eighteen years with his consent, of the state, who is grossly ill-treated by any person or persons exercising control over it, or who shall have been abandoned or is without a home, or is surrounded by bad or immoral influences, or whose living parent or parents, by written authority, shall assign the custody of the same to such society; and such society is hereby authorized and empowered to consent through its duly authorized agent in the courts of this state, in place of, instead of, and whenever it is by law permitted to the parent or guardian of a minor child, to consent to the adoption of such child in the court, under the laws and in the manner provided for the adoption of children, and such agent of said society shall have power to administer oaths of and acknowledge affidavits in all matters pertaining to the business of such society. That such society shall have the power and authority to enter into contracts with the persons taking the children, but not legally adopting them, as soon as possible after the period of ninety days' trial upon which the child may have been taken has elapsed; and this contract shall provide for the proper care of the child until the age of eighteen years in the case of a girl and twenty-one years in the case of a boy, and shall specify the amount to be paid to the ward at the expiration of the period of the contract; provided, that in no case shall such contract contain any provision of a sectarian or political nature regarding the care, custody or education of such children.

§ 5. IN CASES OF COMPLAINTS.] Whenever a complaint or a petition in writing of two of the commissioners of a county, or two of the town supervisors of any town, or two aldermen of any city, or of two officers of any incorporated village or town, shall be made to the county judge, stating that any minor child or children under fourteen years of age, residing in such county, are in their opinion dependent upon the public for support or have been abandoned or neglected, or are in a state of vagrancy or mendicity, or are in a state of want or suffering, or are in peril of life, health or morality, by cruel or bad treatment, or by the habitual intemperance or grave misconduct of parents or guardians, it shall thereupon be the duty of such county judge to investigate the facts in such case and ascertain whether such child or children are dependent, neglected, abandoned or ill-treated, the residence and so far as possible the whereabouts of the parents, whether the condition and treatment of said children and general surroundings are such as to imperil the life, health or morality in consequence of their surroundings, or of the grave misconduct or habitual intemperance of their parents or guardian, and if said county judge shall so find he shall enter such finding in his office, certifying and directing that such child or children shall be and are turned over to the care and custody of said society for the purpose of adoption into private families or otherwise as to said society seems best, and shall order that it be taken in charge of at once or as soon as it can be conveniently done by said society, and

shall deliver to said society a certified copy of such order, which order shall contain besides such finding a statement of the facts as far as ascertained as to the age of the child, name, nationality, residence, and occupation of the parents or either of them. That upon entering such order the parents of said child shall be released from all parental duties towards, and responsibility for such child, and shall thereafter have no right over or to the custody, services or earnings of such child. That in case any parent or other person having the custody of such child, shall refuse to surrender said child to said society or its agent, said county judge is hereby authorized and empowered to direct the sheriff of the county to take possession of said child; and if so directed, it shall be the duty of the said sheriff to deliver said child to said society or its agent. The said county judge is hereby authorized to compel the attendance of witnesses on such examination, and it shall be the duty of the county attorney, when requested by the county judge to attend any examination on behalf of the petitioners. Any friend of said child may appear in its behalf in said county court, and the said county judge may in his discretion, request any county commissioner, town supervisor, alderman or other officer of the town or city, where such examination is held or where said child resides, to appear in behalf of the child, and the records of such proceedings shall show who, if any one, appeared in behalf of the petitioner or of the child on such examination.

§ 2. EMERGENCY.] Whereas, an emergency exists in this that the said act is conflicting and uncertain as to the ages of children who may be taken in custody by said society and in that there are many children in the state needing the help and assistance of said society which it is now without authority to give; therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 9, 1899.