

by the President of the United States or by the Governor of this State for a public fast, thanksgiving or holiday."

§ 5125. "If the first day of January, the twelfth day of February, the twenty-second day of February, the fourth day of July, the thirtieth day of May, or the twenty-fifth day of December falls upon a Sunday, the Monday following shall be the holiday.

§ 2. EMERGENCY.] *Whereas*, there is no law on this subject; *Therefore*, an emergency exists, and this law shall be in effect from and after its passage and approval.

Approved February 4th, 1897.

## HOMES FOR ORPHANS.

### CHAPTER 87.

[S B. 143.]

#### RULES FOR HOMES FOR ORPHANS.

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. RULES AND REGULATIONS.] That whenever not less than twenty reputable citizens of the State of North Dakota have or shall associate themselves into a corporation under the laws of this State, for the purpose of securing homes for orphans or for homeless, abandoned and neglected or grossly ill-treated children, by adoption or otherwise, into private families, have or shall file with the Secretary of State their articles of incorporation, together with a certificate signed by the Governor and three or more members of the Supreme Court of the State of North Dakota, of their confidence in the trustworthiness of said corporation for said purposes, said corporation shall have power to receive such children for the purposes above expressed, in the manner herein specified; *Provided*, that at the end of ten years said power shall cease, unless a new certificate as provided above, signed by at least three members of the Supreme Court of North Dakota, shall be filed as above, and such certificates shall be filed every ten years during the continuance of such society. Such society shall have a main office and adopt rules for the transaction of business, which shall be published, and its financial records shall be open to the inspection of the public.

§ 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 ten years of age without his consent, and over ten years and under fourteen 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. 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 sixteen years in the case of a girl and eighteen 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.

§ 3. COMPENSATION.] The said society shall not in any case charge or receive from the person or persons adopting any child through said society, any compensation for the same, except the expense of taking the child to the home where the child is placed, and persons so taking a child shall not be authorized to require of the society compensation for the care, clothing or medical attendance of such child, if it is returned to the keeping of said society.

§ 4. SOCIETY SHALL REPORT CONDITION.] It shall be the duty of such society to keep a careful supervision of all children so placed by them and require of all families who have taken, except those who have legally adopted them, a full report of the condition and welfare of the child, not less frequently than once a year. Also the authorized agents of the society shall have the right to visit such families and personally investigate the condition and welfare of the children as occasion may require; and if such agents shall become satisfied upon due investigation that the influence of the home is vicious or harmful to the child, or that the treatment is unduly severe or seriously lacking in wise and considerate care, then the superintendent of the society shall have authority to require the return of the child to the care of the society at its main office at the expense of the family having it.

§ 5. IN CASE 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 of two aldermen of

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 two 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 rights 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 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.

§ 6. CITATIONS ISSUED IN CERTAIN CASES.] Whenever a petition such as is provided for in section 5 of this act, shall be

presented, signed by the parties as above provided, if it shall appear that one or both of the parents of the child reside in said county, the county judge shall issue a citation or notice, fixing the time and place for the hearing of said petition, which shall be served on one or both of said parents, if either can be found in the county, not less than two days before the time fixed for the hearing of said petition, requiring them to appear, if they so desire, on said day and hour, and show cause, if any, why such child should not be taken from them and delivered to the care and custody of said society for the purposes of adoption into a private family or otherwise as said society shall determine; *Provided*, such citation or notice shall not be necessary if such parent or parents shall join in such petition. It shall be the duty of the county judge, in case such citation or notice has not been served upon said parents, before proceeding to hear and determine the petition, to require a certificate of the sheriff of the county that he has made diligent search to find and serve the same on one or both of the parents, but has been unable to find either of them; but, in case of such inability to give such notice, the proceedings shall be heard the same as though such notice had been given and such citation duly served.

§ 7. HOW CONSTRUED.] It is also herein expressly enacted that no provision of this law shall be construed as giving any claim to any society organized under it to an appropriation from the treasury of the State.

§ 8. TAKE EFFECT.] This act shall take effect and be in force from and after the first day of July, 1897.

Approved March 12th, 1897.

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## HORSE THIEVES.

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### CHAPTER 88.

[H. B. 41.]

#### CONVICTION OF HORSE THIEVES.

AN ACT to Provide for the Arrest and Conviction of Horse Thieves.

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

§ 1. REWARD FOR THIEVES.] That the sum of one hundred dollars (\$100.00) be paid to any person or persons for the arrest and conviction of each and every person that steals any horses, cattle or mules from any person or persons in this State, which amount shall be paid to the person or persons entitled thereto,