

§ 7297. HOLIDAYS.] Holidays are every Sunday; the first day of January, which is New Year's Day; the twelfth day of February, which is the birthday of Abraham Lincoln; the twenty-second day of February, which is the birthday of George Washington; the fourth day of July, which is the anniversary of the Declaration of Independence; the twenty-fifth day of December, which is Christmas Day; the thirtieth day of May, which is Memorial Day; the first Monday of September, which is Labor Day; the twelfth day of October, which is Discovery Day, to commemorate the discovery of America by Lief Erickson about the year A. D. 1000; and by Christopher Columbus in the year A. D. 1492; the eleventh day of November, which is Armistice Day; the Friday next preceding Easter Sunday and commonly known as Good Friday; every day on which an election is held throughout the State, and every day appointed by the President of the United States or by the Governor of this State for a public fast, Thanksgiving or holiday. Provided, however, that nothing in this Act contained shall be construed to prevent the holding of legislative sessions or the taking of final action on any legislative matter upon any of the aforesaid holidays, other than Sundays, and provided further, that any action heretofore taken upon any legislative matter upon any such holiday be and the same is hereby declared to be valid and legal for all purposes.

Approved March 10, 1937.

INSANITY

CHAPTER 142

H. B. No. 106—(Tax Survey Commission)

COMMISSIONER OF INSANITY

An Act to amend and re-enact Sections 2551, 2552, 2553, 2562, 2564 and 2567 of the Compiled Laws of the State of North Dakota for the year 1913; providing for application of admission to the State Hospital for the Insane; providing for the investigation by the Commissioners of Insanity as to such application; providing for method of sending patients to the State Hospital for the Insane; defining the terms "insane" and "idiot"; providing for the issuance of warrants of insanity, or warrants as to the requirement of treatment and/or observation by the Superintendent of the State Hospital for the Insane; providing for the issuance of a writ of habeas corpus in certain cases; repealing all Acts and parts of Acts in conflict therewith, and declaring an emergency.

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

§ 1. AMENDMENT.] Section 2551 of the Compiled Laws for North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 2551. APPLICATION FOR ADMITTANCE TO THE STATE HOSPITAL FOR THE INSANE.] Application for admission to the State Hospital for the Insane must be made in writing in the nature of an information, verified by affidavit. Such information must allege that the person in whose behalf the application is made, is believed by the informant to require treatment and/or observation at the State Hospital for the Insane and is a fit subject for treatment and/or observation in such hospital; that such person is found in the County and has a legal residence therein, if such is known to be the fact; and if such residence is not in the County, where it is, if known, or where it is believed to be, if the informant is advised on the subject.

§ 2. AMENDMENT.] Section 2552 of the Compiled Laws for North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 2552. INVESTIGATION BY COMMISSIONERS AS TO ALLEGED NECESSITY FOR TREATMENT AND/OR OBSERVATION.] On the filing of an information as above provided the Commissioners shall at once investigate the grounds for such information. For this purpose they may require that the person for whom such admission is sought be brought before them, and that the examination be had in his presence, and they may issue their warrant therefor and provide for the suitable custody of such person until their investigation is concluded. Such warrant may be executed by the Sheriff or any Constable of the County, or if they shall be of opinion from such preliminary inquiries as they may make, and in making which they shall take the testimony of the informant if they deem it necessary or desirable, and of other witnesses if offered, that such course would probably be injurious to such person or attended with no advantages, they may dispense with such presence. In their examination they shall hear testimony for and against such application, if offered. Any citizen of the County or any relative of the person alleged to be insane, may appear and resist the application, and the parties may appear by counsel if they elect. The Commissioners, whether they decide to dispense with the presence before them of such person, or not, shall appoint some regular practicing physician of the County to visit such person and make a personal examination touching the truth of the allegations in the information, and touching the actual condition of such person, and forthwith report to them thereon. Such physician may or may not be of their own number, and the physician so appointed and acting shall certify under his hand that he has, in pursuance of his appointment, made a careful personal examination as required, and that on such examination he finds the person in question requires treatment and/or observation at the State Hospital, if such is the fact, and if otherwise, that he does not require such treatment and/or observation; and in connection with his examination such physician shall endeavor to obtain from the relatives of the person in question, or from others who know the facts, correct answers, as far as may be, to the in-

terrogatories hereinafter required to be propounded in such cases, which interrogatories and answers shall be attached to his certificate.

§ 3. AMENDMENT.] Section 2553 of the Compiled Laws for North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 2553. (a) HOW PATIENT SHALL BE SENT TO HOSPITAL.] On the return of the physician's certification, the Commissioners shall, as soon as practicable conclude their investigations and having done so, they shall find whether the person alleged to require treatment and/or observation does in fact require such treatment and/or observation; whether the legal residence of such person is in their County, and if not in their County, where it is, if ascertained. If they find that such person does not require treatment and/or observation they shall order his discharge, if in custody. If they find such person requires treatment and/or observation at the State Hospital for the Insane, and is a fit subject for treatment and/or observation, and/or custody in the hospital, they shall forthwith issue their warrant of transportation to the State Hospital and a duplicate thereof, stating such finding, with the residence of the person, if ascertained; and if not ascertained, their information, if any, in regard thereto, authorizing the Superintendent of the hospital to receive, render treatment, observe, and keep such person as a patient therein. Such warrant and duplicate, together with the finding and certificate of the physician and the finding of the Commissioners, shall be delivered to the officer provided by Law for the transportation of insane persons to the State Hospital. Such officer shall execute the same by conveying such person to the hospital, by delivering him, together with the duplicate warrant, finding and certificate of the physician and finding of the Commissioners to the Superintendent of such hospital. The Superintendent, under his official signature, shall acknowledge such delivery on the original warrant, which the officer executing the warrant shall return to the County Judge. If any relative or intimate friend of the patient, who is a suitable person, shall so request, he shall have the privilege of accompanying such officer transporting said patient to the State Hospital.

(b) DUTIES OF SUPERINTENDENT.] Upon the arrival at the State Hospital, the Superintendent thereof, together with the staff of said hospital, shall examine and observe such patient and determine either as to the sanity or insanity of such patient. If they find that such patient is not insane, but requiring treatment and/or observation, the Superintendent of the State Hospital shall enter the said patient into the care and custody of the said hospital and shall notify the Commissioners of Insanity of the County transmitting such patient to the effect that such patient is not insane, but requiring treatment and/or observation and that such patient will be so treated, and/or observed at such hospital. If the Superintendent finds that the patient is insane and should be in custody, such Superintendent

shall make a finding of Insanity and shall send a duplicate thereof to the Commissioners of Insanity of the County of transmission, which said finding shall have the same force and effect as the finding of insanity of the Commissioners of Insanity, as now provided by law. Provided, however, that if it be necessary to issue a warrant to restrain the liberty and retain custody of the patient during the period of treatment and/or observation, and he be, in the opinion of the Superintendent not insane but requiring treatment and/or observation the Superintendent shall have the power and it shall be his duty to issue his finding to that effect and such finding shall have the same force and effect as a finding of Insanity now provided by law.

§ 4. AMENDMENT.] Section 2562 of the Compiled Laws for North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 2562. (a) PROCEEDINGS FOR RELEASE OF PERSONS ALLEGED NOT TO BE INSANE.] On a statement in writing verified by affidavit, addressed to the County Judge of the County in which the hospital is situated, or of the County in which any person confined in the hospital has his residence, alleging that such person is not insane or does not require treatment and/or observation at the State Hospital for the Insane and is unjustly deprived of his liberty, such Judge shall appoint a Commission of not more than three persons in his discretion, to inquire into the merits of the case, one of whom shall be a physician and if two or more are appointed, one shall be an attorney. Without first summoning the person to meet them, they shall proceed to the hospital and have a personal interview with such person so managed as to prevent him if possible, from suspecting its object; and they shall make any inquiries and examinations they may deem necessary and proper of the officers and records of the hospital, touching the merits of the case. If they shall deem it prudent and advisable they may disclose to the person the object of their visit, and in the presence of such person make further investigation of the matter. They shall forthwith report to such County Judge the result of their examination and inquiries. Such report shall be accompanied by a statement of the facts and signed by the Superintendent. After the receipt of such report, and before finding such patient sane or ordering his discharge, the County Judge shall notify by registered letter, the nearest relative or friend of such patient, together with all persons appearing as witnesses at the hearing at which such patient was found to be insane, to appear before him not less than five (5) days after the mailing of such *notice*, to give testimony respecting the character or insanity of the patient, at and prior to the time such patient was committed, particularly with respect to matters affecting the question of whether the symptoms and actions of such patient at such time disclosed a character of insanity in which a recurrence would be expected, and which might render the discharge of such patient dangerous to his own or the

public safety. If on such report and statement and hearing of the testimony, if any is offered, the County Judge shall find the person sane and not requiring treatment and/or observation, he shall order his discharge. If he shall find him insane or requiring treatment and/or observation, he shall authorize his continued detention. The finding and order of such Judge with the report and other papers, shall be filed in his office, and entered on his records and he shall forthwith notify the Superintendent of his findings and order and the Superintendent shall carry out such order. The Commissioners appointed as provided in this Section shall be entitled to their necessary expenses and a reasonable compensation to be allowed by such Judge and paid by the State out of any funds not otherwise appropriated; provided, that the applicant shall pay same if the Judge shall find that such application was made without probable grounds and shall so order.

(b) The provisions of Law providing for the payment of the care and treatment of insane patients shall be applicable to and have the same force and effect in cases where the patient is determined not to be insane but where it is determined by the Superintendent of the State Hospital for the Insane that such patient should remain in said hospital for observation and/or treatment.

§ 5. AMENDMENT.] Section 2564 of the Compiled Laws of North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 2564. INSANE PERSONS ENTITLED TO HABEAS CORPUS.] All persons confined as insane or as requiring treatment and/or observation in the State Hospital for the Insane, shall be entitled to the benefit of the writ of habeas corpus, and the question of insanity, or necessity for treatment and/or observation in the State Hospital for the Insane, shall be decided at the hearing, and if the Judge or Court shall decide that the person is insane, or requires treatment and/or observation at the State Hospital for the Insane, such decision shall be no bar to the issuing of the writ a second time, whenever it shall be alleged that such person shall have been restored to reason.

§ 6. AMENDMENT.] Section 2567 of the Compiled Laws for North Dakota for 1913, is hereby amended and re-enacted to read as follows:

§ 2567. TERMS "INSANE" AND "IDIOT," DEFINED.] The term "Insane" as used in this Article, includes any species of insanity or mental derangement except such species of mental derangement which is of a temporary character and may reasonably be expected to be cured within a reasonable time. The term "Idiot," is restricted to a person supposed to be naturally without mind. No idiot is to be admitted into the Hospital for the Insane.

§ 7. REPEAL.] All Acts and parts of Acts in so far as they are in conflict herewith, are hereby repealed.

§ 8. EMERGENCY.] This Act is hereby declared an emergency measure and shall be in full force and effect from and after its passage and approval.

Approved March 10, 1937.

CHAPTER 143

H. B. No. 108—(Godwin)

INSANE PERSONS CHARGES FOR MAINTENANCE AND TREATMENT

An Act to amend and re-enact Section 2579 of the 1925 Supplement to the Compiled Laws of the State of North Dakota for 1913, providing that the expenses for the treatment and maintenance of insane persons in the State Hospital for the Insane shall be charged against the estate of such persons, providing for the disposition of property of insane persons, repealing all Acts in conflict therewith and declaring an emergency.

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

§ 1. AMENDMENT.] Section 2579 of the 1925 Supplement to the 1913 Compiled Laws of North Dakota is hereby amended and re-enacted to read as follows:

§ 2579. EXPENSES CHARGEABLE AGAINST THE ESTATE OF INSANE PERSONS.] The amount of expense incurred by any County in this State, or by the State, for treatment and maintenance of any insane person in the State Hospital for the Insane shall be charged against the estate of such insane person; provided, that the insane person has no heirs within the United States dependent upon said estate for support; and provided, further, that no real property shall be sold during the life of the insane person, except for the maintenance and support of the family of said insane person, or when it is shown to be for the best interests of the estate, and in either case only upon order of the proper Court and with the consent of the Board of County Commissioners of the proper County, and further provided that no personal property shall be sold under five years from the date of sending such insane person to the State Hospital for the Insane, unless by order of the proper Court, where such property is liable to deteriorate in value during the time above specified, and when sold as above the County Court shall order the proceeds thereof to be safely invested for the benefit of such insane person, or be used for the support and maintenance of the family of such insane person.

§ 2. REPEAL.] All Acts and parts of Acts in conflict herewith are hereby repealed.

§ 3. EMERGENCY.] This Act is hereby declared to be an emergency measure and shall take effect and be in full force from and after its passage and approval.

Approved March 10, 1937.

INSURANCE

CHAPTER 144

H. B. No. 163—(Byrne)

ACCIDENT AND SICKNESS INSURANCE COMPANIES REQUIRED TO CARRY RESERVE

An Act to amend and re-enact Section 4969 Compiled Laws of North Dakota for 1913; requiring accident and sickness insurance corporations, associations or societies to have and maintain admitted assets of \$5,000.00; repealing all Acts or parts of Acts in conflict herewith; and declaring an emergency.

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

§ 1. AMENDMENT.] Section 4969 of the Compiled Laws of North Dakota for 1913 is hereby amended and re-enacted to read as follows:

§ 4969. APPLICATION CONTAINS WHAT.] Each corporation, association or society organized under this Act shall, before issuing any policy or certificate of membership, have actual applications upon at least 250 persons for accident indemnity or accident and sickness benefits in such corporation, association or society as the case may be, and shall file satisfactory proof with the Insurance Commissioner that the president, secretary and treasurer of such association or society will satisfactorily discharge their duties as such officers and fully comply with this Act in the organization and carrying on the business of such corporation, association or society. A list of said applications giving the name, age, and residence of the applicants together with the annual dues and assessments thereon shall be filed with the Insurance Commissioner with a sworn statement of such officers and that such parties have deposited with them one advance assessment on the insurance applied for, and a certificate of a solvent bank that the funds herein provided for are deposited therein to be turned over to the treasurer of the corporation, association or society after the Certificate of Authority is issued by the Insurance Commissioner as provided herein. Provided, that in addition to the deposit of such funds as herein required, such corporation, association or society shall have admitted assets of an amount not less than \$5,000.00 before certificate of authority shall be issued. Provided further, that such corporation, as-