

INSTITUTION FOR FEEBLE MINDED.

CHAPTER 108.

[S. B. No. 4—Cashel.]

INSTITUTION FOR FEEBLE MINDED.

AN ACT to Establish an Institution for the Feeble Minded and to Provide for its Support and Management.

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

§ 1. LOCATION.] That there shall be located and permanently maintained at or near the city of Grafton, in the county of Walsh, an institution for the feeble minded, upon the grounds conveyed by the United States of America to the state of North Dakota for that purpose, to be known and designated as "The Institution for Feeble Minded."

§ 2. BOARD OF TRUSTEES.] That said institution shall be controlled by a board of five trustees who shall be appointed by the governor, by and with the advice and consent of the senate, for the term of four years each, and until their successors are appointed and qualified; provided, however, that of the first board of trustees appointed under this act, three shall be appointed for the term of four years, and the other two for the term of two years. All vacancies occurring in said board shall be filled by appointment in like manner as aforesaid, to fill the unexpired term.

§ 3. TERM OF OFFICE.] Such board of trustees shall annually elect from among their number a president and a secretary, who shall hold office for two years and until their successors are chosen and qualified. Three of said trustees shall constitute a quorum, and shall meet annually in the month of April and as often thereafter as may be deemed necessary for the proper transaction of business, upon the call of the president or secretary.

§ 4. DUTIES.] Said trustees shall have the general management and superintendency of said institution; shall prescribe all rules and regulations for the government thereof, and the admission of pupils thereto, and generally perform all acts necessary to render the said institution efficient for the purposes for which the same is established, to-wit: For the relief and instruction of the feeble minded and for the care and custody of the epileptic and idiotic of the state, and they may introduce and establish such trades and manual industries as in their judgment will best train their pupils for future self-support.

§ 5. APPOINTMENT OF SUPERINTENDENT.] Such board shall appoint a superintendent of said institution, who shall be a physician skilled in caring for, and in instructing the class of unfortunates to be provided for by this act. Such superintendent shall name all the subordinate officers, and such nominations shall be confirmed or rejected by the board.

§ 6. WHO ADMITTED.] All feeble minded persons residents of this state who, in the opinion of the superintendent, are of suitable age and capacity to receive instruction in this institution, and whose defects prevent them from receiving proper training in the public schools of the state, and all idiotic and epileptic persons residents of this state may be admitted to and receive the benefits of this institution free of charge, subject to such rules and regulations as may be made by the board of trustees; and they shall be provided by their friends, relatives, or the county from which they come, sufficient funds to furnish them with proper clothing and transportation.

§ 7. DUTIES OF OFFICERS.] The president shall preside at all meetings of the board, when present, and in his absence a president pro tempore may be chosen to perform the duties of president. He shall sign all contracts on behalf of the board and all orders upon the treasurer. The secretary shall countersign all contracts and orders upon the treasurer and shall keep a correct report of the proceedings of the board, and shall have charge in trust for the institution of all papers and records of the same. Such board shall appoint a treasurer who may or may not be one of their number, as they deem best, as provided in section 310 of the revised codes of 1899.

§ 8. SUPERINTENDENT TO FURNISH CLOTHING.] When the pupils of such institution are not otherwise provided or supplied with suitable clothing, they shall be furnished therewith by the superintendent who shall make out an account thereof in each case against the parent or the guardian, if the pupil be a minor, and against the pupil if he or she has no parent or guardian, or has attained the age of majority, which account shall be certified to be correct by the superintendent, and when so certified such account shall be presumed correct in all courts. The superintendent shall thereupon transmit such account by mail to the treasurer of the county from which the pupil so supplied shall have come, and such treasurer shall proceed at once to collect the amount by suit in the name of his county, if necessary, and pay the amount into the state treasury; the superintendent shall, at the time, transmit a duplicate of such account to the state auditor, who shall credit the same to the account of such institution and charge it to the proper county; provided, that if it shall appear by the affidavit of three disinterested citizens of the county, not of kin to the pupil, that such pupil or his parents would be unreasonably oppressed by such suit, then such treasurer shall not commence such action, but shall credit the same to the state on his books and report the amount of such account to the board of county commissioners of his

county, which board shall audit the same and charge it to the general fund of the county.

§ 9. DUTIES OF COUNTY COMMISSIONERS.] The board of county commissioners shall order to be paid the expenses of transportation to and from such institution of any indigent, feeble minded children entitled to admission thereto, and they shall, at the time of levying other taxes, levy a sufficient tax to reimburse the county therefor. In order to avoid long delay in transporting indigent children to and from the institution, the superintendent may, upon correspondence with the auditor of such county, pay such transportation and forward to such county auditor an itemized statement of the expenses. The board of county commissioners shall order the county treasurer to draw his warrant for such amount in favor of the superintendent of such institution, who shall account for such money as provided by law.

§ 10. DUTIES OF TRUSTEES.] The board of trustees shall take and hold in trust for said institution all lands or property hereafter granted, given, devised or conveyed to the institution for feeble minded, to be applied and used at Grafton aforesaid, and any moneys, now or hereafter, appropriated or entrusted to said institution may be drawn at any time from the state treasury upon the order of the board of trustees, on the presentation of proper vouchers to the state auditor.

§ 11. OFFICERS TO REPORT. WHEN.] On or before the first day of November, 1904, and biennially thereafter, or oftener if required, the superintendent, secretary and treasurer shall render to the board of trustees full and complete reports, accompanied by such recommendations as may seem to them wise and proper, and biennially, and on or before the first day of December, preceding the regular sessions of the legislature, said board of trustees shall furnish the governor a printed report of said institution for the two years ending on the preceding June 30th. Said report shall contain such matters as are of interest to the institution, with reports of the superintendent, such as is common from like institutions; with a detailed statement of the disbursements. The state authorities shall print and deliver to the proper officers for the use of the legislature and state officers, five copies for each, and shall deliver to the officers of such institution the number estimated by them to be necessary for the use thereof, not to exceed five for each member enrolled therein.

§ 12. COMPENSATION.] Each member of the board shall receive as full compensation for his services as such trustee three dollars per day for each day necessarily and actually employed in his duties as such trustee, together with the actual and necessary expenses in going to and returning from the place of meeting of said board; provided, however, that the secretary shall receive such additional sum for his services as the board may agree upon, the same, however, not to exceed fifty dollars annually.

§ 13. REPEAL.] Chapter 36 of the session laws of 1901 is hereby

repealed; provided, however, that the board of trustees appointed pursuant thereto shall continue to act until their successors, to be appointed under this act, shall have been appointed, and shall have qualified.

§ 14. EMERGENCY.] An emergency exists in this, that there is no legislation authorizing the appointment of successors for the present board of trustees, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved February 28, 1903.

INSURANCE.

CHAPTER 109.

[H. B. No. 123—Mooney.]

PROHIBITING BUSINESS BY FOREIGN MUTUAL HAIL INSURANCE COMPANIES.

AN ACT Prohibiting Foreign Mutual Insurance Companies From Transacting a Hail Insurance Business in This State, Making Contracts Void and Providing a Penalty for the Violation Thereof.

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

§ 1. PROHIBITING HAIL INSURANCE.] No foreign insurance company incorporated upon the mutual plan shall directly, or indirectly, take any hail risk, or transact the business of hail insurance in this state.

§ 2. CONTRACTS AND NOTES VOID.] All contracts, notes, mortgages and other evidence of indebtedness made or taken in violation of section 1 hereof is hereby declared void.

§ 3. PENALTY.] Any person who violates any of the provisions of this act or who procures or induces another to do so is guilty of a misdemeanor.

§ 4. REPEAL.] All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 5. EMERGENCY.] Whereas, an emergency exists in this, that there is no law prohibiting foreign mutual insurance companies from transacting a hail insurance business, therefore, this act shall take effect and be in force from and after its passage and approval.

Approved March 4, 1903.