

make a permanent office record showing separately and distinctly the amount of each separate municipal levy for sinking fund which is included in the taxes collected, and such record shall at all times show the amount of each annual levy for each separate interest and sinking fund, as shown by the schedule delivered to him by the county auditor as provided by Section 1, hereof, collected by him.

§ 3. Each county treasurer shall, when remitting taxes to the treasurers of the various municipalities of his county, as required by law, deliver to the municipal treasurer and county treasurer as custodian to whom remittance is made, a statement showing definitely the amount included in the sum remitted properly belonging to each separate sinking fund levied by the municipality to whose treasurer remittance is made.

§ 4. The failure on the part of any county auditor or county treasurer to comply with the provisions hereof shall constitute a misdemeanor.

§ 5. All acts, or parts of acts, in conflict herewith are hereby repealed.

§ 6. EMERGENCY.] This act is hereby declared to be an emergency measure and shall be in full force and effect immediately after its passage and approval.

Approved March 15, 1939.

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## COURTS

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### CHAPTER 128

H. B. No. 153—(Committee on Public Welfare)

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#### AUTHORIZING JUVENILE COURT TO COMMIT CERTAIN CASES TO FEEBLE MINDED INSTITUTION

An act amending and re-enacting Chapter 123 of the Session Laws of 1931, authorizing the juvenile court to commit to the Institution for the Feeble Minded any dependent, neglected or delinquent child who is feeble minded or whose mental condition is found a subject for inquiry.

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

§ 1. AMENDMENT.] That Section 1 of Chapter 123 of the Session Laws of 1931 be, and the same hereby is, amended and re-enacted to read as follows:

§ 1. COMMITMENT.] When in any proceeding instituted in juvenile court it shall appear to the satisfaction of the court that the child involved in the proceeding is dependent, neglected or delinquent, and also feeble minded, the said juvenile court shall have authority to make an order committing such child to the Institution for the Feeble Minded. Provided, however, that if the court in any such case shall be in doubt as to whether such child is feeble minded, it shall have authority to make an order committing such child to the Institution for the Feeble Minded, for observation only, by the authorities of said institution. If as a result of such observation it is ascertained that said child is feeble minded a report to such effect shall be made by the authorities of said institution to the court. The court thereupon shall make an order fixing a time for hearing upon the report showing the child to be feeble minded, and notice of such hearing shall be given to the parents, parent, custodian or guardian of such child in the manner prescribed by law for the giving of notice in other proceedings in juvenile court. Upon such hearing the court shall make such order as may be deemed proper. Any parent, custodian, guardian or other person charged with the control of such child may take an appeal from the order made by the court in the manner now prescribed by law for the taking of appeals from decisions of the juvenile court. The procedure provided in this act shall not be exclusive but in addition to the mode now provided by law for the commitment of feeble minded children to the Institution for the Feeble Minded.

Approved February 15, 1939.

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## CHAPTER 129

H. B. No. 372—(Shure)

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### PROBATION RECORD REQUIREMENTS

An act to amend and re-enact Section 10954, Compiled Laws of North Dakota for 1913 relating to probation of persons convicted of crime and the duties of the clerks of court in such cases.

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

§ 1. AMENDMENT.] That Section 10954, Compiled Laws of North Dakota for 1913 be and the same hereby is amended and re-enacted to read as follows:

§ 10954. Whenever it is the judgment of the court that the defendant be placed upon probation and under the supervision of the penitentiary, it shall be the immediate duty of the clerk of the said court to make full copies of the judgment of the court, with

the order for the suspension of the execution of the sentence thereunder, and the reasons therefor, and to certify the same to the clerk of the State Board of Pardons, and also to the Warden of the Penitentiary. Upon entry in the records of the court of the order for such probation, the defendant shall be released from custody as soon as the requirements of the Board of Pardons have been properly and fully met.

Approved March 7, 1939.

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## CRIME

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### CHAPTER 130

H. B. No. 375—(Shure)

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#### BOARD OF PARDONS, POWERS, DUTIES AND PROCEDURE

An act to amend and re-enact Sections 11105, 11106 and 11107, Compiled Laws of the State of North Dakota for the year 1913 relating to the Board of Pardons, the powers and duties thereof, and the procedure before such board, and providing for the appointment of parole officers and other assistants, and declaring an emergency.

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

§ 1. AMENDMENT.] That Section 11105, Compiled Laws of North Dakota for 1913, be and the same is amended and re-enacted to read as follows:

§ 11105. All applications for pardon, parole, reprieve, or commutation of sentence shall be filed with the clerk of the Board of Pardons. Applications for pardon shall be heard only at the two regular meetings of the board, appointed to be held respectively on the second day of June and the second day of December of each year. All applications for pardon must be filed at least thirty days before the regular meeting of the board at which hearing is sought. Application for parole may be heard at either regular or special meetings, and shall come on for hearing pursuant to such notice as the Board of Pardons may prescribe. Notice of all applications for pardon, parole, reprieve or commutation, and of the time and place of hearing, shall be given by the clerk of the Board of Pardons to the judge who presided at the trial, and if he is no longer in office, notice shall also be given to his successor in office, and to the state's attorney who prosecuted the action, and if he is no longer in office, notice shall also be given to his successor in office. Such notice shall set forth the name of the person, or the persons, on