

DOMESTIC RELATIONS AND PERSONS

CHAPTER 116

H. B. No. 761
(Burk)

ADOPTION CONSENT

AN ACT

Relating to consent of persons to be adopted, amending section 14-1105 of the 1953 Supplement to the North Dakota Revised Code of 1943.

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

§ 1. Amendment.) Section 14-1105 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-1105. Consent Of Person To Be Adopted.) No person over the age of ten years shall be adopted without his written consent executed before a judge of the district court; provided that in the case of the adoption of any minor between ten and fourteen years of age the court may in its discretion and for the best interests of said minor waive the requirement of a written consent. In any case in which the court shall waive the requirement of a written consent, it shall make an order to that effect setting forth its reasons therefor. A copy of such order shall be attached to the copy of the petition required to be sent to the division of child welfare as provided in section 14-1109. However, in no case shall any person over the age of ten years be adopted, if knowing thereof he shall make any objection thereto.

Approved March 13, 1957.

CHAPTER 117

H. B. No. 742
(Schuler and Van Sickle)

MARRIAGE LICENSE APPLICATION

AN ACT

To amend and reenact section 14-0317 of the North Dakota Revised Code of 1943, relating to consent of parents or guardian to marriage of minors and to change the physical qualifications of applicants.

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

§ 1. Amendment.) Section 14-0317 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-0317. Application For License.) When application is made to any county judge of this state for a marriage license, he shall inquire of the applicant upon oath relative to the legality of the contemplated marriage. He may examine other witnesses upon oath. The facts relative to the legality of the marriage may be submitted to the county judge by affidavit. The county judge also shall require each applicant to submit the following facts upon blanks provided by the county:

1. An affidavit of some disinterested, credible person showing that the female is over the age of eighteen years and the male is over the age of twenty-one years. If the female is under the age of eighteen years or the male is under the age of twenty-one years, the county judge shall require the consent of the parents or guardian, if any, to be given personally, or by a certificate of consent signed by such parents or guardian under oath, and sworn to before a notary public or other officer qualified by law to administer oaths;
2. An affidavit showing whether or not either or both of the parties have been divorced. If a decree of divorce has been granted to either or both of the parties a certified copy of the decree must be filed with the application. A license shall not be issued if it contravenes any provisions of the decree of divorce;
3. An affidavit of a duly licensed physician other than the person seeking the license, showing that neither of the contracting parties is feebleminded, an imbecile, an

insane person, a common drunkard, or a person afflicted with any contagious venereal disease. For making the examination of either of the contracting parties and the affidavit, the physician may charge a fee of not more than two dollars; and

4. An affidavit of a disinterested, credible person that the applicants are not habitual criminals.

All affidavits shall be subscribed and sworn to before a person authorized to administer oaths. The county judge shall retain on file in his office all papers and records pertaining to all marriage licenses. Anyone knowingly swearing falsely to the statements contained in any affidavit mentioned in this section shall be punished as provided in section 14-0328.

Approved March 13, 1957.

CHAPTER 118

H. B. No. 557
(Stockman)

MARRIAGE LICENSING AND SOLEMNIZING

AN ACT

To amend and reenact section 14-0319 of the North Dakota Revised Code of 1943 and section 14-0310 of the 1953 Supplement to the North Dakota Revised Code of 1943 relating to solemnizing marriages.

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

§ 1. Amendment.) Section 14-0319 of the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-0319. License Issued To All Who Comply With Law.) If a county judge is satisfied that there is no legal impediment to the marriage and that the applicants have complied with the provisions of this chapter, or in the case where both of the contracting parties are residents of another state, if such parties present a valid marriage license regularly issued not more than sixty days prior thereto by the duly authorized officials of their state, then the county judge shall issue and sign a marriage license and affix his seal thereto.

§ 2. **Amendment.)** Section 14-0310 of the 1953 Supplement to the North Dakota Revised Code of 1943 is hereby amended and reenacted to read as follows:

14-0310. Marriage May Not Be Solemnized Without License; Residence Required.) No person shall solemnize any marriage until the parties thereto shall produce a license regularly issued not more than sixty days prior to the date of such marriage by the county judge of the county in which either of the contracting parties or the parents of either of the parties resides, or if such county is unorganized, or disorganized, of the county to which it is attached for judicial purposes, or if the contracting parties are residents of another state by the county judge of the county wherein the marriage is to be solemnized according to the terms of section 14-0319.

Approved March 12, 1957.