

## CHAPTER 3.

[S. B. No. 31.]

## TRANSFER OF UNEXPENDED BALANCES OF COUNTY FUNDS.

AN ACT to Amend Chapter 175 of the Laws of 1890, Being An Act to Amend Section 1 of Chapter 51 of the Session Laws of 1889, Referring to the Transfer of Certain County Funds.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 175 of the Laws of 1890 be amended to read as follows:

Section 1. TRANSFER OF UNEXPENDED BALANCES.] The board of county commissioners of any county of this State may at any regular meeting thereof, and they are hereby authorized and empowered to transfer to the general fund any unexpended balances, which are or may be in the county treasury, belonging to the road and bridge fund or penalty and interest fund; also any balance that may be remaining in any funding bond fund prior to the passage of this act, when in their opinion such transfer will be beneficial to the county; *Provided*, That no such transfer shall be made until the object for which such fund was created or set apart has been accomplished, and all claims against such fund paid, or if belonging to any fund created for the purpose of paying bonded indebtedness or interest thereon, until such bonds have been redeemed and interest paid.

Approved March 9, 1891.

## ADOPTION OF CHILDREN.

## CHAPTER 4.

[S. B. No. 196.]

## REGULATING THE ADOPTION OF CHILDREN.

AN ACT Entitled An Act Regulating the Adoption of Children.

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

§ 1. PETITION FOR ADOPTION.] Any inhabitant of this State may petition the district court in the county of his residence for leave to adopt a child not his own, and if desired for a change

of the child's name; but the prayer of such petition by a person having a husband or wife shall not be granted unless the husband or wife joins therein.

§ 2. CONSENT OF PARENTS, GUARDIAN, ETC., TO BE HAD.] No such adoption shall be permitted without the consent of such of the parents of the child as may be living, unless it shall appear to the court that either of the parents has abandoned the child or gone to parts unknown, when such consent may be given by the parents, if any, having the charge and care of the child. In case neither of the parents is living, or if both parents or the only living parent shall have abandoned the child, such consent may be given by the guardian, if such child has any, and if there be no guardian, such consent may be given by any of the next of kin residing in this State, and if there be no next of kin residing in this State, or if such next of kin be unknown, such consent may be given by the county judge of the county where the petition is made. In case of a child not born in lawful wedlock, such consent may be given by the mother alone if she is living and has not abandoned such child.

§ 3. WHEN CHILD MUST CONSENT.] If the child is of the age of ten years or upward the adoption shall not be made without his or her consent.

§ 4. NOTICE OF HEARING OF PETITION—PUBLICATION.] If such child has no parent living or has been abandoned by its parents and has no guardian nor next of kin in this State, or if his next of kin, if any, are unknown, the court shall, before hearing the petition, order notice of such hearing and of the time and place thereof, as fixed by court, to be given by publication thereof in some newspaper of general circulation, published in the county where such petition is presented, at least once in each week for three successive weeks, the last publication to be at least ten days before the time fixed for the hearing. If there be no newspaper published in such county, then the notice may be published as aforesaid in some newspaper published at the Capital of the State.

§ 5. PROCEEDINGS ON HEARING—DECREE.] If upon the hearing of the petition so presented and consented unto as aforesaid, the court shall be satisfied of the identity and relations of the persons concerned, and that the petitioner is, or in case of husband and wife, that the petitioners are of sufficient ability to bring up the child and to furnish him suitable nurture and education, and that it is fit and proper that the petition for leave to adopt such child be granted, a decree shall be made setting forth the facts and ordering that from and after the date of the decree the child shall be deemed and taken to be the child of the petitioner or petitioners, and the court may, if desired, in and by the same decree change the name of such child.

§ 6. STATUS OF ADOPTED CHILD.] A child so adopted as aforesaid shall be deemed as respects all legal consequences and incidents of the natural relation of parent and child, the child of

such parent or parents by adoption, the same as if he had been born to them in lawful wedlock; except that such adoption shall not in itself constitute such child the heir of such parent or parents by adoption.

§ 7. EFFECT OF DECREE.] The natural parents of such child shall be deprived by the decree aforesaid of all legal right respecting the child and such child shall be free from all obligations of maintenance and obedience respecting his natural parents.

§ 8. REPEAL.] All acts and parts of acts in conflict herewith are hereby repealed.

Approved March 9, 1891.

## AGRICULTURAL COLLEGE.

### CHAPTER 5.

[S. B. No. 92.]

#### PREScribing MANNER OF APPOINTING BOARD OF DIRECTORS.

AN ACT to Amend Sections 3 and 5 of Chapter 160, Session Laws 1890, Providing for the Establishment, Erection and Operation of the North Dakota Agricultural College and Agricultural Experimental Station at Fargo.

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

§ 1. AMENDMENT.] That Section 3 of Chapter 160, of the Session Laws of 1890, be amended to read as follows:

Sec. 3. BOARD, HOW APPOINTED—VACANCIES.] The board of directors shall consist of seven members. The first board shall be appointed as hereinafter provided and their term of office shall expire when their successors have been appointed and qualified, during the session of the Legislative Assembly in the year A. D. 1891. During the session of the Legislative Assembly in the year A. D. 1891, and before the third Monday in February of said year, the Governor shall nominate and by and with the consent and advice of the senate appoint a full board of directors, three of whom shall be appointed for the term of two years, and four of whom shall be appointed for the term of four years. Thereafter and at each biennial session of the Legislative Assembly and on or before the third Monday in February during each session, there shall be nominated by the Governor and by and with the advice and consent of the senate, appointed for the term of four years directors to fill vacancies occurring by the expiration of the term of office