

municipality in relation to such carnivals and shall not allow or permit the acts prohibited in this Act by such person. Each license shall contain the provision that sheriffs, constables, and police officers shall have free access to the grounds and all booths, shows and concessions on such grounds at all times and it shall be the duty of all officers present at such carnival to enforce all the provisions of this act and the laws of this state.

Sec. 4. CONTRACT, PERMIT MUST BE SHOWN.) The contracts and permits as provided for in this Act shall be made in duplicate and one shall be in the possession of the town or fair board and the other in the possession of the manager of such carnival and in either case shall upon request of an officer or citizen be produced and shown. Refusal to show the same to one asking to see it, shall be presumptive evidence that such carnival is being operated without such contract or permit.

Sec. 5. PENALTY.) Any person or persons, town board or fair board, who shall violate any of the provisions of this Act shall be guilty of a misdemeanor and shall upon conviction be fined in any sum not less than \$50.00 nor more than \$500.00, or be confined in the county jail not to exceed 90 days, or by both such fine and imprisonment.

Sec. 6. EMERGENCY.) Whereas, there is repeatedly left in the trail of such carnivals venereal disease and such carnivals operate numerous gambling devices and skin games, this Act is hereby declared to be an emergency measure and shall be in force and effect from and after its passage and approval.

Approved March 6th, 1923.

CHILD WELFARE

CHAPTER 150.

(S. B. No. 172—Baird and Baker.)

POWERS AND DUTIES OF BOARD OF ADMINISTRATION.

An Act Granting to and Imposing Upon the Board of Administration Certain Powers and Duties With Referance to the Welfare of Children, and the Administration and Enforcement of Laws Relating Thereto.

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

Sec. 1. In addition to the other duties prescribed by law the Board of Administration shall have the following duties and powers:

(a) To license, supervise and regulate hospitals and lying-in places, which receive women for maternity care, homes and institutions receiving children for temporary or permanent care, and all other child helping and child placing organizations, (except such hospitals, institutions or organizations as are fully supported by, and under, the direction, control and management of the state):

(b) To investigate the homes into which children are placed for permanent care or adoption, and to withdraw all such children who are found to be in unsuitable homes:

(c) To investigate petitions for the adoption of children, as such petitioners are referred by courts of competent jurisdiction to the Board, and to report to such courts as to the suitability of the home and the child each to the other:

(d) To accept the guardianship of the persons of children who may be committed to its care by courts of competent jurisdiction as neglected, delinquent, dependent or defective, and to make such provision for children so committed, as are within the resources of the Board, and as will afford them proper care and protection:

(e) To cooperate with the juvenile courts of the state in the investigation of all cases of delinquency, dependency and neglect, to act upon requests of such courts as probation officers, and to assist in the establishing of uniform, humane and efficient standards of juvenile court administration:

(f) To cooperate with county commissioners or the county courts of the state in the administration of the (county allowance) mother's pension law by investigation, upon request of such courts, or county commissioners, of all applications for such allowance, by friendly visiting and supervision after such allowances have been granted, and to assist in the establishment of the most enlightened standards of administration:

(g) To secure the enforcement of laws relating to the establishment of the paternity of illegitimate children and the fulfillment of the maternal and paternal obligation toward such children; to assist the unmarried pregnant woman and unmarried mother in such ways as will protect the health, wellbeing and general interests of her child:

(h) To secure the enforcement of the child labor laws, laws relating to sex offenses involving children, cruelty to and abuse of children, and the contributing by adults to the delinquency and neglect of children, and laws relating to the non-support and desertion of children.

(i) To cooperate with the superintendent of public instruction and the county superintendent of schools in the enforce of the compulsory education law:

(j) To receive and provide for such feeble-minded persons as may be committed to its guardianship by courts of competent jurisdiction:

(k) To cooperate with the Boards of County Commissioners in the selection of child welfare workers and boards.

(l) To act as parole officers of juveniles upon the request of courts or of superintendents of institutions of the state to which dependent, neglected, handicapped or delinquent children may be committed.

(m) To secure the enforcement of all laws for the protection of neglected, dependent, delinquent, illegitimate and defective children, and those in need of the special care and guardianship of the state, to take the initiative in protecting and conserving the rights and interests of such children, to inquire into such home and community environmental conditions as tend to create delinquency and neglect and to promote such remedial or preventive measures as will strengthen parental responsibility and stimulate wholesome community life, and to perform such other duties as may be conferred upon the Board by the laws ~~and~~ statutes of this state.

Sec. 2. The Board shall have authority to employ and fix the salary of an executive officer and such agents as shall be necessary to carry out the purpose of this act, and to pay such expenses as are incidental to the performance of such duties.

Sec. 3. REPEAL.) All acts or parts of acts inconsistent herewith are hereby repealed.

Approved February 24th, 1923.

CHAPTER 151.

(S. B. No. 193—Baird and Baker.)

ADOPTION.

An Act To Amend and Re-enact Sections 4444 and 4446 of the Compiled Laws of North Dakota for 1913, Relating to the Adoption of Minor Children.

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

Sec. 1. AMENDMENT.) Section 4444 of the Compiled Laws of North Dakota for 1913, is hereby amended so as to read as follows:

Sec. 4444. Except as herein provided no adoption of a minor child shall be permitted without the consent of its parent or parents, but the consent of a parent who has abandoned the child, or who can not be found, or who is insane or otherwise incapacitated from giving consent, or who has lost custody of the child through divorce proceedings or the order of a juvenile court, may be dispensed with, and consent may be given by the guardian, if there be one, or if there be no guardian by the board of administration. In case of illegitimacy the consent of the mother shall suffice; provided, however, that her consent may be dispensed with for any of the reasons hereinbefore stated.

When the parents of any minor child are dead, or have abandoned it, and can not be found, and such child has no duly appointed guardian in the state, the court shall order a hearing, with, three weekly published notices to be given, the last publication to be at least ten days before the time set for the hearing. In every such case the court shall cause such further notice to be given to the known kindred of the child as shall appear to be just and practicable; provided, that if there be no duly appointed guardian, a parent who has lost custody of the child through divorce proceedings, and the father of an illegitimate child who has acknowledged its paternity in writing, or against whom paternity has been duly adjudged, shall be served with notice in such manner as the court shall direct in all cases where the residence is known or can be ascertained.

Sec. 2. AMENDMENT.) Section 4446 of the Compiled Laws of North Dakota for 1913 is hereby amended to read as follows:

Sec. 4446. Any person may petition the district court, or county court having increased jurisdiction, in the county in which he is a resident, for leave to adopt a minor child, and if desired for a change of the child's name. Such petition by a person having a husband or wife shall not be granted unless the husband or wife joins therein.

Upon the filing of such petition the court shall require notice to be sent to the board of administration, together with a copy of the petition so filed. It shall then be the duty of the board to verify the allegations of the petition; to investigate the conditions and antecedents of the child for the purpose of ascertaining whether he is a proper subject for adoption; and to make proper inquiry to determine whether the proposed foster home is a suitable home for the child. The board shall as soon as practicable submit to the court a full report in writing with a recommendation as to the granting of the petition and any other information regarding the child or the proposed foster home which the court shall require, and no petition shall be granted until the child shall have lived for six months in the proposed foster home; provided, however, that such investigation and

period of residence may be waived by the court in exceptional cases upon good cause shown and when the court is satisfied that the proposed home and the child are suited to each other. Provided, that in all such cases the board shall receive notice of the filing of the petition and a copy thereof, together with the order of the court waiving investigation.

The files and records of the court in adoption proceedings shall not be open to inspection or copy by other persons than the parties interested and their attorneys and representatives of the board of administration, except upon an order of the court expressly permitting the same.

Sec. 3. REPEAL.) All acts or parts of acts in conflict herewith are hereby repealed.

Approved March 2nd, 1923.

CHAPTER 152.

(S. B. No. 189—Baird and Baker.)

TRANSFER OF RIGHTS IN CHILDREN.

An Act Concerning the transfer of rights in children and for the repeal of Chapter 77 of the Laws of 1919.

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

Sec. 1. ASSIGNMENT OF CHILDREN PROHIBITED.) No person, partnership, voluntary association or corporation, other than the parents or relatives of a child, may assume the permanent care and custody of a child under the age of eighteen years, unless authorized so to do by an order or decree of a district court having jurisdiction. No parent shall assign, or otherwise transfer his rights or duties with respect to the care and custody of his child under eighteen years of age, and any such transfer or assignment, written or otherwise, hereafter made shall be void. Provided, that this section shall not affect the right of the parent to consent in writing to the legal adoption of his child, but such written consent shall not operate to transfer any right in the child in the absence of a decree by the district court.

Sec. 2. REPEAL.) Chapter 77, Laws of 1919, and all other acts or parts of acts inconsistent herewith, are hereby repealed.

Sec. 3. PENALTY.) Any person who violates any of the provisions of this act shall upon conviction be guilty of a misdemeanor.

Approved March 2nd, 1923.

CHAPTER 153.

(S. B. No. 191—Baird and Baker.)

CUSTODY OF CHILD.

An Act Amending and Re-enacting Section 4424, Compiled Laws of North Dakota for 1913, relating to the custody, service or earnings of minor children.

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

Sec. 1. AMENDMENT.) Section 4424, Compiled Laws of North Dakota for 1913, is hereby amended so as to read as follows:

Sec. 4424. WHO ENTITLED TO THE CUSTODY OF A CHILD.) A father and mother of a legitimate unmarried minor child are entitled equally to its custody, services and earnings, and neither can transfer such custody, services and earnings to any other, without the written consent of the other, except in case of death, desertion or abandonment.

Sec 2. REPEAL.) All acts and parts of acts inconsistent herewith are hereby repealed.

Approved March 5th, 1923.

CHAPTER 154.

(S. B. No. 176—Baird and Baker.)

CARE OF CRIPPLED CHILDREN.

An Act Providing for the care and treatment of indigent crippled or deformed children.

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

Sec. 1. If the parent, parents, guardian or person having the custody of any child under eighteen years of age who is crippled are unable to secure for such child the surgical and hospital treatment necessary to place such child in as nearly normal a physical condition as is possible, application in writing duly verified by the person making the same shall be made to the district court of the county in which the child resides, setting forth the name and age of the child, the name or names of his parents, guardian or custodian, their financial ability, the physical condition of the child and the need of surgical or other hospital treatment and the probable cost thereof. Upon the filing of such petition the district court, or one of the judges thereof, shall order an investigation of the allegations of the petition by a probation officer, or other agent of the court, who shall make a written

report upon such investigation. When such report is filed the court forthwith shall fix a day for the hearing of said matter, not less than three nor more than thirty days after the filing of the report, and shall issue a summons requiring the child, together with the parent or parents, guardian or other person or persons having the custody of the child and the State's Attorney and the chairman of the board of county commissioners wherein the child resides, to appear before the court at the time fixed to show cause why the child should not be dealt with according to the provisions of this act. The summons shall be served upon such persons in the manner provided for the service of a summons in a civil action, and if there is no parent, guardian or other person having the custody of the child, the court shall appoint a suitable person to act in behalf of the child as guardian ad litem upon whom service of the summons shall be made. If upon such hearing the court shall find that the parents are unable to provide the necessary surgical and hospital care necessary for the proper treatment of the child, it shall commit the child to the temporary custody and care of the State Board of Administration, or other officer or agency by whatever name designated having charge of child welfare in the state, and if no such board, officer or agency exists, the court shall commit the child to the temporary custody and care of a suitable person, organization or agency and such board, officer, person, organization or agency shall assume care of the child and shall secure for it the treatment necessary and appropriate to the child's physical condition, in any hospital within the state where medical and surgical service can be secured without charge. When treatment is complete the transportation and hospital expenses of the child shall be certified to by the board, officer, agency, organization or person to whom the temporary custody of the child was committed, and upon such certificate shall be approved by the district court and thereupon shall become a charge against the county in which such child resides. Upon discharge from the institution the child shall be released from further custody and care and the prior commitment thereof revoked.

Nothing in this Act shall be construed as compelling any specific treatment to any child, contrary to the objection of the parent, guardian or person standing in loco parentis.

Approved March 5th, 1923.

CHAPTER 155.

(S. B. No. 177—Baird and Baker.)

CHILD LABOR.

An Act Regulating the Employment of Child Labor and to Provide for the Enforcement thereof, and to Prescribe Penalties for Violations of the Act and Repealing Chapter 153, Laws of 1909, the Same Being Section 1404 to 1414 Inclusive, Compiled Laws for 1913.

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

Sec. 1. UNLAWFUL TO EMPLOY CHILD UNDER FOURTEEN YEARS.) No child under fourteen years of age shall be employed, permitted or suffered to work in or in connection with any factory, workshop, mercantile establishment, store, business office, telegraph office, restaurant, hotel, apartment house or in the distribution or transmission of merchandise or messages. It shall be unlawful for any person, firm or corporation to employ any child under fourteen years of age in any business or service whatever, during any part of the hours during which the public schools of the district in which the child resides are in session.

Sec. 2. EMPLOYMENT OF CHILD UNDER SIXTEEN YEARS.) No child between fourteen and sixteen years of age shall be employed, permitted, or suffered to work in any factory, workshop, or mercantile establishment unless the person or corporation employing him procures and keeps on file, and accessible to the superintendent of schools of the city or village, if one is employed, otherwise to the clerk of the school board or board of education, an employment certificate as hereinafter prescribed, and keeps two complete lists of all such children employed therein, one on file and one conspicuously posted near the principal entrance of the building in which such child is employed. On termination of the employment of a child so registered and whose certificate is so filed, such certificate shall be forthwith surrendered by the employer to the child or its parents or guardian or custodian. The superintendent of schools or clerk of the school board or board of education, or any member or agent of the Workmen's Compensation Bureau, or of the board of administration, or of the county board of child welfare, if there be any, or any school attendant, or truant officer, or any other officer charged with the enforcement of child labor, compulsory education or other child welfare laws, as the case may be, may make demand on any employer in whose factory a child apparently under the age of sixteen years is employed or permitted or suffered to work and whose employment certificate is not then filed as required by this act, that such employer shall either furnish him within ten days, evidence satisfactory to him, that such child is in fact over six-

teen years of age, or shall cease to employ or permit or suffer such child to work in such factory. Such officer may require from such employer the same evidence of the age of such child as is required on the issuance of an employment certificate; and the employer furnishing such evidence shall not be required to furnish any further evidence of the age of the child. In case such employer shall fail to produce and deliver to such officer, within ten days after such demand, such evidence of age herein required by him and shall thereafter continue to employ such child or permit or suffer such child to work in such factory, proof of the giving of such notice and of such failure to produce and file such evidence shall be prima facie evidence in any prosecution brought for a violation of this act that such child is under sixteen years of age and is unlawfully employed.

Sec. 3. WHO AUTHORIZED TO ISSUE EMPLOYMENT CERTIFICATE.) The superintendent of schools of the city or village, if one is employed, and if not, then the clerk of the school board or board of education, is hereby authorized to issue an employment certificate in writing, such certificate to be issued upon the evidence prescribed in section four of this act; provided, that no employment certificate shall be issued for any child then in or about to enter his own employment, or the employment of a firm or corporation of which he is a member, officer or employe.

Sec. 4. EMPLOYMENT CERTIFICATE, ON WHAT ISSUED.) The person authorized to issue employment certificate shall not issue such certificate until he has received, examined, approved, and filed the following papers duly executed:

(a) A birth certificate or duly attested transcript thereof issued by the registrar of vital statistics or other officer charged with the duty of recording births, or

(b) A baptismal certificate or transcript of the record of baptism, duly certified, showing the date of birth and place of baptism of child, or

(c) A bona fide contemporary record of the date of the child's birth, comprising a part of the family record or births in the Bible, or other documentary evidence satisfactory to the board, such as a certificate of arrival in the United States issued by the United States immigration officers and showing the age of the child, a passport showing the age of the child, or a life insurance policy; provided, that such other satisfactory documentary evidence has been in existence at least one year, and in the case of a life insurance policy at least four years; and provided further, that a school record or a parent's, guardian's or custodian's affidavit or other written statement of age shall not be accepted except as specified in paragraph (d), or

(d) A certificate signed by a public-health physician or a public-school physician, stating, in his opinion, the physical age of the child. Such certificate shall show the height and weight of the child and other evidence of physical age revealed by the physician's examination or upon which the opinion of the physician is based. A parent's, guardian's or custodian's signed statement as to the age of the child, and a record of age as given on the register of the school first attended by the child, or in any school census, if obtainable, shall be submitted with the physician's certificate showing physical age. No certificate shall be issued if the physician's certificate of physical age or the parent's statement or the register of the school first attended or the school census shows the child to be under the age of fourteen if employment in a mill, cannery, workshop, factory or manufacturing establishment is contemplated, or under the age of sixteen if employment in a mine or quarry is contemplated.

The agent issuing the age certificate for a child shall require the evidence of age stated in paragraph (a) in preference to that specified in any subsequent paragraph, and shall not accept evidence of age permitted by any later paragraph, unless he shall receive and file evidence that the proof of age required by the preceding paragraph or paragraphs cannot be obtained, or

(e) A letter written on the regular letter-head, or other business paper, used by the person who desires to employ the child, stating the intention of such person to employ such child, and signed by such person or someone duly authorized by him, or

(f) A certificate of the superintendent or other principal or chief executive officer of the school which such child last attended, or in the absence of such person, a certificate of the clerk of the school board, showing that such child is more than fourteen years of age, and stating the date of the birth of such child and the number of years the child has attended school and the name of the parent, guardian or custodian of the child, as shown on the records of the school. Such employment certificate shall not be issued to permit employment during the school term unless the said certificate as to the child's school record shall contain the statement that such child has passed successfully the Eighth grade in the public school, or that the child has attended school at least nine years. Attendance at kindergarten shall not be counted as a part of the nine years' school attendance. It shall be the duty of such superintendent, principal or clerk, to issue such certificate upon receipt of any application in behalf of any child entitled thereto; provided, that during any vacation season a certificate of employment may be issued, if it shall be certified in addition to the other requirements herein specified, that the applicant has regularly attended the public schools, or schools equivalent thereto, or parochial schools, for not

less than one hundred twenty days during the school year previous to his arriving at the age of fourteen years, or during the year previous to his applying for such school record, and is able to read and write simple sentences in the English language, and has received during such period instruction in reading, spelling, writing, English grammar and geography, and is familiar with the fundamental operations of arithmetic up to and including fractions; provided, further, that any such employment certificate issued during the vacation period upon such school record shall show on its face that it is a vacation certificate, and is valid only for the vacation period; provided, further, that a certificate permitting the employment of a child during the school term, but not during the daily period of the school sessions, may be granted upon compliance with the requirements for a vacation certificate, if such child is in actual, regular and full time attendance at school in any public, private or parochial school, as provided by law, and maintain in such school a passing grade in all studies pursued. No child, however, shall be employed who at the time is guilty of truancy or deficiency in his studies.

Sec. 5. CONTENTS OF CERTIFICATE.) Such employment certificate shall state the date and place of birth of the child, and describe the color of the hair and eyes, the height and weight and any distinguishing facial marks of such child, and that the papers required by the preceding section have been duly examined, approved and filed and that the child named in such certificate has appeared before the officer signing the certificate and been examined.

Sec. 6. TERMINATION OF EMPLOYMENT.) Upon the termination of the employment of any minor, his employer shall forthwith return the certificate of employment to the authority issuing the same, and thereafter a new certificate shall be issued only upon presentation by the child of a new promise of employment, and a new certificate of physical fitness.

Sec. 7. REVOCATION OF CERTIFICATE.) Whenever it shall appear to the officer issuing a certificate of employment or his successor, that such certificate has been improperly or illegally issued, or that the physical or moral welfare of the child would be best served by the revocation of the certificate, such officer may forthwith revoke the same and shall, by registered mail, notify the person employing such child, and the child holding the certificate of such revocation. The employer immediately upon receiving such notice shall forthwith return the revoked certificate to the officer revoking the same, and discontinue the employment of the child.

Sec. 8. HOURS OF LABOR.) No persons under the age of sixteen years shall be employed or suffered or permitted to work

at any occupation, except domestic services and farm labor, more than forty-eight hours in any one week, nor more than six days in any one week, nor more than eight hours in any one day, nor before the hour of seven o'clock in the morning, nor after the hour of seven o'clock in the evening. Every employer shall post in a conspicuous place in every room where such minors are employed, a printed notice, stating the hours required of them each day of the week, the hours of commencing and stopping work, and the hours when the time or times allowed for dinner, or times allowed for other meals, begin and end. The printed form of such notice shall be furnished by the superintendent of schools of the city or village, or the clerk of the school board, or board of education, or the Workmen's Compensation Bureau, or the board of administration, or the county board of child welfare, if there be one, and the employment of any minor for longer times in any date so stated shall be deemed a violation of this section.

Sec. 9. PEACE OFFICERS TO INSPECT PLACES OF WORK.) Peace officers may visit mines, factories, workshops and mercantile establishments within their several jurisdictions, and ascertain whether any minors are employed therein contrary to the provisions of this act; and it shall be their duty to report any cases of such illegal employment to the school board, or the board of administration, or the county board of child welfare, if there be one. Such officer may require that the employment certificates and lists provided for in this act of minors employed in such factories, mines, workshops or mercantile establishments shall be produced for their inspection. Complaints for offenses under this act may be made by such peace officer or by any other person cognizant of the facts.

Sec. 10. EMPLOYMENTS.) No child under the age of sixteen years shall be employed at mining, sewing belts, or to assist in sewing belts, in any capacity whatever; nor shall any child adjust any belt to any machinery; they shall not oil or assist in oiling, wiping or cleaning machinery; they shall not operate or assist in operating circular or band saws, wood-shapers, wood-joiners, planers, sandpaper or wood polishing machinery, emery or polishing wheels used for polishing metal, wood-turning or boring machinery, stamping machines in sheet metal and tinware manufacturing, stamping machines in washer and nut factories, operating corrugating rolls, such as are used in roofing factories, nor shall they be employed in operating any steam boiler, steam machinery, or other steam generating apparatus, or as pin boys in any bowling alleys; they shall not operate or assist in operating dough brakes, or cracker machinery of any description; wire or iron straightening machinery; nor shall they operate or assist in operating rolling mill machinery, punches or shears, washing,

grinding or mixing mill or calendar rolls in rubber manufacturing; nor shall they operate or assist in operating laundry machinery; nor shall children be employed in any capacity in preparing any composition in which dangerous or poisonous acids are used, and they shall not be employed in any capacity in the manufacture of paints, colors, or white lead; nor shall they be employed in any capacity whatever in operating or assisting to operate any passenger or freight elevator; nor shall they be employed in any capacity whatever in the manufacture of goods for immoral purposes, or any other employment that may be considered dangerous to their lives or limbs, or where their health may be injured or morals depraved; nor in any theater, concert hall, or place of amusement; nor shall females under sixteen years of age be employed in any capacity if such employment compels them to remain standing constantly; provided, that this section shall not prevent the education of a child in music, nor employment as a singer or musician in a church, school or academy, nor in any school or home talent exhibition given by the people of a local community; and provided further, that a child under sixteen years of age may be employed in a theater, concert hall or place of amusement if a permit therefor be first obtained from the judge of the juvenile court, or juvenile court commissioner, where the child resides, or from the county board of child welfare, if there be one. Such permit shall be granted only if it appears to the satisfaction of such court, or board of child welfare, that the appearance of such child will not be detrimental to its morals, health, safety, welfare or education.

Sec. 11. DUTIES OF BOARD OF ADMINISTRATION.) It shall be the duty of the Board of Administration to prepare all blanks necessary in the administration of this act, to distribute the same to the school officers and authorities of the state, to exercise general supervision over the administration of the provisions of this act, and to enforce the same, with full power of visitation and inspection of all factories, industries and other establishments in which children may be employed, permitted or suffered to work. All violations of the act brought to the attention of the said board shall be referred to the state's attorney of the proper county for prosecution.

Sec. 12 REGULATIONS.) The Board of Administration shall have the power, jurisdiction and authority, in addition to the powers now vested in it, to fix the maximum hours and minimum wage and standard conditions of labor for minors, to investigate, determine and fix reasonable classifications of employments and places of employment for minors, to issue general or special orders, prohibit employment of such minors in any employment or place of employment dangerous or prejudicial to the life, health, safety or welfare of such minors; provided, that

any such regulations made by such board shall be in addition to those specified in this act.

Sec. 13. PENALTY FOR VIOLATION OF THIS ACT.) Each owner, superintendent, manager or overseer of any mine, factory, workshop, or mercantile establishment, or any other person who shall employ any child contrary to the provisions of this act or of the regulations of the Board of Administration as herein provided, or who shall in any manner violate the provisions thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined for each offense in a sum not less than twenty dollars nor more than fifty dollars and costs. Each person authorized to sign a certificate as prescribed in the preceding sections who certifies to any material false statement therein shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined not less than twenty dollars nor more than fifty dollars and costs.

Sec. 14. PROSECUTION, HOW BROUGHT.) Prosecutions under this act shall be brought in the name of the state of North Dakota before any court of competent jurisdiction, and the fines collected shall be paid over to the county treasurer and by him credited to the general fund of the state.

Sec. 15. REPEAL.) Sections 1404 to 1414 inclusive, Compiled Laws for 1913, and all acts, or parts of acts, in conflict with this act, are hereby repealed.

Approved March 2nd, 1923.

CHAPTER 156.

(S. B. No. 185—Baird and Baker.)

MOTHERS' PENSIONS.

An Act to Amend and Re-enact Chapter 185 of the Session Laws of 1915, Relating to the Support of Needy Women Who are the Mothers of and Who are Compelled to Support One or More Children under Sixteen Years of Age.

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

Sec. 1. ALLOWANCE TO MOTHERS.) In every county in the State of North Dakota any mother who has one or more children under the age of sixteen years, who are dependent upon her for support, shall receive an allowance of fifteen dollars a month for each such child, or such portion of it as becomes necessary for the support of each such child, such sum to be paid out of the county treasury as hereinafter provided. Said dependency of

child or children must be due to death of father or his inability or unfitness to support them by reason of physical or mental ailment or to his confinement in a penal institution, when such inability extends over a period of at least six months.

Sec 2. CONDITIONS OF ALLOWANCE.) Such allowances shall be made by the county court only with the approval of the county commissioners and only upon the following conditions:

(1) The child or children for whose benefit the allowance is made must be living with the mother;

(2) The allowance shall be made only when in its absence the mother would be unable to maintain a suitable home for her children;

(3) The mother must in the judgment of the county court be a proper person morally, physically and mentally for the bringing up of her children;

(4) When the allowance shall be necessary in the judgment of the county court to save the child or children from neglect;

(5) When the mother has been a resident of the county in which the application is made at least one year previous to the making of such application;

(6) When the mother is a citizen of the United States, or has legally declared her intention to become a citizen;

(7) When it appears that any mother, whose children are dependent by reason of the non-support, abandonment or desertion of her husband for six months or longer, has made criminal complaint against such husband, or father of the children, and has assisted and will continue to assist in all reasonable efforts to locate and to prosecute him.

(8) When it appears that the father of the dependent children is physically or mentally unable or unfit to support them, he must be under proper and reasonable treatment for the possible removal of such defect.

(9) Each applicant under this act shall make a full disclosure of all of her real and personal property, if any, and shall not be eligible for an allowance when in the opinion of the court she has sufficient real and personal property to provide for the needs of her children.

(10) If the county court finds that the funds allowed under this act are not judicially used it may order the allowance made in supplies and provisions in which case it shall be administered

by the county child welfare board, if there be one, or by some proper person appointed by the court.

Sec. 3. WHEN ALLOWANCE SHALL CEASE.) When any child shall reach the age of sixteen years any allowance made to such mother for the benefit of such child shall cease.

Sec. 4. INVESTIGATION.) Before making any order of allowance under this act it shall be the duty of the court, either through the judge in person or a probation officer designated for that purpose, to make inquiry as to all the points necessary to establish the right to such allowance, and particularly to inquire whether the surroundings of the household, including its members, are such as to make for the good character of children growing up therein to ascertain all the financial resources of the family, including the ability of its members of working age to contribute to its support, and if need be to urge upon such members, their proper contribution; to take all lawful means to secure support for the family from relatives under legal obligation to render such support; to ascertain the ability of other relatives to assist the family, and to interview individual societies and other agencies which may be deemed appropriate sources of such assistance. Every family to which an allowance has been made shall be visited at its home by a representative of the court at least once in three months, and after each visit the person making the same shall make and keep on file as a part of the official record of the case a detailed statement of the condition of the home and family, and all other data which may assist in determining the wisdom of the allowance granted and the advisability of its continuance.

Sec. 5. DUTIES OF COUNTY OFFICERS.) In each case where an allowance is made under the provisions of this act and approved by the board of county commissioners an entry to that effect shall be made upon the records of the county court making such allowance, and the county judge shall notify the county commissioners, county auditor and county treasurer that such allowance will be made, and it shall be the duty of such officers to make provision for paying such allowance monthly until notified by the court that it shall be discontinued.

Sec. 6. APPLICATION—HEARING.) Applications shall be made in writing to the county court by a person desiring aid or by some citizen in her behalf, stating her residence, whether the applicant is a citizen or has declared her intention to become a citizen, the number of dependent children, their ages, and a detailed statement of her real and personal property, if any, and of her income, if any, together with an estimate of her probable needs in order to maintain her home. The court shall set a day for a hearing, giving notice in writing to the county commissioner of the district in which such woman resides, and to

the county child welfare board, if there be one. The hearing shall be not less than fifteen days from the date of such notice. Any interested taxpayer, may file a statement with the court, or may appear in person on the day set for the hearing, in support of, or protest against, the granting of such application, and may appeal to the district court for reversal or modification of the action of the county court or the Board of County Commissioners on such application.

Sec. 7. DUTIES OF BOARD OF ADMINISTRATION.) It shall be the duty of the board of administration to promote efficiency and uniformity in the administration of this act, and to that end it shall advise and cooperate with county courts with respect to methods of investigation, oversight and record keeping; shall in cooperation with the county judges advise, recommend and distribute blank forms and shall assist the county judges in such other ways as may be requested by them.

Sec. 8. PURPOSE OF ACT.) The purpose of this act is hereby declared to be to enable the state and its several counties to cooperate with the responsible mothers in rearing future citizens. The court may at any time alter, modify or discontinue any allowance granted whenever it shall appear that such purpose is not being fulfilled. It is the further purpose of this act to provide permanent aid to such mothers and their children as come within its provisions. All temporary aid shall be granted under such laws as exist for that purpose.

Sec. 9. All mother's pensions granted prior to the time of the taking effect of this article, under the laws now enforced, are by this act cancelled and no further payments shall be made thereunder.

Sec. 10. PENALTY FOR VIOLATION.) Any person fraudulently procuring or attempting to procure an allowance under this act shall be guilty of a misdemeanor, unless the fraudulent act shall constitute a felony under the laws of the state.

Approved March 5th, 1923.

CHAPTER 157.

(S. B. No. 188—Baird and Baker.)

PLACING OF CHILDREN WITH DELINQUENTS.

An Act Prohibiting the placing of children, either for temporary or permanent care, in almshouses, or in Institutions, charitable, penal or reformatory, where delinquent children are kept.

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

Sec. 1. It shall be unlawful for any person, association, cor-

poration, institution, or agency to place any child in any almshouse in this state, or in any other institution, charitable, penal or reformatory, in which delinquent children, or children charged with delinquency, are kept, without the consent of the State Board of Administration; provided, however, that a child may be permitted to remain in an almshouse with his or her parent, or parents, who may be confined therein, if the consent of the State Board of Administration be first obtained.

Sec. 2. Any person, association, corporation, institution or agency violating the provisions of this act shall be deemed guilty of a misdemeanor.

Approved March 1st, 1923.

CHAPTER 158.

(S. B. No. 194—Baird and Baker.)

DEPENDENT CHILDREN.

An Act to Amend and Re-enact Sections 5109 and 5110 of the Compiled Laws of North Dakota for 1913.

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

Sec. 1. AMENDMENT.) Section 5109 of the Compiled Laws of North Dakota for 1913 is hereby amended so as to read as follows:

Sec. 5109. Any minor child under the age of eighteen years, who shall by reason of the failure of either or both of its parents or custodian to support such child, become dependent upon public charity, or who may be deserted by its parent or parents or custodians without arrangement for its proper care, shall be deemed abandoned and may be cared for at public expense by the overseers of the poor. Such child shall also be subject to the jurisdiction of the juvenile court of this state and may be committed to any reputable person or organization duly licensed for the care of children, or otherwise, as provided for the commitment by that court of dependent and neglected children.

Sec. 2. AMENDMENT.) Section 5110 of the Compiled Laws of North Dakota for 1913 is hereby amended so as to read as follows:

Sec. 5110. Any minor child under the age of eighteen years, who shall have been left for board with any reputable organization incorporated under the laws of North Dakota and licensed by the board of administration, for the care of placing

of children, and whose board shall not have been paid for a period of three months without reasonable excuse, shall be subject to the jurisdiction of the juvenile court and may upon a proper proceeding be committed to the guardianship of such organization, or otherwise, as provided for the commitment by the court of dependent and neglected children.

Approved March 2nd. 1923.

CHAPTER 159.

(S. B. No. 178—Baird and Baker.)

IMPORTATION AND EXPORTATION OF CHILDREN.

An Act Relating to the bringing of children into the state, or taking children therefrom, for placement in family homes; for the licensing or regulation of persons and corporations engaged in that work; and for the repeal of Sections 5107 and 5108, Compiled Laws for 1913.

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

Sec. 1. IMPORTATION OF CHILDREN.) Any person, partnership, voluntary association or corporation, which undertakes to bring or send children from any state into this state for placement in family homes, shall first procure a license from the board of administration and file with that board a bond to the state in the sum of one thousand dollars, to be approved by the Attorney General, conditioned that no child will be brought into the state who is incorrigible, unsound of mind or body, or likely to become a public charge; that any child so brought in will be promptly removed upon notice from the board; that upon the placing of children brought into the state in family homes a report will be made to the board; and that all the provisions of the statutes relating to the placement of children will be complied with. Provided, however, that this section shall not apply to a resident of the state who personally brings a child into the state for permanent care or adoption into his own family, except that in such case he shall report to the board his own name and address, the name of the child, and the name and address of the person, organization or institution from which the child was received.

Sec. 2. EXPORTATION OF CHILDREN.) No person, partnership, voluntary association or corporation, shall take or send any child out of the state for placement in a family home in another state without first securing the consent of the Board of Administration so to do, and without first reporting to that board the name and address of any child so taken or sent and the name and address of the family which is to receive the child, together with such information concerning the family and the child as the board may

require. Provided, however, that this section shall not apply to a parent who personally removes his child from the state.

Sec. 3. PENALTY.) Any person who violates any of the provisions of this act shall be guilty of a misdemeanor.

Sec. 4. REPEAL.) Sections 5107 and 5108 of the Compiled Laws for 1913, and all acts or parts of acts, inconsistent herewith, are hereby repealed.

Approved March 1st, 1923.

CHAPTER 160.

(S. B. No. 180—Baird and Baker.)

SOCIETIES FOR CARE OF CHILDREN.

An Act Relating to the powers of certain societies for the care and placement of dependent children, and to amend and re-enact Sections 5100 and 5101, Compiled Laws for 1913.

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

Sec. 1. AMENDMENT.) Section 5100, Compiled Laws for 1913, is hereby amended so as to read as follows:

Sec. 5100. Whenever not less than twenty reputable citizens of the state of North Dakota have associated, or shall associate, themselves into a corporation under the laws of this state, for the purpose of securing homes for orphans, or for homeless, dependent, neglected or grossly ill-treated children, by adoption or otherwise, into family homes, have secured a license from the board of administration to carry on such work of placing children in foster homes, and have filed, or shall file, with the secretary of state, their articles of incorporation, together with a certificate signed by the governor and three or more members of the supreme court of the state of North Dakota, of their confidence in said corporation, it shall have power to receive such children for the purpose above expressed, in the manner herein specified; provided, that at the end of ten years such power shall cease unless a new certificate as provided above, signed by at least three members of the supreme court of North Dakota, shall be filed as above, and such certificate shall be filed every ten years during the continuance of such society. Such society shall have a main office and adopt rules for the transaction of business, which shall be published, and its financial records shall be open to the inspection of the public.

Sec. 2. AMENDMENT.) Section 5101, Compiled Laws for 1913, is hereby amended so as to read as follows:

Sec. 5101. Such society shall have the power to receive into its hands and under its control, and may become the legal guardian of, any child under fourteen years of age without its consent, and over fourteen years and under eighteen years with his consent, who shall be committed as a delinquent, dependent or neglected child, to its guardianship by a court of competent jurisdiction; and such society is hereby authorized and empowered to consent, through its duly authorized agent, in the courts of this state, to the adoption of such child in accordance with the statutes of the state on that subject, and such agent or such society shall have power to administer oaths and acknowledge affidavits in all matters pertaining to the business of such society. Such society shall have the power and authority to enter into agreements with persons taking children which agreements in each case shall provide for the proper care of the child until it shall reach the age of eighteen years, and may also provide that any such child so placed shall be returned to the society upon its request.

Approved March 2nd, 1923.

CHAPTER 161.

(S. B. No. 181—Baird and Baker.)

CHILDRENS' HOMES.

An Act Providing for the Licensing and Regulation of Homes and Institutions Caring for Children and for the Repeal of Chapter 183 of the Session Laws of 1915.

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

Sec. 1. LICENSE REQUIRED.) Any person, partnership, voluntary association or corporation, which owns or operates a home or institution receiving, during the calendar year, more than three children under the age of eighteen years, shall procure annually from the board of administration a license so to do: provided, however, that this act shall not apply when the children received by such person are related to him by blood or marriage; and provided, further, that this act shall not apply to any home or institution under the management and control of the state.

Sec. 2. LICENSE, HOW GRANTED.) Licenses under this act shall be granted by the board of administration and shall be in force and effect for a period not exceeding one year. Such licenses shall be issued to reputable and responsible persons upon a showing that the premises to be used are in fit sanitary condition and properly equipped to provide good care for all chil

dren who may be received. It shall also appear that the persons in active charge of such a home or institution, and their assistants, are properly qualified to carry on efficiently the duties required of them; that such home or institution is likely to be conducted for the public good in accordance with sound social policy, and with due regard to the health, morality and wellbeing of all children cared for therein; and that the institution or home will be maintained according to the standards prescribed for its conduct by the rules and regulations of the board.

Sec. 3. LICENSE, HOW REVOKED.) The board of administration shall have authority to revoke the license of any home or institution upon a proper showing that any of the conditions set forth in Section 2 as prerequisites for the issuance of the license, no longer obtain, or that the license was issued upon fraudulent or untrue representations; or that the owner or proprietor of such home or institution has violated any of the rules and regulations of the board of administration, or has been guilty of the violation of any law of the state disclosing moral turpitude.

Sec. 4. LICENSE—HEARING WHEN DENIED.) Before any application for a license under the provisions of this act shall be denied, or before revocation of any such license shall take place, written charges as to the reasons therefor shall be served upon the applicant or licensee, who shall have the right to a hearing before the board of administration, if such hearing is requested within ten days after service of the written charges.

Sec. 5. APPEAL.) There shall be an appeal to the district court from any decision of the board of administration denying an application or revoking a license. The procedure of such appeal shall be the same so far as applicable as in the case of appeal from a decision of the board of county commissioners. The written notices and decisions shall be treated as pleadings. The appeal may be brought on for hearing summarily by an order to show cause. Either party may appeal to the supreme court within five days after notice of filing the decision in the manner provided for appeals in a civil action. No revocation shall be effective until the determination of an appeal.

Sec. 6. AUTHORITY OF BOARD OF ADMINISTRATION.) The Board of Administration may prescribe forms for the registration and record of all children cared for in any home or institution licensed under this act, and shall make such reasonable rules and regulations for the conduct of such place as are necessary to carry out the purposes of this act. The board and its authorized agents, may inspect such licensed premises at any time, and shall have full and free access to every part thereof. All records shall be open for their inspection and they shall have authority to see and interview all children cared for therein.

Sec. 7. RECORDS PROTECTED.) No agent of the board shall disclose the contents of the records of homes or institutions licensed under this act, or of reports which may be received therefrom, except in a judicial proceeding, or to officers of the law or other legally constituted boards or agencies, or to persons having a definite interest in the well-being of the child or children concerned and who are in a position to serve their interests should that be necessary.

Sec. 8. ACTS PROHIBITED.) No licensee under the provisions of this act shall hold himself out as having authority to dispose of any child, or advertise that he will give children for adoption, or hold himself out, directly or indirectly, as being able to dispose of children, unless he shall have been expressly licensed so to do by the Board of Administration in accordance with law.

Sec. 9. PENALTY.) Every person who violates any of the provisions of this act shall upon conviction be guilty of a misdemeanor.

Sec. 10. REPEAL.) Chapter 183, Session Laws of 1915, and all acts or parts of acts inconsistent herewith, are hereby repealed.

Approved March 1st, 1923.

CHAPTER 162.

(S. B. No. 179—Baird and Baker.)

PLACING OF CHILDREN IN FAMILY HOMES.

An Act Relating to the Placement of Children in Family Homes for Temporary or permanent Care, and Providing for the Licensing and Regulation of Persons or Corporations Engaged in that Work, and for the Repeal of Chapter 183 of the Session Laws for 1915.

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

Sec. 1. LICENSE REQUIRED.) Any person, partnership, voluntary association or corporation, which undertakes to place children in family homes for temporary or permanent care, shall procure annually from the state board of administration a license so to do, and shall be known, and is hereinafter referred to, as a child placing agency.

Sec. 2. LICENSE, HOW GRANTED.) Licenses for the conduct of child placing agencies shall be issued by the board of administration upon application and shall be granted for a period not exceeding one year. Such licenses shall be issued to reputable and responsible applicants upon a showing that they, and their agents, are properly equipped by training and experience to

find and select suitable temporary or permanent homes for children, and to supervise such homes when children are placed in them, to the end that the health, morality and general well-being of children placed by them will be properly safe-guarded.

Sec. 3. LICENSE, HOW REVOKED.) The Board of Administration shall have the authority to revoke the license of any child placing agency upon a proper showing that any of the conditions set forth in Section 2 as prerequisites for the issuance of the license no longer obtain, or that the license was issued upon fraudulent or untrue representations, or that the licensee has violated any of the rules and regulations of the Board of Administration, or has been guilty of the violation of any state law disclosing moral turpitude.

Sec. 4. LICENSE, HEARING WHEN DENIED.) Before any application for license to conduct a child placing agency shall be denied, or before the revocation of any such license shall take place, written charges as to the reasons therefor shall be served upon the applicant or licensee, who shall have the right to a hearing before the board if such a hearing is requested within ten days after service of the written charges.

Sec. 5. APPEAL.) There shall be an appeal to the district court from any decision of the board denying an application or revoking a license. The procedure on such appeal shall be the same so far as applicable as in the case of appeal from a decision of the Board of County Commissioners. The written notices and decisions shall be treated as pleadings. The appeal may be brought on for hearing summarily by an order to show cause. Either party may appeal to the supreme court within five days after notice of filing the decision in the manner provided for appeals in a civil action. No revocation shall be effective until the determination of an appeal.

Sec. 6. LICENSE, FORM.) The license shall state the name of the licensee and his address, shall set forth the number of children who may be placed by such licensee during the terms for which the license is issued, and shall indicate whether the licensee is authorized to find temporary or permanent homes for children, or both.

Sec. 7. AUTHORITY OF BOARD OF ADMINISTRATION.) The Board of Administration may prescribe the forms for the registration and record of children placed by such child placing agency, and shall make such reasonable rules and regulations in connection with such placements as are necessary to carry out the purposes of this act. All records shall be open to the inspection of the board.

Sec. 8. DUTIES OF LICENSEES.) Every licensee shall keep a full record and social history of each child received for placement and a similar record and history of his family. No child shall be placed in any foster home until adequate investigation has been made as to the suitability of the proposed foster parents and their home surroundings. The licensee shall report to the Board of Administration the name and address of each child to be placed in a permanent foster home, the name and address of the proposed foster parents, and such other facts and information as shall be requested by the board. It shall thereupon be the duty of the board to visit the proposed foster home and make such other inquiries and investigations as may be necessary to ascertain whether the home is a suitable one for the child, and shall continue to visit and supervise in such manner as it may deem necessary. Whenever satisfied that a child has been placed in an unsuitable home the board may order its return to the agency which has placed it, and if such order is not obeyed within thirty days it may revoke the license of the agency so placing and shall itself take charge of, and provide for, the child.

Sec. 9. PLACEMENT CONTRACT.) Every child placing agency upon placing a child in a foster home, shall enter into a written agreement with the persons taking the child, which shall provide that the placing agency shall have access at all reasonable times to such child, and to the home in which he is living, and for the return of the child to the placing agency whenever in the opinion of such agency, or of the board of administration, the best interest of the child shall require.

Sec. 10. PENALTY.) Every person who violates any provision of this act shall upon conviction be guilty of a misdemeanor.

Sec. 11. REPEAL.) Chapter 183 of the Session Laws of 1915, and all acts or parts of acts inconsistent herewith, are hereby repealed.

Approved March 2nd, 1923.

CHAPTER 163.

(S. B. No. 182—Baird and Baker.)

BABY FARMING.

An Act to Amend and Re-enact Section 9607, and Section 9608, Compiled Laws for 1913.

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

Sec. 1. AMENDMENT.) Section 9607, Compiled Laws for 1913, is hereby amended and re-enacted so as to read as follows:

Sec. 9607. It shall be unlawful for any midwife, or other person or corporation, maintaining a maternity hospital, or lying-in hospital, or for any private midwife or nurse, or any other person or corporation caring for children, to place children in family homes for adoption, or otherwise, without a license so to do from the Board of Administration.

Sec. 2. AMENDMENT.) Section 9608, Compiled Laws for 1913, is hereby amended and re-enacted so as to read as follows:

Sec. 9608. Any person who violates the provisions of Section 9607, Compiled Laws for 1913, shall upon conviction be guilty of a misdemeanor.

Approved February 26th, 1923.

CHAPTER 164.

(S. B. No. 184—Baird and Baker.)

MATERNITY HOSPITALS.

An Act Defining and Regulating Maternity Hospitals and for the Repeal of Chapter 183 of the Session Laws of 1915.

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

Sec. 1. LICENSE REQUIRED.) Any person, partnership, voluntary association or corporation, which owns or operates a maternity hospital, as hereinafter defined, shall secure annually from the board of administration a license so to do.

Sec. 2. MATERNITY HOSPITAL DEFINED.) A maternity hospital is defined as any hospital, or other premises, where more than one woman is received during any period of six months for shelter, care or treatment during pregnancy, or delivery, or within ten days after delivery, provided, that this act shall not apply to any hospital, or other premises, owned or operated by the state.

Sec. 3. LICENSES, TO WHOM GRANTED.) Licenses for the operation of maternity hospitals shall be issued by the board of administration and shall be in force and effect for a period not exceeding one year. Licenses shall be granted to reputable and responsible persons upon a showing that the premises to be used as a maternity hospital are in fit sanitary condition and properly equipped to provide good care and treatment. It also shall appear that the persons in active charge of the hospital, and their assistants, are qualified by training and experience to carry on efficiently the duties required of them; that the hospital is likely to be conducted for the public good, and in accordance with sound

social policy; and that the health and well-being of the infants born therein, and the health, morality and well being of the parties treated therein, will be properly safe-guarded.

Sec. 4. LICENSE, REVOCATION.) The board of administration shall have authority to revoke a license of any maternity hospital upon a proper showing that any of the conditions set forth in section 3 as prerequisites for the issuance of the license no longer obtain, or that the license was issued upon fraudulent or untrue representations or that the owner or operator of such hospital has violated any of the rules and regulations of the board, or has been guilty of the violations of any law of the state disclosing moral turpitude. Before any application for license to conduct a maternity hospital shall be denied or before revocation of any such license shall take place, written charges as to the reasons therefor shall be served upon the applicant or licensee, who shall have the right to a hearing before the board, if such hearing is requested within ten days after service of the written charges.

Sec. 5. APPEAL.) There shall be an appeal to the district court from any decision of the board denying an application or revoking a license. The procedure on such appeal shall be the same so far as applicable as in the case of appeal from a decision of the board of county commissioners. The written notices and decisions shall be treated as pleadings. The appeal may be brought on for hearing summarily by an order to show cause. Either party may appeal to the supreme court within five days after notice of filing the decision in the manner provided for appeals in a civil action. No revocation shall be effective until the determination of an appeal.

Sec. 6. FORM OF LICENSE.) The license shall state the name of the licensee, designate the premises to which the license is applicable, and the number of patients who may be received in such premises at any one time.

Sec. 7. REGULATION BY BOARD OF ADMINISTRATION.) The board of administration may prescribe forms for the registration and record of persons cared for in maternity hospitals and shall make such reasonable rules and regulations for the conduct of such hospitals as are necessary to carry out the purposes of this act. The board and its authorized agents may inspect such hospitals at any time and shall have full and free access to every part thereof. The records shall be open for their inspection and they shall have authority to see and interview patients therein.

Sec. 8. ATTENDANCE ON BIRTHS.) Every birth occurring in a maternity hospital shall be attended by a legally qualified physi-

cian or midwife. The licensee of the hospital shall report to the board of administration all births occurring within the hospital. These reports shall be made within twenty-four hours after the birth occurs and on blanks to be provided by the board for that purpose.

Sec. 9. RECORDS PROTECTED.) No agent of the board of administration or of any board of health, or the licensee, shall disclose the contents of the records of maternity hospitals or of the reports received therefrom, except in a judicial proceeding, or to officers of the law or other legally constituted boards or agencies or to persons having a direct interest in the well-being of the patient, or her infant, and in a position to serve their interests should that be necessary.

Sec. 10. DISPOSING OF INFANTS PROHIBITED.) No licensee of a maternity hospital shall undertake, directly or indirectly, to dispose of infants by placing them in family homes for adoption or otherwise. No licensee as an inducement to a woman to go to any maternity hospital for confinement care shall in any way offer to dispose of any child, or advertise that he will give children for adoption or hold himself out, directly or indirectly, as being able to dispose of children.

Sec. 11. PENALTY.) Every person who violates any of the provisions of this act, or who makes any false statements on reports to the board of administration shall upon conviction be guilty of a misdemeanor.

Sec. 12. REPEAL.) Chapter 183 of the Laws of 1915, and all other acts or parts of acts inconsistent herewith, are hereby repealed.

Approved March 2nd, 1923.

CHAPTER 165.

(S. B. No. 187—Baird and Baker.)

UNIFORM ILLEGITIMACY ACT.

An Act Relating to Children born out of wedlock and to make uniform the law with reference thereto, and for the Repeal of Sections 10483 to 10500 inclusive, Compiled Laws of 1913, and Chapter 70, Laws of 1917.

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

Sec. 1. OBLIGATION OF PARENTS.) The parents of a child born out of wedlock and not legitimated (in this act referred to as "the Child") owe the child necessary maintenance, education and support. The parents are liable for the child's funeral ex-

penses. The father is also liable for the expenses of the mother's pregnancy and confinement. The obligation of the parents to support the child under the laws for the support of poor relatives applies to children born out of wedlock.

Sec. 2. RECOVERY OF MOTHER FROM FATHER.) The mother may recover from the father a reasonable share of the necessary support of the child. In the absence of a previous demand in writing, served personally or by registered mail addressed to the father at his last known residence, not more than two year's support furnished prior to the bringing of the action may be recovered from the father.

Sec. 3. RECOVERY BY OTHERS THAN MOTHER.) The obligation of the father as herein provided creates also a cause of action on behalf of the legal representatives of the mother, or on behalf of third persons furnishing support or defraying the reasonable expenses thereof, where paternity has been judicially established by proceedings brought by the mother by or on behalf of the child, or by the authorities charged with its support, or where paternity has been acknowledged by the father in writing or by the part performances of the obligations imposed upon him.

Sec. 4 . DISCHARGE OF THE FATHER'S OBLIGATION.) The obligation of the father other than under the laws providing for the support of poor relatives is discharged by complying with a judicial decree for support or with the terms of a judicially approved settlement. The legal adoption of the child into another family discharges the obligation for the period subsequent to the adoption.

Sec. 5. LIABILITY OF THE FATHER'S ESTATE.) The obligation of the father where his paternity has been judicially established in his life time, or has been acknowledged by him in writing, signed in the presence of two witnesses and the execution of which has been acknowledged by him in addition before an officer authorized to take acknowledgements, is enforceable against his estate and in such an amount as the court may determine, having regard to the age of the child, the ability of the mother to support it, the amount of property left by the father, the number, age, and financial condition of the lawful issue, if any, and the rights of the widow, if any. The court may direct the discharge of the obligation by periodical payments or by the payment of a lump sum.

Sec. 6. COMPLAINANTS.) The proceeding to compel support may be brought by the mother, or, if the child is or is likely to be a public charge, by the authorities charged with its support. After the death of the mother or in case of her disability, it

may also be brought by the child, acting through its guardian or next friend. If the proceeding is brought by the public authorities, the mother if living shall be made a party defendant.

Sec. 7. TIME OF BRINGING COMPLAINT.) The proceeding may be instituted during the pregnancy of the mother or after the birth of the child, but, except with the consent of the person charged with being the father, the trial shall not be had until after the birth of the child, unless such person wishes to admit the truth of the accusation.

Sec. 8. COMPLAINT, WHERE BROUGHT.) The complaint may be made to any judge or magistrate having power to commit for trial.

Sec. 9. FORM OF COMPLAINT.) The complaint shall be in writing or oral, and in the presence of the complainant reduced to writing by the judge or the clerk of court. It shall be verified by oath or affirmation of complainant.

Sec. 10. SUBSTANCE OF COMPLAINT.) The complainant shall charge the person named as defendant with being the father of the child and demand that he shall be brought before the judge to answer the charge.

Sec. 11. PROCESS.) The judge shall issue his warrant for the apprehension of the defendant, directed to any officer in the state authorized to execute warrants, and such warrant may be executed in any part of the state. With the consent of a complainant, a summons may be issued in the first instance as in other civil cases, instead of a warrant, which summons shall be personally served.

Sec. 12. PRELIMINARY HEARING.) Upon the return of the warrant or the summons showing service on the defendant the judge before whom the complaint was made, or any other judge sitting for him, shall proceed to examine the complainant and other witnesses and receive any other evidence that may be produced touching the charge, unless the defendant shall admit the truth of the charge in which case the court shall proceed to hear such evidence as may be necessary and to enter judgment against the defendant declaring paternity and for the support of the child. At any such preliminary hearing the court shall exclude the general public from the room wherein such trial or hearing is had, admitting only the persons interested directly in the case, including officers of the court and witnesses. The defendant shall have a right to be present at the examination and to contravert the charge if he so desires. The examination shall be reduced to writing.

Sec. 13. RESULT OF HEARING.) If the examination fails to show probable cause, the defendant shall be discharged without

prejudice to further proceedings. If the examination shows probable cause, the judge shall bind the defendant in bond or recognizance, with sufficient security to appear at the next term of the District Court to be held in the county on neglect or refusal to furnish such security, he shall commit the defendant to jail to be held to answer the complaint. The warrant, the examination reduced to writing, and the security, shall be returned to the district court.

Sec. 14. CONTINUANCE OF TRIAL.) If the child is not born at the time set for trial, the case shall, unless the defendant consents to trial, be continued until the child is born, and the defendant shall remain bound or held until trial.

Sec. 15. TRIAL.) The trial shall be by jury, if either party demands a jury, otherwise by the court, and shall be conducted as in other civil cases.

Sec. 16.) ABSENCE OF DEFENDANT.) If the defendant fails to appear, the security for his appearance shall be forfeited and shall be applied on account of the payment of the judgment, but the trial shall proceed as if he were present; and the court shall upon the findings of the judge, or the verdict of the jury, make such orders as if the defendant were in court.

Sec. 17. EFFECT OF DEATH OR ABSENCE OR INSANITY OF MOTHER.) If after the complaint the mother dies or becomes insane or cannot be found within the jurisdiction, the proceeding does not abate, but the child shall be substituted as complainant. The testimony of the mother taken in writing at the preliminary hearing, or her deposition taken as in other civil cases, may in any such case be read in evidence, and in all cases shall be read in evidence, if demanded by the defendant.

Sec. 18. DEATH OF DEFENDANT.) In case of the death of the defendant, after the preliminary hearing, the action may be prosecuted against the personal representatives of the deceased with like effect as if he were living, subject as regards the measure of support to the provisions of Section 6, except that no arrest of such personal representative shall take place or bond be required of him.

Sec. 19. FINDING FOR DEFENDANT.) If the verdict of the jury or the finding of the court at the trial be in favor of the defendant and there be a motion for a new trial, he shall be held until such motion be disposed of; and if a new trial is granted, the same course shall be pursued as in case of a continuance.

Sec. 20. JUDGMENT.) If the finding or verdict be against the defendant, the court shall give judgment against him de-

clarifying paternity and for the support of the child from the date of its birth. The judgment shall be for annual amounts, equal or varying, having regard to the obligation of the father under Section 1, as the court directs, until the child reaches the age of sixteen years. The payments may be required to be made at such periods or intervals as the Court directs. In addition to providing for support the judgment may also provide for the payment of the necessary expenses incurred by or for the mother in connection with the birth of the child.

Sec. 21. PAYMENT TO TRUSTEE.) The court may require the payments to be made to the board of administration, or the county child welfare board, if there be one, or to any other suitable and proper trustee or guardian. The trustee shall report to the court annually, or oftener as directed by the court, the amounts received and paid over.

Sec. 22. SECURITY: COMMITMENT: PROBATION.) The court may require the father to give security by bond with sureties, for the payment of the judgment. In default of such security, when required, the court may commit him to jail. After one year the person so committed may be discharged (in accordance with the law relating to the discharge of insolvent debtors), but his liability to pay the judgment shall not be thereby affected. Instead of committing the father to jail, or as a condition of his release from jail the court may commit him to the custody of a probation officer, upon such terms regarding payments and personal reports, as the court may direct. Upon violation of the terms imposed, the court may commit or recommit the father to jail.

Sec. 23. ENFORCEMENT ON DEFAULT.) Where security is given and default is made in any payment, the court shall cite the parties bound by the security, requiring them to show cause why judgment should not be given against them and execution issued thereon. If the amount due and unpaid be not paid before the return day of the citation, and no cause be shown to the contrary, judgment shall be rendered against those served the citation for the amount due and unpaid, together with costs, and execution shall issue therefor, saving all remedies upon the bond for future defaults. The judgment shall be enforceable as other judgments.

Sec 24. CONTEMPT OF PROCESS.) The court also has power, on default as aforesaid, to adjudge the father in contempt and to order him committed to jail in the same manner and with the same powers as in case of commitment for default in giving security. The commitment of the father shall not operate to stay execution upon the judgment on the bond.

Sec. 25. AGREEMENT OR COMPROMISE.) An agreement or compromise made by the mother or child, or some authorized person on their behalf with the father concerning the support of the child shall be binding upon the mother and the child only when adequate provision is fully secured by payment or otherwise and when approved by a court having jurisdiction to compel support of the child. The performance of the agreement or compromise when so approved, shall bar other remedies of the mother or child for the support of the child.

Sec. 26. CONTINUED JURISDICTION.) The court has continuing jurisdiction over proceedings brought to compel support and to increase or decrease the amount thereof, until the judgment of the court has been completely satisfied, and also has continuing jurisdiction to determine custody in accordance with the interests of the child.

Sec. 27. FAILURE TO SUPPORT.) The failure of the father, without lawful excuse, to support the child where the same is not in his custody, and where paternity has been judicially established, or has been acknowledged by him in writing or by the part performance of his obligations, is a misdemeanor, punishable by a fine not exceeding one thousand dollars or by imprisonment in the county jail for not exceeding one year, or by both such fine and imprisonment. The failure of the parent to support the child where the same is in his or her custody shall be governed by the laws applicable to the failure to support a legitimate child.

Sec. 28. FAILURE TO CARRY OUT JUDGMENT.) The failure, without lawful excuse, of a father to comply with and carry out a judgment for the support of the child whether the child be a resident in the jurisdiction where the judgment was rendered or not, is a misdemeanor punishable by fine not exceeding one thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.

Sec. 29. PROBATION.) Upon a prosecution under the provision of Section 28 or Section 29, on entry of a plea of guilty or after conviction, the court, instead of imposing sentence or of committing the father to jail, or as a condition of his release from jail, may commit him to the custody of a probation officer, upon such terms as to payment of support to or on behalf of the mother or child, and as to personal reports, as the court may direct. Upon violation of the terms imposed, the court may proceed to impose the sentence and commit or recommit to jail in accordance with the sentence.

Sec. 30. CONCURRENCE OF REMEDIES.) A criminal prosecution brought in accordance with the provisions of Section 28 or

Section 29 shall not be a bar to, or be barred by, civil proceedings to compel support; but money paid toward the support of the child under the provisions of Section 30 shall be allowed for and credited in determining or enforcing any civil liability.

Sec. 31. LIMITATION OF ACTIONS.) Proceedings to enforce the obligation of the father shall not be brought after the lapse of more than two years from the birth of the child, unless paternity has been judicially established, or has been acknowledged by the father in writing or by the furnishing of support.

Sec. 32. AVAILABLE DISTRICT.) Jurisdiction over proceedings to compel support is vested in the district court of the county in which the alleged father is permanently or temporarily resident, or in which the mother of the child resides or is found. It is not a bar to the jurisdiction of the court of the county where the complaining mother or child resides in another state. Notice of any such proceeding shall be given by the clerk of the district court to the Board of Administration and such Board thereupon shall advise or assist the complainant or the court in such proceeding.

Sec. 33. JUDGMENT OF OTHER STATE.) The judgment of the court of another state rendered in proceedings to compel support of a child born out of wedlock, and directing payment either of a fixed sum or of sums payable from time to time, may be sued upon in this state and be made a domestic judgment so far as not inconsistent with the laws of this state, and the same remedies may thereupon be had upon such judgment as if it had been recovered originally in this state.

Sec. 34. REFERENCE TO RELATION OF MOTHER AND CHILD.) In all records, certificates, or other papers hereafter made or executed (other than birth records and certificates or records of judicial proceedings in which the question of birth out of wedlock is at issue) requiring a declaration by or notice to the mother of a child born out of wedlock or otherwise requiring a reference to the relation of a mother to such a child, it shall be sufficient for all purpose to refer to the mother as the parent having the sole custody of the child or to the child as being in the sole custody of the mother, and no explicit reference need be made to illegitimacy, and the term natural shall be deemed equivalent to the term illegitimate when referring to parentage or birth out of wedlock.

Sec. 35. CONSTRUCTION OF ACT.) This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Sec. 36. BRIEF TITLE—NAME OF ACT.) This act may be cited as the Uniform Illegitimacy Act.

Sec. 37. OPERATION AND REPEALING CLAUSE.) This act applies to all cases of birth out of wedlock where birth occurs after this act takes effect, except that section 35 applies to all cases occurring after this act takes effect. As to all such cases all acts or parts of acts inconsistent with this act are hereby repealed.

Approved March 2nd, 1923.

CHAPTER 166.

(S. B. No. 186—Baird and Baker.)

DESERTION OR NON-SUPPORT OF WIFE OR CHILD.

An Act Relating to the abandonment or neglect of wife or child, and the desertion and non-support of family, and for the repeal of Sections 9589 to 9603 inclusive, Compiled Laws of North Dakota 1913.

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

Sec. 1. Every parent or other person having legal responsibility for the care or support of a child who is under the age of sixteen years, and unable to support himself by lawful employment, who deserts and fails to care for and support such child with intent wholly to abandon him, and every husband, who, without lawful excuse, deserts and fails to support his wife, while pregnant, with intent wholly to abandon her, is guilty of a felony and upon conviction shall be punished therefor by imprisonment in the state prison for not more than five years. Desertion or a failure to support a child or pregnant wife for a period of three months shall be presumptive evidence of intention wholly to abandon.

Sec. 2. Every man, who without lawful excuse, wilfully fails to furnish proper food, shelter, clothing or medical attendance to his wife; and every person having legal responsibility for the care or support of a child who is under sixteen years of age, unable to support himself by lawful employment, who wilfully fails to make proper provision for such child is guilty of a felony, and upon conviction thereof shall be punished therefor by imprisonment in the state penitentiary for not more than five years, but, before the trial, with the consent of the defendant, or at the trial on entry of a plea of guilty, or after conviction, instead of imposing the penalty hereinbefore provided, or in addition thereto, the court in its discretion, having regard to the circumstances and to the financial ability or earning capacity of the defendant, may make an order accepting the bond of the defendant to the state, in such amount and with such sureties as the court prescribes and approves, conditioned to furnish the

wife or child with proper food, shelter, clothing and medical attention, for such a period, not exceeding five years, as the court may order, and in such a case, if there has been a plea of guilty or a conviction, judgment shall be suspended until some condition of the bond is violated. The bond may, in the discretion of the court, be conditioned upon the payment of a specified sum of money at stated intervals. Upon the filing of an affidavit showing the violation of any of the conditions of the bond, the accused shall be heard upon an order to show cause, and if the charge be sustained the court may proceed with the trial of the defendant under the original charge, or pronounce sentence under the original conviction, or enforce the suspended sentence, as the case may be. The wife or child, and any person furnishing necessary food, shelter, clothing and medical attendance to either, may sue upon the bond for a breach of any condition thereof.

Sec. 3. In any prosecution for desertion or for failure to support a wife or child no other or greater evidence shall be required to prove the relationship of the defendant to such wife or child than is or shall be required to prove such relationship in a civil action.

Sec. 4. REPEAL.) Section 9589, 9590, 9591, 9592, 9593, 9594, 9595, 9596, 9597, 9598, 9599, 9600, 9601, 9602 and 9603, Compiled Laws of 1913, and all acts or parts of acts inconsistent herewith are hereby repealed.

Approved March 5th, 1923.

CHAPTER 167.

(S. B. No. 192—Baird and Baker.)

INDECENT LIBERTIES.

An Act Relating to indecent liberties.

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

Sec. 1. Every person who shall take any indecent liberty with or on the person of any child, which act under law does not amount to rape, or attempt to commit rape, or assault, with intent to commit rape, or sodomy, or other crime against nature, shall be guilty of a felony and shall be punished by imprisonment in the penitentiary not less than one year nor more than two years.

Approved March 2nd, 1923.

CHAPTER 168.

(S. B. No. 190—Baird and Baker.)

TRIAL OF MINORS.

An Act Providing for the exclusion of spectators from the trial of minors.
Be It Enacted by the Legislative Assembly of the State of North Dakota:

Sec. 1. At the trial of a minor under the age of eighteen years charged with any crime, the judge or magistrate, prior to his being brought into the court room, shall clear the same of all persons, except officers of the court, attorneys, witnesses and relatives.

Approved March 2nd, 1923.

CHAPTER 169.

(S. B. No. 35—Kaldor.)

PUBLIC DANCES.

An Act Relative to the Admission of Persons under Eighteen Years of Age to Public Dances, and Requiring the posting of a copy of the Law and Prescribing Penalty for its Violation.

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

Sec. 1. No proprietor, lessee, or manager and no employee or agent of any proprietor, lessee, or manager of any hall, room, pavilion, bowery, platform or other structure in or on which dancing is practiced and to which the public generally is invited to participate by paying an admission fee in money or other token of value, shall admit, while dancing is practiced in or on such place, any person under the age of eighteen years, unless such person is accompanied by a parent or guardian.

Sec. 2. A copy of this act shall be posted in a conspicuous place at the entrance of every hall, room, pavilion, bowery, platform or other structure where public dancing is practiced.

Sec. 3. PENALTY.) Whoever violates any of the provisions of this Act shall be punished by a fine not exceeding one hundred dollars and not less than twenty-five dollars or by imprisonment in a County Jail not to exceed thirty (30) days or by both such fine and imprisonment, in the discretion of the court.

Approved February 19th, 1923.