

## Insane.

### NORTH DAKOTA HOSPITAL.

#### CHAPTER 68.

AN ACT Establishing the North Dakota Hospital for the Insane and Providing for the Government of the Dakota Hospitals for the Insane.

*Be it enacted by the Legislative Assembly of the Territory of Dakota :*

§ 1. WHERE LOCATED.] That the North Dakota Hospital for the Insane, until otherwise provided by law, is established as now located on parts of sections six (6) and seven (7), in township one hundred and thirty-nine (139), north of range sixty-three west of the fifth principal meridian, in the county of Stutsman, near the city of Jamestown.

§ 2. APPOINTMENT OF TRUSTEES.] The board of trustees of each Hospital for the Insane shall consist of five members, and the Governor, by and with the consent of the council, shall at this session of the Legislative Assembly of the Territory of Dakota, appoint five persons as trustees respectively for the North Dakota Hospital for the Insane, and five persons as trustees for the Dakota Hospital for the Insane; three persons of each board shall be residents respectively of the counties in which the Hospital for the Insane are situated as trustees of such Hospital, each of whom shall hold their offices respectively for the term of two years and until their successors are appointed and qualified, except to fill vacancies, which shall only extend to the end of the next session of the Legislature. In case of any vacancy occasioned by the removal from the Territory by such trustee, or death, resignation, or non-acceptance of the office, the Governor shall immediately fill such vacancy; and unless the person so appointed shall accept the office within twenty days, the Governor shall immediately thereafter appoint some other person; and the Governor at each session of the Legislature hereafter shall appoint the trustees for each of said hospitals for the term of two years, as in this section provided, and each of said members of the said board shall before entering upon the duties of his office take and subscribe the oath of office provided by law.

§ 3. OBJECT OF HOSPITAL.] The object of the said Hospitals for the Insane shall be to receive and care for all insane or dis-

tracted persons residing within its jurisdiction, as limited and prescribed in this act, who may be committed to their care in accordance with law, and to furnish all needed medical treatment, seclusion, rest, restraint, attendance, amusement, occupation and support which may tend to restore their health and recover them from insanity or to alleviate their sufferings: *Provided*, That the trustees shall have power to discharge patients and to refuse additional applications for admission to the Hospital under their care, whenever in their judgment the interests of the insane demand such discharge or refusal; and that in the admission and attention of patients, curables and recent cases shall have the preference over cases of long standing, and that violent, dangerous or otherwise troublesome cases shall have preference over those of an opposite description.

§ 4. TRUSTEES MAY TAKE LANDS, ETC.—PROVISO.] The board of trustees of each Hospital may take in the name of the Territory and hold in trust for the hospitals, any lands conveyed or derived, and any money or personal property given or bequeathed, to be applied for any purpose connected with either institution; *Provided*, They shall not have power to bind the Territory by any contract, beyond the amount of the appropriation which may at the time have been made for the purpose expressed in the contract, nor to sell or convey any part of the real estate belonging to said hospitals without the consent of the Legislature, except that they may release any mortgage or convey any real estate which may be held by them as security for any money or upon any trust, the terms of which authorize such conveyance. No trustee or officer of either Hospital shall be either directly or indirectly interested in any contract for the purchase of building material, supplies or other articles for the use of the institution. They shall provide and keep a seal upon which shall be inscribed the name of the Hospital, with such other words and devices as they may deem appropriate.

§ 5. PER DIEM.] The trustees shall be paid at the rate of three dollars per day for the time necessarily incurred in the discharge of their official duties, and five cents per mile going and returning necessarily traveled in the discharge of said duties. Upon the presentation of the proper vouchers, containing an itemized statement of the sum due each trustee for services rendered, and for mileage, duly signed by the president of the board of trustees and countersigned by the secretary of said board, the territorial Auditor shall draw his warrant upon the territorial Treasurer therefor to be paid out of the territorial treasury.

§ 6. OFFICERS OF BOARD.] The trustees of each board shall elect a president and secretary from their own number, whose term of office shall be for one year, or until said board shall elect their

successors. They shall make a record of their proceedings at all meetings in a book kept for that purpose, and at their annual meeting next preceding the regular session of the Legislature, they shall each make a report to the Governor of the condition and wants of their respective hospitals, which shall be accompanied by a full and accurate report of the superintendent which shall show the annual cost per capita of the inmates and the per cent. of discharges and recoveries, and a detailed account of all monies received and paid out by the steward, and shall have not less than five hundred copies of said report printed.

§ 7. FISCAL YEAR—MEETINGS.] The fiscal year of the Hospital shall close on the 30th day of November each year, and the annual meeting of the board of trustees respectively shall be held on the first Wednesday of December thereafter at the Hospital. Special meetings for the appointment or removal of resident officers, or for the transaction of general business may be held upon the written request of the president or any three members of the board. Three members of the board shall constitute a quorum for the transaction of business.

§ 8. GENERAL POWERS AND DUTIES.] The board of trustees shall have general control and management of their Hospital; shall make all by-laws, rules and regulations necessary for the government of the same, not inconsistent with the laws of the Territory; they shall appoint a superintendent, who shall be a physician of acknowledged skill and ability, a graduate of a reputable, regular medical college, and of good moral character; one or more assistant physicians, who shall be of like skill and ability, and a graduate of a medical college, as aforesaid, when the superintendent shall deem such appointment necessary; a steward and matron, all of whom shall be styled the resident officers of the Hospital, and shall reside therein, and shall be governed by the laws and by-laws established for the same. The salaries of the resident officers of the Hospital for the Insane shall be, per annum, as follows: Superintendent, two thousand dollars; steward, one thousand two hundred dollars; assistant physicians, one thousand dollars; matron, five hundred dollars. These salaries shall be audited and paid monthly out of the territorial treasury, upon the presentation of the proper voucher therefor, duly verified, which voucher shall be approved by the president of the board of trustees, and countersigned by the secretary.

§ 9. MONTHLY VISITS.] One or more of the trustees shall visit his Hospital monthly, and the president of the board, with the superintendent, shall make monthly examinations of the accounts of the steward, and certify their approval on the same page with his monthly balance.

§ 10. BOND AND OATH OF SUPERINTENDENT.] The superintend-

ent of the Hospital shall, before entering upon the duties of his office, give a bond to the Territory of Dakota in the penal sum of twenty-five hundred dollars, conditioned that he will faithfully and impartially discharge the duties of his office, according to law and the by-laws of said Hospital, to be approved by said board, and take and subscribe an oath faithfully and diligently to discharge the duties required of him by law and the by-laws of the board of trustees, which bond and oath shall be filed with the Treasurer of the Territory; he shall be the chief executive officer of the Hospital, and have entire control of the medical, moral and dietetic treatment of the patients; he shall employ all employes and assistants necessarily connected with the institution, below the grade designated as officers in section seven in this act, and may discharge any employe at will, and suspend any resident officers of the Hospital, except steward, being responsible to the board for the proper exercise of that duty in regard to officers.

§ 11. DUTIES OF STEWARD.] The steward shall keep the accounts, pay those employed in and about the Hospital, and have a personal superintendence of the farm, garden and grounds, and perform such other duties as may be assigned him under the by-laws of the hospital, under the direction of the board of trustees; he shall purchase all supplies for the Hospital, wherever the best grade of articles, in suitable quantities, can be bought at the lowest price, and, so far as practicable, in large rather than in small quantities; and shall, if in his judgment it can be done to advantage, advertise for proposals for staple supplies, such as meat, flour, sugar, coffee, tea, fuel and other staple articles, and make contracts for the furnishing of the same, in bulk or in quantity, as may be needed for use.

§ 12. SAME, ACCOUNTS.] The steward shall keep an accurate account of all receipts and expenditures in detail which shall be open to the inspection of the superintendent and board of trustees and these accounts shall be carefully balanced on or before the 15th day of each month and closed biennially on the 30th day of November next preceding each regular session of the legislature. There shall be provided and submitted for the inspection of the superintendent and board of trustees, on or before the 15th day of each month, an original and duplicate balance sheet, which balance sheet shall show the balance of appropriations in the territorial treasury, to be applied to the maintenance of the patients, or to the general use of the Hospital or from any source whatever. These balance sheets shall also show a detailed statement of all receipts and disbursements during the month, and to what appropriation each belongs together with the name of each payee and the price paid. There shall be submitted with the balance sheet the original bills of purchase; vouchers for the same and receipts

of all other disbursements of whatever kind, which bills of purchase, vouchers and receipts shall have endorsed on the back of each the signatures attached thereto with the month and year of payment. After the original duplicate balance sheets have been endorsed as correct by the superintendent and presidents of the board of trustees the steward shall within five days thereafter file the original balance sheet in the office of the superintendent, and the duplicates thereof with the original bills of purchase, vouchers and receipts pertaining thereto he shall file in the office of the territorial Auditor, and upon the presentation of the monthly balance sheet, properly signed and endorsed as correct by the president of the board of trustees, together with the original bills of purchase, vouchers and receipts pertaining thereto, the territorial Auditor shall draw his warrants upon the territorial Treasurer for the respective amounts therein stated, from the appropriations to which they are properly chargeable.

§ 13. NEW BUILDINGS.] Whenever any additional building is to be erected, or extensions, or alterations, or repairs are to be made in connection with either Hospitals the board of trustees shall have authority to procure all necessary plans, drawings and specifications for such buildings, alterations or repairs, to advertise for proposals for the erection and completion thereof and to accept such bid as may seem to them most advantageous, the contractor in every case to give adequate security for the faithful performance of his contract, to appoint and discharge a building superintendent who shall superintend the work, and perform such other duties in that respect as they may require, and to fix his compensation, and to examine and certify to the correctness of his estimates and accounts for work under the contract and of the superintendent and the employes.

§ 14. APPROPRIATIONS NOT TO BE DIVERTED.] No portion of any special appropriation for the erection of any building or for the doing of any work or for any purpose other than ordinary expenses shall be drawn from the territorial Treasury in advance of the work done or the material furnished and then only upon proper estimates thereof, approved by the trustees, and no portion of any appropriation for any purpose, shall be drawn from the treasury before it shall be required for the purpose for which it is made, and no appropriation which is or may be made for one purpose shall be drawn or used for any other purpose, and if at any time hereafter the sum appropriated by the Legislative Assembly for any specific purpose shall be found insufficient to complete and accomplish the purpose for which said appropriation is made, then no part of the said sum so appropriated shall be expended or drawn from the territorial Treasury, nor shall any liability on the part of the Territory be created on account of said appropriation.

§ 15. PATIENTS.] All residents of the Territory of Dakota, who are or may become inmates of either Hospital, shall receive their board, tuition and treatment free of charge during their stay. The residents of other states or territories may be admitted to said Hospitals; upon the payment of the first cost of said board, tuition and treatment as provided by the by-laws adopted by the board of trustees; *Provided*, That no resident of another state or territory shall be received or retained to the exclusion of any resident of any part of the Territory of Dakota: And, *Provided further*, That should any inmate be unwilling to accept gratuitous board, treatment or tuition, then the superintendent of the Hospital is hereby authorized to receive pay therefor, and is required to account for the same in an itemized, monthly statement to the trustees, as donations to be duly credited to the persons from whom they were received, and if the superintendent shall receive any money for the purpose of furnishing extra attention and comforts to any inmates of the Hospital he shall account for the same, and for the expenditures, in like manner to the trustees.

§ 16. REMOVAL OF PATIENTS.] As soon as the North Dakota Hospital for the Insane shall be ready for the reception of patients, the boards of commissioners of Insanity, constituted under chapter 23 of the laws of 1879, in each organized county lying north of the 46th parallel of latitude, and in each county of which the greater portion shall be north of said parallel, shall transact all business arising under said chapter 23 with the trustees and officers of the said North Dakota Hospital for the Insane. The boards of commissioners of all organized counties south of the above described territory, shall transact all business with the said Dakota Hospital for the Insane at Yankton, and the territory of Dakota is hereby divided into two districts as above described for the purposes of this act, and shall be known as the District of South Dakota, [and] the District of North Dakota, and the patients from the district of south Dakota shall be taken to and cared for at the said Dakota Hospital for the Insane, and the patients from the district of north Dakota shall be taken to and cared for at the said North Dakota Hospital for the Insane, and all patients belonging to said northern district under treatment at the Dakota Hospital for the Insane, at the time said north Dakota Hospital shall be ready for patients as aforesaid, shall be transferred to said north Dakota Hospital at the expense of the last named institution.

§ 17. REPEALED.] Chapter eighty-three of the laws of 1881 and all acts and parts of acts in conflict with the provisions of this act are hereby repealed.

§ 18. This act shall be in force and effect from and after its passage and approval.

Approved, March 2, 1885.