

and the reasons therefor; and the written assent of all the heirs or their guardians shall be first obtained, unless all have joined in the petition.

Assent of heirs or guardians required.

SECTION 3. No decree shall be granted upon the petition of a guardian of a spendthrift, or insane person, for the power to mortgage the real estate of his ward, for the purposes named in the first section of this act, until due notice of the pendency of the petition, and of the time of the hearing of the same, shall have been given to all parties interested, in such manner as the court shall order, and a hearing had thereon.

Petition of guardian of spendthrift or insane person, notice of pendency and hearing.

SECTION 4. In every mortgage executed under the provisions of this act, the administrator or guardian shall set forth in the mortgage that the same was executed by leave of the court, and the date when such leave was granted, and such mortgage, when executed, shall bind the estate of the intestate and wards only, and shall not interfere with the proper settlement of the estate by such administrator or guardian.

Authority to be set forth in mortgage, which shall bind intestate and ward, but not settlement of estate.

*Approved May 11, 1864.*

AN ACT IN RELATION TO THE ADOPTION OF CHILDREN.

*Chap. 213*

*Be it enacted, &c., as follows:*

SECTION 1. Whenever, in case of proceedings had under chapter one hundred and ten of the General Statutes, for leave to adopt a child, the name of a parent entitled to notice thereof is unknown to the court, and the petitioners shall make affidavit that they do not know and cannot ascertain the same, although they have in good faith endeavored to ascertain it, the court shall order publication of the petition and such affidavit, and of its own order thereon, to be made once a week for three successive weeks in at least one newspaper published in the county where the petition is filed, together with such other publication as it may deem proper, if any, the last publication to be at least four weeks before the time appointed for the hearing.

Publication of petition and affidavit when name of parent is unknown to court.

SECTION 2. The affidavit shall set forth the age, as nearly as may be, and the true name of such child, if known, and any other name or names by which it may have been known and called, and the persons within whose custody it has usually been and is at the time of making the said affidavit.

Age and name of child and of custodian to be set forth.

SECTION 3. If the parents or the survivor of them shall not appear after such notice, the court may in its discretion appoint some suitable person to act in the proceedings as next friend of the child, and to give or withhold consent in writing to the adoption thereof.

Parent not appearing, court may appoint next friend.

*Approved May 11, 1864.*