

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.

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## LICENSING DEPARTMENT

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### CHAPTER 84.

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

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#### 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-

torney General of this State Licensing Department. Such application shall state the name of the owner, manager and proprietor of the place desired to be licensed, the nature and kind of business to be carried on; a general description of the building, its size, character, location and capacity, and shall particularly contain the description of the provisions made to safe-guard life and limb of persons who may be therein and the sanitary equipment thereof. It shall state that such place will be operated, if licensed by the state, in accordance with the laws of this state, that if a violation of the laws of this state occurs in the operation of such place, the Attorney General shall be authorized to cancel the license issued. There shall also be contained a statement in the license that no immoral or improper practices, gambling, nor the sale or permission to drink upon said premises any intoxicating liquors or sale of cigarettes will be allowed. This application shall be made upon a blank authorized and issued by the Attorney General and such application shall be accompanied by the license fee hereinafter specifically prescribed.

§ 3. DUTIES OF THE ATTORNEY GENERAL.] The Attorney General shall prepare the form of such applications, shall furnish the same upon request to any applicant and shall require every applicant to whom a license is granted to pay the fee prescribed. He shall examine into or cause to be examined into the qualifications of every applicant seeking to be licensed and the fitness and suitability of the place and person desired to be licensed and shall upon application properly filed and finding the place and persons proper to be licensed and the payment of the license fee prescribed, issue a license herein mentioned for a period of one year, to be conducted as a public place of business for operating a pool hall, billiard room, ball or pin alley, theatre, moving picture show, a place where soft drinks are retailed, or where tobacco and cigars are sold, taxicab or auto livery, public hall, or dance hall, and shall cause such place to be inspected and the laws enforced thereon by inspectors appointed and investigators hired by him and shall furnish necessary office supplies and equipment and pay for the same out of the Attorney General Inspector Fund.

§ 4. APPOINTMENT OF INSPECTORS.] The Attorney General shall be authorized to appoint a state inspector, three deputy state inspectors and one stenographer, the latter also to be a bookkeeper to aid him in carrying out the purpose of this Act, who shall hold office during the pleasure of the Attorney General and such inspector shall have charge of the licensing department herein described in the office of the Attorney General and under the direction and control of the Attorney General, and such license inspectors shall each receive a salary in the sum of \$2,500 a year and necessary expenses, and shall give bond to the state in the sum of \$5,000, such bond to be issued in the state bonding fund, conditioned for the faithful performance of their duties and the fees thereof to be paid by the Licensing Department into such bonding fund, and the stenographer shall receive \$1,200 a year. The said state inspector shall

possess all of the powers of a police officer anywhere in this state, shall have authority to visit and inspect any of the places herein mentioned and as police officer make arrests for violation of any laws of this state, and shall be authorized to investigate and conduct investigations of any immoral or corrupt practices or violation of laws in this state and of places being conducted contrary to the law or constitution of this state.

§ 5. REFUSAL OR REVOCATION OF LICENSE.] Said inspectors shall be authorized with the consent of the Attorney General, after a hearing before said inspector, to refuse to issue a license to any person for any place where it appears that the applicant is an improper person to be so licensed or that the place is improperly provided with sanitary equipment, or is an improper place to be licensed, or is an unsuitable building to protect the life and limbs of the public who may visit the same, or that there exists unsuitable appliances to protect the public in case of fire and the state inspectors shall be authorized upon the violation of any of the laws of this state to revoke any license granted pursuant to the provisions of this Act, with the consent of the Attorney General, after a hearing had before the inspector, PROVIDED, however, that after the person licensed has plead guilty to or been convicted of violating any law or ordinance of any city, village or town regulating such business, the second time, such inspector shall revoke his license and such person may not thereafter be licensed, or any place he may have any financial interest in, for one year.

§ 6. LICENSE FEE. HOW DISPOSED OF. HOW DISBURSED.] All license fees herein prescribed shall be paid to the state inspector under the direction and supervision of the Attorney General and by him paid promptly to the State Treasurer, who shall keep all such moneys in a special fund to be known as the Attorney General Inspector License Fund. Out of this fund shall be paid all salaries and expenses of the Attorney General incurred in carrying out, maintaining and enforcing the provisions of this Act, all of which shall be paid monthly upon warrant and voucher drawn and audited by the auditing board as now provided by law. PROVIDED, however, that such salary and expenses shall be payable only out of such fund and shall not be in excess thereof. Provided further that on or before the 5th day of July of each year after and including the year 1921, the state treasurer shall apportion and pay to the treasurers of the several cities, villages and townships within which such license fees are collected, all monies which remain on hand in said Attorney General's inspector license fund on July 1st of such year derived from licenses for the previous license year, such payments to be pro-rated to such cities, villages and townships in the same proportion in which they were received, over the cost of pro-rating such funds. Such funds shall be used by such municipalities to defray expenses incurred in local regulation and supervision and in carrying out the duties now or hereinafter enjoined upon them in such regard, including the keeping

of the peace in the places which may be licensed under the provisions thereof.

§ 7. LICENSE FEES.] The annual license fees for such places herein described, are as follows: Any owner, manager, or proprietor of a pool or billiard room, \$5 per table per year, for ball alleys and pin alleys, \$5 per alley per year; for dance hall, \$15 per year; for theatre or moving picture show, \$5 where there are not more than 50 seats, \$10 where there are not more than 75 seats, \$15 where there are not more than 100 seats and \$4 for each 100 seats thereafter or fraction thereof; for taxicab or auto livery, \$15 for the first car and \$3 for each car thereafter; for place where soft drinks are retailed, \$5 per year; for place where tobacco or cigars are sold, \$5 per year; for public hall privately owned and used for public purposes, \$5 where there are not more than 75 seats, \$10 where there are not more than 150 seats and \$15 where there are more than 150 seats per year; PROVIDED, that where a dance hall, theatre, or moving picture show are operated in one building under the same management, one license shall be sufficient in which case the larger of the three licenses shall be paid. PROVIDED, further, that where cigars and tobacco are sold in the same place where soft drinks are sold under the same management, one license shall be sufficient.

§ 8. OFFICERS.] This Act shall not be construed to relieve any state, county, city, village or township officer from any duty now or hereinafter enjoined upon him by law; nor from the keeping of the peace in all public places named in this Act.

§ 9. INVALID.] If any section, or provision of this Act shall be held to be invalid, it is hereby provided that all other provisions of this Act which are not expressly held to be invalid shall continue in full force and effect.

§ 10. REPEAL.] All Acts and parts of Acts vesting power to license, regulate, control and supervise the licensing and inspecting of all such places named in this Act and in conflict therewith are hereby repealed.

§ 11. PENALTY.] Any person who shall violate this Act or any part thereof shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not to exceed \$100, or be confined in the county jail not to exceed ninety days, or by both such fine and imprisonment.

Approved March 9, 1921.