

JUVENILE COURTS

CHAPTER 83

(S. B. NO. 116—Baird.)

JUVENILE COURTS.

An Act to Amend and Re-enact Chapter 179 of the Session Laws of 1915.

An Act to Amend Chapter 177 of the Laws of 1911 (same being Sections 11402 to 11428, inclusive, Compiled Laws 1913), Entitled "Juvenile Court," by Adding Thereto Certain Provisions Giving the Court Power When Necessary to Appoint District Juvenile Commissioners, Guardians ad litem, and Make Rules and Regulations Prescribing their Duties and Fixing their Compensation; also to Enact Such Other Provisions Which Are Best Calculated to Carry Out the Purpose of said Chapter 177.

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

§ 1. In order to more fully carry out the provisions of Chapter 177 of the Laws of the State of North Dakota for the year 1911, entitled "Juvenile Court," (same being Sections 11402 to 11428 inclusive, Compiled Laws 1913) the district judges of the different districts shall appoint two suitable and discreet persons, one of each sex, of good moral character, as juvenile commissioners. Such male juvenile commissioner shall have exclusive jurisdiction over boys over the age of ten years, such woman juvenile commissioner shall have exclusive jurisdiction over girls over the age of ten years and both shall have concurrent jurisdiction over children ten years of age and under. Said commissioners shall have power to administer oaths; take acknowledgments of instruments, receive complaints and issue warrants for the arrest of persons thereon; to examine fully into the merits of each case; issue subpoenas; compel the attendance of witnesses before them and to report them to the district judge for contempt proceedings for non-attendance or refusal to be sworn or testify as provided by Section 8200 Compiled Laws of 1913; to make such temporary order for the custody and control of the child or children thus brought before them as they may deem proper, except that no child under the age of six months shall be separated from its mother, and generally have the usual powers of a referee as provided by Article VII. of Chapter 11 of the Code of Civil Procedure for the trial of civil actions, in addition to the powers herein specially given. Provided, however, that when in the opinion of such commissioners or that of the court a final order for the custody or control of such child or children becomes necessary, either by sending the same to the Reform School or other institution of this

state; or to deprive the parents of their custody, and giving the same to some other person or persons, either for the purpose of temporary control or permanent adoption, it shall be the duty of such commissioners to make findings and report the same with their recommendations to the district judge, who shall fix a reasonable time and place for hearing, and make such final judgment or order in the case as he shall deem proper and right. The venue of all complaints shall be in the county where the child resides or where the cause for which it is sought to arrest such child exists or was committed. All complaints shall be made in the name of the state as plaintiff and the child as defendant. The action thus brought shall be deemed pending in the district court of such county from the time of filing the complaint in said court until finally disposed of by the district judge. Final hearings may be had either at the county seat of the county where the venue is laid, or in the county where the district judge has his permanent chambers as such judge shall direct.

§ 2. At the hearings heretofore referred to, whether before the juvenile commissioners or court, any parent, guardian or other person showing that they have an interest in said proceedings, may appear and be heard upon the merits of the case. The court shall have, under this Act, authority to appoint guardians ad litem who shall have full power to appear for such child or children, and consent to their adoption or take such other action as may be deemed best for the temporary as well as permanent interest of their said wards; and said courts shall also have all the power with reference to the appointment of guardians as is now provided by law and especially by Section 7399, Compiled Laws of 1913.

§ 3. Said juvenile commissioners so appointed shall keep a record of all their proceedings in a suitable docket kept for that purpose. All necessary books, blanks, place for doing business, stationery and postage for the use of said commissioners in their official business for each county shall be furnished at the expense of the respective counties, by the Board of County Commissioners thereof.

§ 4. Said juvenile commissioners shall receive as full compensation for their services such an amount per diem as shall be approved by the district judge for all the time actually and necessarily employed in the duties of their office, not in any case exceeding the sum of six dollars per day. Such per diem and expenses to be apportioned by said judge between the several counties where the work originates or is done. Such compensation to be paid monthly by the County Treasurers of such counties respectively on bills duly made out and verified as other bills or accounts against the county, and upon an order of the district judge. Provided that the per diem to be paid to either commissioner shall not exceed \$150.00 in any one month.

§ 5. The purpose and intent of this Act is not to take from the court or judge any power he may now possess, but rather to supple-

ment the efficiency of the work of the district court or judge by casting upon the juvenile commissioners the labor of caring for details and making it only necessary for the judge to act when he can or when it becomes necessary to exercise a judicial function by trying a case or making a final order, and to that end said commissioners shall be subject to appointment and removal by the district judge as he may deem it necessary.

§ 6. EMERGENCY.] Owing to the fact that the crowded condition of the work of the district judges renders it impossible for them to give proper attention to the details of the juvenile courts, an emergency exists and therefor this Act shall take effect and be in force from and after its passage and approval.

Approved March 10, 1921.

LICENSING DEPARTMENT

CHAPTER 84.

(S. B. No. 18—W. J. Church and Miklethun.)

LICENSING DEPARTMENT.

AN ACT to Amend and Re-enact Chapter 6, Session Laws of 1919, as Amended by Special Session Laws of 1919 Relating to the Licensing, Regulating and Supervising the Licensing and Inspection of Pool and Billiard Rooms, Ball and Pin Alleys, Dance Halls, Theatres, Moving Picture Shows, Taxicab or Auto Livery, Places Where Soft Drinks Are Retailled or Where Cigars and Tobacco Are Sold, or Public Hall, Owned Privately and Used for Public Purposes; Providing Fees Therefor, Inspectors, Office Help and Supplies Thereof; Defining Powers and Duties and Repealing all Acts and Parts of Acts Inconsistent Therewith.

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

§ 1. LICENSE.] No pool hall, billiard room, ball alley or pin alley, dance hall, theatre, moving picture show, taxicab or auto livery, or any place where soft drinks are retailled, or where cigars or tobacco are sold, or public hall, owned privately and used for public purposes, shall be opened, maintained, operated or conducted within this state unless the owner, proprietor or managing agent thereof shall first secure a license so to do in the manner herein prescribed.

§ 2. LICENSE. HOW SECURED.] On or before July first of each year every such owner, proprietor or managing agent desiring to operate, conduct and maintain such place as mentioned in Section 1 of this Act, shall make application for an annual license therefor to the At-