



1948

Insanity Procedure

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Montgomery, 31 N. D. 1, 148 N.W. 662. See also 29 C.J.S., section 1 (d), pages 14 and 15. 20 C. J. page 57, paragraph 4.

While a primary election is a state-wide election, it is not a general election, and since Chapter 118 of the 1947 Session Laws provides that the amendment shall be submitted to the qualified electors of the state for approval or rejection at the next general election, it refers to the general election provided for in Section 124 of the Constitution and defined in Section 16-0601.

It is, therefore, the opinion of this office that this amendment must be submitted for approval or rejection to the electors of the state at the general election to be held on the first Tuesday after the first Monday in November of 1948.

Very truly yours,
NELS G. JOHNSON
Attorney General

NGJ:nb

INSANITY PROCEDURE

November 8, 1947

Mr. R. H. Sherman, Member
Board of Administration
Bismarck, North Dakota

Dear Judge Sherman:

This office received your letter today asking for our opinion on a question submitted by Dr. Fisher, superintendent of the Jamestown hospital.

According to Dr. Fisher's letter, there are several patients at the Jamestown hospital who have been sent there from the penitentiary at Bismarck. During their stay at the Jamestown hospital, their sentences have expired but they are still at the hospital.

The question presented is: first, should these patients be brought before an insanity board and if found to be insane be recommitted to the hospital, and second, if such action is to be taken, how are the expenses to be paid?

I would suggest that if it is practicable, these patients should be taken to the counties of which they are residents, and there be taken before the insanity board. If this is not practicable, then they should be taken before the insanity board of Stutsman County and the expense of such commission should be borne by the counties of the residence of such patients.

If the legal residence of such patients cannot be determined, then it would be an expense of the state and payable out of any fund under the control of the board of administration available for such purpose.

Yours very truly,
NELS G. JOHNSON
Attorney General
By P. O. SATHRE
Assistant Attorney General

POS:mg

The following letter, received by our President, Mack Traynor, speaks for itself:

AMERICAN BAR ASSOCIATION
ORGANIZED 1878
Standing Committee on Public Relations
1947-1948

December 29, 1947

ATTENTION BAR ASSOCIATION PRESIDENTS AND SECRETARIES

The American Bar Association Committee on Assistance to Lawyers in Devastated Countries urgently needs your help in getting its program into action at the earliest possible date. You have seen the preliminary statement on this in President Gregory's page in the November A.B.A. JOURNAL (pp. 1116-17), and there is a more detailed statement in the December issue now in the mails (pp. 1189-90).

This program calls for four specific lines of action:

- (1) Distribution of CARE food and clothing packages to members of the bar in European countries;
- (2) Collection of used typewriters and their conversion for use by judges and lawyers in these countries;
- (3) Donation of law libraries to bar associations in key European cities; and
- (4) Cooperation in International Cultural Exchanges in law, etc.

With winter at hand, the most pressing need is for (1). CARE packages, costing \$10 each, are drawn from stocks now in warehouses in the countries concerned, with the donor receiving a receipt not only for his cash contribution, but also from the recipient of the packages. The donor may indicate whether he wishes to send a food or clothing package, and may express a preference as to country of destination. CARE packages ordered through the A.B.A. Committee will go to a selected, carefully screened list of judges and lawyers, so that they will reach not only the most needy and deserving, but also those who stand with us, as Chairman Lashly puts it, "as friendly outposts on our security front against Communism."

YOU can help start this program by . . .

1. Calling it to the immediate attention of the members of your association, or your affiliated local bar associations, by direct mail announcement or through the pages of your association periodical;
2. Designating a special committee or officer of your association to head up this campaign and serve as a receiving center through whom contributions from your jurisdiction may clear to the A.B.A. Committee;
3. Stimulating contributions and donations through such promotional methods as may be best suited to your membership (one state association is spearheading its campaign by 100% personal contributions by its Board of Governors members);
4. Promptly forwarding money contributions received, indicating whether they are for CARE packages or for the other three phases of the program, to Chairman Jacob M. Lashly, 705 Olive Street, St. Louis, Missouri, with checks payable to the American Bar Association. Used typewriters should be sent, charges prepaid, to A.B.A., c/o Fidelity Storage Co., 2104 Maryland Avenue, Baltimore, Maryland.

Please keep Chairman Lashly informed on progress of this campaign in your area!!!