

## PENAL INSTITUTIONS

H. F. 84

AN ACT to amend, revise, and codify title nine (9), and chapters fifteen (15) and sixteen (16) of title ten (10) of the compiled code and of the supplement to said code, relating to charitable, correctional, and penal institutions, and the juvenile court.

Be It Enacted by the General Assembly of the State of Iowa:

That title nine (9), and chapters fifteen (15) and sixteen (16) of title ten (10) of the compiled Code and of the supplement to said Code are amended, revised, and codified to read as follows:

## CHAPTER 1

## BOARD OF CONTROL OF STATE INSTITUTIONS

Section 1. Board of control. The board of control of state institutions shall be composed of three (3) electors of the state, not more than two (2) of whom shall belong to the same political party, and no two (2) of whom shall, at the time of appointment, reside in the same congressional district. Each member shall devote his entire time to the duties of his office, and hold office for a period of six (6) years, commencing on July first of the year of appointment. The term of office of one (1) member shall expire in each odd-numbered year.

Sec. 2. Nomination and appointment. The governor shall, within sixty (60) days following the organization of each regular session of the general assembly, appoint, with the approval of two-thirds ( $2/3$ ) of the members of the senate in executive session, a successor to the member on said board whose term of office will expire on July first following. No appointment shall be considered by the senate until the same shall have been referred to a committee of five (5), not more than three (3) of whom shall belong to the same political party, to be appointed by the president of the senate, which committee shall report to the senate in executive session. The consideration of appointments by the senate shall not be had on the same legislative day the nominations are referred.

Sec. 3. Vacancies. Vacancies on said board that may occur while the general assembly is not in session shall be filled by appointment by the governor, which appointment shall expire at the end of thirty (30) days from the time the general assembly next convenes. Prior to the expiration of said thirty (30) days the governor shall transmit to the senate for its confirmation an appointment for the unexpired portion of the regular term. Vacancies occurring during a session of the general assembly shall be filled as regular appointments are made and before the end of said session, and for the unexpired portion of the regular term.

Sec. 4. Removal. The governor may, with the approval of the senate, during a session of the general assembly, remove any member of the board for malfeasance or nonfeasance in office, or for any cause that renders him ineligible to appointment, or incapable or unfit to discharge the duties of his office, and his removal when so made shall be final.

Sec. 5. Political activity - removal. No member, officer, or employee of the board, or of any of the institutions under the control of the board, shall, directly or indirectly, exert his influence to induce other officers or employees of the state to adopt his political views, or to favor any particular candidate for office, nor shall such member, officer, or employee contribute in any manner, money or other thing of value to any person for election purposes. Any person violating this section shall be removed from his office or position.

Sec. 6. Disqualification. No member of the board shall be eligible to any other lucrative office, elective, or appointive, in the state during his term of service, or for one (1) year thereafter.

Sec. 7. Organization. The member whose term first expires shall be the chairman of the board for each biennial period. The board shall employ a competent secretary and such other assistants as may be necessary. In the absence or disability of the secretary, the board may, by order entered of record, appoint a member of the board as acting secretary during such absence or disability, who shall at such time have the powers of the secretary of the board. No additional compensation shall be paid because of the service of such acting secretary.

Sec. 8. Official seal. The board shall have an official seal, and every commission, order, or other paper executed by the board may, under its direction, be attested with its seal.

Sec. 9. Expenses. The members of said board, its secretary, and employees shall, in addition to salary, receive their necessary traveling expenses by the nearest traveled and practicable route, when engaged in the state in the performance of official business.

Sec. 10. Trips to other states. No authority shall be granted to any person to make a trip to another state at the expense of the state, except by resolution, which shall state the purpose of the trip and why the same is necessary, adopted by the board, entered of record, and approved in writing by the Governor prior to the making of such trip.

Sec. 11. Biennial report. The board shall, in each even-numbered year, at the time provided by law, make a report to the governor and general assembly, and cover therein the biennial period ending with June thirtieth preceding, which report shall embrace:

1. An itemized statement, of its expenditures concerning each institution under its control.
2. A detailed statement of the management of all said institutions.
3. A statement of all visits made to said institutions and when and by whom made.
4. The observations and conclusions of the board relative to said institutions.
5. Such recommendations as to changes in the laws relative to such institutions as the board may deem advisable.
6. The name and salary of every officer or employee of said board, and of the various institutions controlled by the board.
7. The annual reports made to the board by the executive officers of the several institutions.
8. Such other matters as the governor may direct.

Sec. 12. Books of accounts. The board shall keep at its office a complete system of books and accounts with each institution under its control. Said books shall show every expenditure authorized and made at said institution and shall exhibit an account of each extraordinary or special appropriation made by the legislature, with every item of expenditure thereof.

Sec. 13. Appropriation. There is hereby appropriated until July 1, 1925, from any funds in the state treasury not otherwise appropriated sufficient thereof to pay the expenditures authorized in this chapter

## CHAPTER 2

### GOVERNMENT OF INSTITUTIONS

Sec. 14. Institutions controlled. The board of control shall have full power to contract for, manage, control, and govern, subject only to the limitations imposed by law, the following institutions:

1. Soldiers' Home.
2. Soldiers' Orphans' Home.
3. Institution for Feeble-minded Children.
4. State Sanatorium.
5. Hospital for Epileptics and School for Feeble minded.
6. Cherokee State Hospital.
7. Clarinda State Hospital.
8. Independence State Hospital.
9. Mount Pleasant State Hospital.
10. Training School for Boys.
11. Training School for Girls.
12. Juvenile Home.
13. Women's Reformatory.
14. Men's Reformatory.
15. State Penitentiary.

Sec. 15. Power of governor. Nothing contained in the foregoing section shall limit the general supervisory or examining powers vested in the governor by the laws or constitution of the state, or legally vested by him in any committee appointed by him.

Sec. 16. Report of abuses to governor. The board shall report, in writing, to the governor any abuses found to exist in any of the said institutions.

Sec. 17. Rules - fire - additional duties of employees. The board shall prescribe such rules, not inconsistent with law, as it may deem necessary for the discharge of its duties, the management of each of said institutions, the admission of inmates thereto, and the treatment, care, custody, education, and discharge of inmates. It is made the particular duty of the board to establish rules by which danger to life and property from fire will be minimized. In the discharge of its duties and in the enforcement of its rules it may require any of its appointees to perform duties in addition to those required by statute.

Sec. 18. Uniform accounts. Said board shall prescribe and install in all of said institutions the most modern, complete, and uniform system of accounts, records, and reports possible, which system, among other matters, shall show the detailed facts relative to the handling and use of all purchases.

Sec. 19. Executive officers - tenure - removal. The board shall appoint a superintendent, warden, or other chief executive officer of each institution under its control who shall have the immediate custody and control, subject to the orders of the board, of all property used in connection with the institution. The tenure of office of said officers shall be four (4) years from the date of their appointment but they may be removed for inability or refusal to properly perform the duties of the office, but such removal shall be had only after an opportunity is given such person to be heard before such board upon preferred written charges. Such removal, when made, shall be final.

Sec. 20. Appointment of subordinate officers and employees. The board shall determine the number and compensation of subordinate officers and employees for each institution. Such officers and employees shall be appointed and discharged by the chief executive officer. Such officer shall keep, in the record of each subordinate officer and employee, the date of employment, the compensation, and the date of each discharge, and the reasons therefor.

Sec. 21. Influence in appointments. Any member of the board, and any officer thereof, who, by solicitation or otherwise, exerts any influence on the chief executive officer of any institution under the control of said board in the selection of any employee for such institution, shall be guilty of a misdemeanor.

Sec. 22. Bonds. The board shall require its secretary and each officer and employee of said board, and of every institution under its control who may be charged with the custody or control of any money or property belonging to the state, to give an official bond, properly conditioned, and signed by sufficient sureties, in a sum to be fixed by the board, which bond shall be approved by the board, and filed in the office of the secretary of state. It may require bonds of other officers and employees not enumerated above.

Sec. 23. Salaries. The board shall, annually, with the written approval of the governor, fix the annual or monthly salaries of all officers and employees for the year beginning July first of said year, except such salaries as are fixed by the general assembly. The board shall classify the officers and employees into grades and the salary and wages to be paid in each grade shall be uniform in similar institutions.

Sec. 24. Dwelling house and provisions. The board shall furnish the executive head of each of said institutions, in addition to salary, with a dwelling house or with appropriate quarters in lieu thereof, and, from supplies purchased for the institution, the necessary household provisions for himself, wife, and minor children.

Sec. 25. Salaries - how paid. The salaries and wages shall be included in the monthly pay rolls and paid in the same manner as other expenses of the several institutions.

Sec. 26. Vacations with full pay. Each officer and employee of each of said institutions shall be granted an annual vacation, on full pay, as follows:

1. Seven (7) days to those who have been in the service of the state one (1) continuous year.
2. Ten (10) days to those who have been in such service two (2) continuous years.
3. Fourteen (14) days to those who have been such service three (3) or more continuous years.

Sec. 27. Authority for vacation. Such vacations shall only be taken at such times as the executive officer may direct, and only after written authorization by him, and for the number of days specified therein. A copy of such permit shall be attached to the pay roll of the institution for the month during which the vacation was taken, and the pay roll shall show the number of days the person was absent under the permit.

Sec. 28. Record of employees and inmates. The board shall require the proper officer of each institution to keep in a book prepared for the purpose, a record, to be made each day, of the number of hours of service of each employee. The monthly pay roll shall be made from such time book, and shall be in accord therewith. When an appropriation is based on the number of inmates in or persons at an institution, the board shall require a daily record to be kept of the persons actually residing at and domiciled in such institution.

Sec. 29. Districts. The board shall, from time to time, divide the state into districts from which the several institutions may receive inmates. It shall promptly notify the proper county or judicial officers of all changes in such districts.

Sec. 30. Place of commitments - transfers. Commitments, unless otherwise permitted by the board, shall be to the institution located in the district embracing the county from which the commitment is issued. The board may, at the expense of the state, transfer an inmate of one institution to another like institution.

Sec. 31. Record of inmates. The board shall, as to every person committed to any of said institutions, keep the following records: Name, residence, sex, age, nativity, occupation, civil condition, date of entrance or commitment, date of discharge, whether a discharge was final, condition of the person when discharged, the name of the institutions from which and to which such person has been transferred, and, if dead, the date, and cause of death.

Sec. 32. Record privileged. Except with the consent of the board, or on an order of a judge, or court of record, the record provided in the foregoing section shall be accessible only to the members, secretary, and proper clerks of the board.

Sec. 33. Reports to board. The managing officer of each institution shall, within ten (10) days after the commitment or entrance of a person to the institution, cause a true copy of his entrance record to be made and forwarded to the board. When a patient or inmate leaves, or is discharged, or transferred, or dies in any institution, the superintendent or person in charge shall within ten (10) days thereafter, send such information to the office of the board on forms which the board may prescribe.

Sec. 34. Questionable commitment. All superintendents are required to immediately notify the board if there is any question as to the propriety of the commitment or detention of any person received at such institution, and said board, upon such notification, shall inquire into the matter presented, and take such action as may be deemed proper in the premises.

Sec. 35. Religious beliefs. The chief executive officer, receiving a person committed to any of said institutions, shall inquire of such person as to his religious preference and enter the same in the book kept for the purpose, and cause said person to sign the same.

Sec. 36. Religious worship. Any such inmate, during the time of his detention, shall be allowed, for at least one (1) hour on each Sunday and in times of extreme sickness, and at such other suitable and reasonable times as is consistent with proper discipline in said institution, to receive spiritual advice, instruction, and ministrations from any recognized clergyman of the church or denomination which represents his religious belief.

Sec. 37. Religious belief of minors. In case such inmate is a minor and has formed no choice, his preference may, at any time, be expressed by himself with the approval of parents or guardian, if he has any such.

Sec. 38. Investigation. The board, or a committee thereof, shall visit, and minutely examine, at least once in six (6) months, and oftener if necessary or required by law, the institutions named, and the financial condition and management thereof.

Sec. 39. Scope of investigation. The board shall, during such investigation and as far as possible, see every inmate of each institution, especially those admitted since the preceding visit, and shall give such inmates as may require it, suitable opportunity to converse with them apart from the officers and attendants.

Sec. 40. Investigation of county or private institutions. Said board, or any member thereof, may investigate charges of abuse, neglect, or mismanagement on the part of any officer or employee of any county home in which insane persons are kept, and of any private institution which is subject to the supervision of said board.

Sec. 41. Witnesses. In aid of any investigation the board shall have the power to summon and compel the attendance of witnesses; to examine the same under oath, which any member thereof shall have power to administer; to have access to all books, papers, and property material to such investigation, and to order the production of any other books or papers material thereto. Witnesses other than those in the employ of the state shall be entitled to the same fees as in civil cases in the district court.

Sec. 42. Contempt. Any person failing or refusing to obey the orders of the board issued under the preceding section, or to give or produce evidence when required, shall be reported by the board to the district court in the county where the offense occurs or any judge thereof, and shall be dealt with by the court or judge as for contempt of court.

Sec. 43. Transcript of testimony. The board shall cause the testimony taken at such investigation to be transcribed and filed in its office at the seat of government within ten (10) days after the same is taken, or as soon thereafter as practicable, and when so filed the same shall be open for the inspection of any person.

Sec. 44. State agents - appointment - supplies. The board may appoint, and discharge at their pleasure, such number of persons as may be authorized by law to act as state agents for the soldiers' orphans' home, the two (2) training schools, the juvenile home, and the women's reformatory.

Sec. 45. Rooms and supplies. The board shall furnish such agents office rooms and all necessary supplies in the same manner supplies are furnished other officers of the board. Such agents, while stopping at any of said institutions, may be furnished with rooms, board, and facilities therein, free of cost.

Sec. 46. Duties of agents. Said agents shall:

1. Perform such duties as may be required by law or by said board.
2. Find suitable homes and employment for inmates of said institutions who are to be or who have been released.
3. Inspect such homes.
4. Exercise supervision over such discharged or released persons and examine into their conduct and environment.
5. Return to the institution from which released, all inmates who have been conditionally released and whose conduct has been bad, or in violation of their release.
6. Obtain new homes or new employment for released inmates when their environment is bad.
7. Keep records of their acts as agents and make all reports called for by the board.

Sec. 47. Advancing expense fund. The board of control may cause to be advanced to each agent, from time to time, from the funds appropriated for such purpose, sums to be used in defraying the official expenses of such agent. The aggregate amount of money so advanced and not expended at any time shall not exceed the sum of two hundred fifty dollars (\$250.00). The agent shall give security, to be approved by the board, for the proper use and accounting each month of all money so advanced.

Sec. 48. Salary and expenses. Said agent shall receive their actual and necessary expenses incurred in the discharge of their duties.

Sec. 49. Duty of receiving officers. The stewards of the hospital for the insane, the clerks of the prisons, and the proper officers, who shall be designated by the board, of the other institutions, shall each:

1. Have charge of and be accountable for all supplies and stores of such institution and be chargeable therewith, at their invoice value.
2. Issue stores and supplies upon requisition approved by the superintendent or other officer designated by the board, which requisition shall be his voucher therefor.
3. Present, monthly, to the board an abstract of all expenditures, together with the accounts and pay rolls for the preceding month.
4. Examine and register all goods delivered, as to their amount and quality, and certify to the correctness of the bills therefor, if the goods correspond to the samples, are in good order, and correct in prices.
5. Take an invoice, quarterly, of the subsistence supplies and stock in his possession and control, and transmit a copy thereof, duly verified by him, to the board.
6. Make to the board, at the close of the biennial period, a consolidated report of all purchases and transactions of his department.
7. Pay into the state treasury, from time to time, such amount as the board may determine is necessary to reimburse the state for his negligent loss of such stores or supplies, and shall so do within sixty (60) days of such determination by the board. If default be made in such payment, he shall be discharged and suit shall be brought on his bond.

Sec. 50. Services required. Inmates of said institution subject to the provisions hereinafter provided, may be required to render any proper and reasonable service either in the institution proper or in the industries established in connection therewith.

Sec. 51. Custody and escape. When an inmate of an institution is so working outside the institution proper he shall be deemed at all times in the actual custody of the head of the institution.

Sec. 52. Wages of inmates. When an inmate performs services for the state at an institution, the board of control may, when it deems such course practicable, pay such inmate such wage as it deems proper in view of the circumstances, and in view of the cost attending the maintenance of such inmate. In no case shall such wage exceed the amount paid to free labor for a like service or its equivalent.

Sec. 53. Deduction from wage to pay court costs. If such wage be paid, the board may deduct therefrom an amount sufficient to pay all or a part of the costs taxed to such inmate by reason of his commitment to said institution. In such case the amount so deducted shall be forwarded to the clerk of the district court or proper official.

Sec. 54. Wages paid to dependent.- deposits. If such wage be paid, the board may pay all or any part of the same directly to any dependent or such inmate, or may deposit such wage to the account of such inmate, or may so deposit part thereof and allow the inmate a portion for his own personal use. All deposits shall be on the best attainable terms.

Sec. 55. Executive heads - semiannual conferences. Quarterly conferences of the chief executive officers of said institutions shall be held with the board at Des Moines, for the consideration of all matters relative to the management of said institutions. Full minutes of such meetings shall be preserved in the records of the board.

Sec. 56. Papers read at conference - appropriation. The board may cause papers to be prepared and read, at such conferences, on appropriate subjects. The sum of two hundred fifty dollars (\$250.00) is annually appropriated until July 1, 1925, for the purpose of paying the actual and necessary traveling and hotel expenses of the parties who prepare and read such papers.

Sec. 57. Executive heads - scientific investigation. The board shall encourage the scientific investigation, on the part of the executive heads and medical staffs of the various institutions, as to the most successful methods of managing such institutions and treating the persons committed thereto, shall procure and furnish to such heads and staffs information relative to such management and treatment, and, from time to time, publish bulletins and reports of scientific and clinical work done in said institutions.

Sec. 58. Monthly report of executive heads. The chief executive officer of each institution shall, on the first day of each month, account to the board for all state funds received during the preceding month, and, at said time, remit the same to the treasurer of state.

Sec. 59. Annual reports of executive heads. The executive head of each institution shall make an annual report to the board and embrace therein a minute and accurate inventory of the stock and supplies on hand, and the amount and value thereof, under the following heads: Live stock, farm produce on hand, vehicles, agricultural implements, machinery, mechanical fixtures, real estate, furniture, and bedding in inmates' department, state property in superintendent's department, clothing, dry goods, provisions and groceries, drugs and medicines, fuel, library, and all other state property under appropriate heads to be determined by the board.

Sec. 60. Contingent fund. The board may permit the executive head of each institution to retain a stated amount of funds in his possession as a contingent fund for the payment of freight, postage, commodities purchases on authority of the board on a cash basis. salaries, and bills granting discounts for cash.

Sec. 61. Requisition for contingent fund. If necessary, the board shall make proper requisition upon the auditor of state for a warrant on the state treasurer to secure the said contingent fund for each institution.

Sec. 62. Monthly reports of contingent fund. A full, minute, and itemized statement of every expenditure made during the month from such contingent fund, shall be submitted by the proper officer of said institution to the board under such rules as said board may establish.

Sec. 63. Supplies - competition - Iowa dealers. The board shall, in the purchase of supplies, afford all reasonable opportunity for competition, and shall give preference to local dealers and Iowa producers when such can be done without loss to the state.

Sec. 64. Dealers may file addresses. Jobbers or others desirous of selling supplies shall, by filing with the board a memorandum showing their address and business, be afforded an opportunity to compete for the furnishing of supplies, under such rules as the board may prescribe.

Sec. 65. Samples preserved. When purchases are made by sample, the same shall be properly marked and retained for six (6) months after the delivery of such purchase.

Sec. 66. Purchase from institutions. The board may purchase supplies of any institution under its control, for the use in any other such institution, and reasonable payment therefor shall be made as in case of other purchases.

Sec. 67. Purchase of supplies. The board shall, from time to time, adopt and make of record, rules and regulations governing the purchase of all articles and supplies needed at the various institutions, and the form, verification, and audit of vouchers for such purchases.

Sec. 68. Certified abstracts. When vouchers for expenditures other than salaries have been duly audited, the secretary of the board shall prepare, in duplicate, an abstract showing the name, residence, and amount due each claimant and the institution and fund thereof on account of which the payment is made. The correctness of said abstracts shall, under the seal of the board, be certified by said secretary and by at least one member of the board. The original abstract shall be delivered to the auditor of state. The duplicate shall be retained in the office of the board.

Sec. 68-a1. Warrants. Upon such certificate the auditor of state shall, if the institution named has sufficient funds, issue his warrants upon the treasurer of state for the amounts and to the claimants indicated thereon. The auditor of state shall deliver the warrants thus issued to the board, who will cause same to be transmitted to the payees thereof.

Sec. 68-a2. Monthly pay rolls. At the close of each month, the chief executive officer of each institution shall prepare and forward to the board a monthly pay roll which shall show: the name of each officer and employee, when first employed, the monthly pay, time paid for, the amount of pay, and any deductions for the careless loss or destruction of property. In no event shall a substitute be permitted to receive compensation in the name of the employee for whom he is acting.

Sec. 68-a3. Payment. After said pay roll has been audited by the board, abstracts thereof shall be prepared, certified to, and filed with the auditor of state and in the records of the board and warrants issued thereon as provided in case of disbursements other than salaries, except that the auditor of state shall draw one warrant in favor of the executive head of the institution in question for the sum total of said pay roll.

Sec. 68-a6. Combining appropriations. The auditor of state is authorized to combine the balances carried in all specific appropriations into a special account for each institution under the control of the board of control, except that the support fund for each institution shall be carried as a separate account.

Sec. 69. State architect. Said board may employ a competent architect, and such draftsmen as may be authorized by law. Said architect shall, in addition to salary, be reimbursed for his actual and necessary expenses within the state while engaged in official business. In cases of sufficient magnitude the board

may secure the advice of a consulting architect, or may secure plans and specifications from other architects, at a cost not exceeding one thousand five hundred dollars (\$1,500.00) in any year.

Sec. 70. Plans and specifications. Said board shall cause plans and specifications to be prepared for all improvements authorized and costing over one thousand dollars (\$1,000.00). No appropriation for any improvement shall be expended until the adoption of suitable plans and specifications, prepared by a competent architect, and accompanied by a detailed statement of the amount, quality, and description of all material and labor required for the completion of such improvement. No plans shall be adopted, and no improvement shall be constructed, which contemplates an expenditure of money in excess of the appropriation.

Sec. 71. Letting of contracts. The board shall, in writing, let all contracts for authorized improvements costing in excess of three hundred dollars (\$300.00) to the lowest responsible bidder, after such advertisement for bids as the board may deem proper in order to secure full competition. The board may reject all bids and readvertise.

Sec. 72. Preliminary deposit. A preliminary deposit of money, or certified check upon a solvent bank in such amount as the board may prescribe, shall be required as an evidence of good faith, upon all proposals for the construction of said improvements, which deposit or certified check shall be held under the direction of the board.

Sec. 73. Improvements by day labor. Authorized improvements costing three hundred dollars (\$300.00) or less may, under authorization of the board, be made by the executive head of any institution by day labor.

Sec. 74. Improvements at institutions. The requirements that contracts in excess of three hundred dollars (\$300.00) shall be let under contract shall not be mandatory as to improvements at any institution where the labor of inmates may be utilized on the particular work to be done, to the advantage of the inmates or of the state.

Sec. 75. Payment for improvements. No payment shall be authorized for construction purposes until satisfactory proof has been furnished to the board of control, by the proper officer or supervising architect, that the contract has been complied with by the parties; and all payments shall be made in a manner similar to that in which the current expenses of the several institutions are paid.

Sec. 76. Property of deceased inmate. The chief executive office of each institution shall, upon the death of any inmate or patient, immediately take possession of all property of the deceased left at said institution, and deliver the same to the duly appointed and qualified representative of the deceased.

Sec. 77. Property of small value. If administration be not granted within one (1) year from the date of the death of the decedent, and the value of the estate of decedent is so small as to make the granting of administration inadvisable, then delivery of the money and other property left by the decedent may be made to the surviving spouse and heirs of the decedent.

Sec. 78. Disposal when no administration granted. If administration be not granted within one (1) year from the death of decedent, and no surviving spouse or heir is known, said executive officer may convert all said property into money and in so doing he shall have the powers possessed by a general administrator.

Sec. 79. Money deposited with treasurer of state. Said money shall be transmitted to the treasurer of state as soon after one (1) year after the death of the intestate as practicable, and be credited to the support fund of the institution of which the intestate was an inmate.

Sec. 80. Permanent record kept. A complete permanent record of the money so sent, showing by whom and with whom it was left, its amount, the date of the death of the owner, his reputed place of residence before he became an inmate of the institution, the date on which it was sent to the state treasurer and any other facts which may tend to identify the intestate and explain the case shall be kept by the chief executive officer of the institution and a transcript thereof shall be sent to, and kept by, the treasurer of state.

Sec. 81. Payment to party entitled. Said money shall be paid, at any time within ten (10) years from the death of the intestate, to any person who is shown to be entitled thereto. Payment shall be made from the state treasury out of the support fund of such institution in the manner provided for the payment of other claims from that fund.

Sec. 82. Special policemen. The board may, by order entered of record, commission one (1) or more of the employees at each of said institutions as special police. Such police shall, on the premises of the institution of which they are employees, and in taking an inmate into custody, have and exercise the powers of regular peace officers. No additional salary shall be granted by reason of such appointment.

Sec. 83. Temporary quarters in case of emergency. In case the buildings at any institution under the management of the board of control are destroyed or rendered unfit for habitation by reason of fire, storms, or other like causes, to such an extent that the inmates can not be there confined and cared for, said board shall make temporary provision for the confinement and care of the inmates at some other place in the state. Like provisions may be made in case any pestilence breaks out among the inmates. The reasonable cost of the change, including transfer of inmates, shall be paid from any money in the state treasury not otherwise appropriated.

Sec. 84. Industries may be established. The board may establish such industries as it may deem advisable at or in connection with any of said institutions.

Sec. 85. Sterilization of patients. The operation of sterilization may be performed on any inmate of any of the institutions under the control and management of the board of control when such patient is afflicted with insanity, idiocy, imbecility, feeble mindedness, or syphilis, but only after all the following conditions have been complied with:

1. The superintendent of the hospital must determine, and a majority of his medical staff must concur therein, that the performance of such operation is for the best interests of the patient and society.
2. The performance of such operation must be approved by a majority of the members of the board of control.
3. The husband or wife of the patient if known and living in this state, must consent in writing to such operation; if the patient is unmarried the parent, guardian, or next of kin, if known and living in this state, must so consent.

Sec. 86. Operation defined. The operation to be performed upon a male person shall be what is known as vasectomy, and upon a female patient what is known as section of the fallopian tubes with implantation in the uterine muscles.

Sec. 87. Performance of operation. The operation shall be performed by some capable physician or surgeon to be selected by the superintendent of the hospital.

Sec. 88. Unlawful operation. Every person who shall, except as authorized in the last three (3) preceding sections, perform on any person either of the operations named, for the purpose of destroying the power of procreation, unless the performance of such operation is a medical necessity, shall be guilty of a misdemeanor.

Sec. 89. Biennial report. The board of control shall include in its regular biennial report, all proceedings under the preceding sections relating to sterilization, with such observations and statistics as may be deemed advisable.

Sec. 89-a1. Aiding escapes - bringing liquor or drugs to inmates. Any person not authorized by law, who shall bring or pass or cause to be brought into the institution for feeble-minded children, or the hospital for epileptics and school for feeble minded, or any state hospital for the insane, or the training school for boys, or the training school for girls, or the juvenile home, or the women's reformatory, or the men's reformatory, or the state penitentiary, or onto the grounds thereof, or into any inclosure, building, camp, quarry, farm, garden, or other place used in connection with any such institution in which prisoners, patients or inmates are required or permitted to be, any opium, morphine, cocaine, or other narcotics, or any intoxicating liquor, or any firearm, weapon or explosive of any kind, or any rope, ladder or other instrument or device for use in making or attempting an escape, or shall in any manner aid in such an escape, or who shall knowingly conceal such inmate after escape, shall be punished by imprisonment in the penitentiary or reformatory for a term not exceeding five (5) years.

### CHAPTER 3

#### SOLDIERS' HOME

Sec. 90. Right to admission. The following named persons are entitled to admission into the Iowa soldiers' home if they do not have sufficient means or ability to support themselves:

1. A person who has been commissioned, enlisted, or inducted into the military or naval service of the United States and who served in Iowa military organizations, or who was accredited to Iowa, or who was a resident of Iowa when he was so commissioned, enlisted, or inducted, members of the northern border brigade, and the lawful wife, if any, of such person at time of his original admission, without regard to residence in this state at the time original application is made.

2. A person who has been so commissioned, enlisted, or inducted, and who served in military organizations of other states, or was accredited to another state, and the lawful wife, if any, of such person for admission into said home, if they have been residents of Iowa for three (3) years next preceding the date of application.

5. A woman who, prior to nineteen hundred ten (1910), married any man within the above classes, and who, at the time of application for admission to the home, is his widow, or who, at said time, has been divorced without fault on her part. A subsequent marriage shall not deprive such women of the right to admission to said home, nor, in case of divorce, shall such right to admission depend upon the presence of the former husband in the home as a member, but if said woman was the wife of a person of the class named in paragraph two (2) hereof, she shall not be admitted except on proof of a residence which would have entitled the husband to admission.

Sec. 91. Eligibility of applicants. The board of control shall determine the eligibility of all applicants for admission to the home.

Sec. 92. Husband and wife. Husbands and wives may be permitted to occupy, together, cottages or other quarters on the grounds of the home.

Sec. 93. Certificate as to place of residence - records. Before admission, such person, if a resident of this state, shall file with the commandant an affidavit, signed by the board of supervisors of the county in which such person resides, that such person, to the best of their knowledge and belief, is a resident of such county. If such person is not a resident of this state, he shall file proof, by affidavit, showing his place of residence. Such affidavit shall be conclusive evidence of the residence of such person in all matters affecting the liability of the county with respect to any expenses of such person for which the county may be liable. All records of admission shall show the residence of the applicant.

Sec. 94. Residence of members. The residence of a member who is discharged or who voluntarily leaves the home shall be that of the county of which he was a resident at the time of his admission.

Sec. 95. Admission of nondependents. The board may, if there is room for all dependent applicants and members, admit and allow to remain in the home, persons who have sufficient means for their own support but are otherwise eligible to become members of the home, on payment of the cost of their support, which cost shall be fixed from time to time by the board of control.

Sec. 96. Funds received from nondependents. All money paid under the provisions of the preceding section shall be received by the commandant and remitted each month to the treasurer of state and placed to the credit of the general fund of the state.

Sec. 97. Salary. The commandant shall be the chief executive officer and receive an annual salary of twenty-eight hundred dollars (\$2,800.00).

Sec. 98. Qualifications of commandant. The commandant shall possess an honorable discharge from the United States army or navy, except that when such person is not available for the office any other suitable person may be appointed.

Sec. 99. Subordinate officers - qualifications. Among the subordinate officers of said home there shall be an adjutant, a quartermaster, and a chief surgeon, each of whom shall possess the same qualifications as the commandant, provided such a person is obtainable.

Sec. 100. Home and supplies for subordinate appointees. The adjutant, quartermaster, chief surgeon, and chaplain shall be furnished, without charge, the use of the houses erected by the state and now occupied by such officers, together with lights, heat, fuel, ice, and water.

Sec. 101. Pension money not liable for support. Pension money received from the federal government shall not be applied to the support, in said home, of any member, nor shall such member be deprived of any part of such pension money except as hereinafter provided.

Sec. 102. Pension money - effect of convictions. Any person who, while a member of the home, is twice convicted of an offense against the statutes of the state, or twice convicted by the commandant or a court martial of intoxication or other infraction of the rules of the home, shall be required to deposit all his pension money with the commandant immediately upon receipt of his pension warrant. In lieu of a trial by the commandant, the member may demand a court martial.

Sec. 103. Pension money paid to dependents. When said money is so deposited, the commandant shall pay one-half (1/2) thereof to the pensioner's wife, child, or parent who is dependent on him for support. If there be two (2) or more such dependent relatives, the commandant shall pay said one-half (1/2) to those dependents who are most needy.

Sec. 104. Pension money deposited. The remaining one-half (1/2) of such pension money, and all of said money in case of the pensioner has no such dependents, shall, in case of such conviction, be deposited by the commandant for and on behalf of such pensioner, and the commandant shall, under such rules as the board of control may provide, pay the same out, with the consent of the pensioner, in such manner and for such purposes as the board may approve.

Sec. 105. Return of deposit to pensioner. If, after such deposit is made, the pensioner abstains from all violations of the law for a period of ten (10) months after such conviction, he shall be entitled to receive, from said deposit, two dollars (\$2.00) for the eleventh month, and four dollars (\$4.00) for the twelfth month. If, during said two (2) months, the pensioner shall conduct himself in an orderly and sober manner, said deposit shall be returned to him.

Sec. 106. Deposit returned in case of discharge. If the depositor be discharged from the said home, any balance of such deposit, after his railroad ticket has been purchased, shall be paid to such pensioner within thirty (30) days after his discharge.

Sec. 107. Assignment of deposit. No assignment of pension money deposited with the commandant nor any claim therefor shall be valid.

Sec. 108. Pension money in case of dependents. Each member of the home who receives a pension, and who has a dependent wife or minor children, shall deposit with the commandant forthwith on receipt of his pension check one-half (1/2) of the amount thereof, which shall be sent at once to the wife if she be dependent upon her own labor or others for support, or, if there be no wife, to the guardian of the minor children if dependent upon others for support. The commandant, if satisfied that the wife has deserted her husband, or is of bad character, or is not dependent upon others for support, may pay the money deposited as aforesaid to the guardian of the dependent minor children.

Sec. 109. Annual appropriation. For the general support of said home, there is hereby appropriated until July 1, 1925, the sum of twenty-eight dollars (\$28.00) per month for each member, and fifteen dollars (\$15.00) per month for each officer and employee not a member of the home, or so much thereof as may be necessary. The commandant, on the first day of each month, shall certify to the board the average number of members supported by the state in the home for the preceding month. Upon receipt of such certificate the board shall certify to the auditor and treasurer of state the total amount payable by the state for the support of the home for the preceding month, and the auditor and treasurer of state shall credit the home with said amount. The amount so credited shall be drawn from the state treasury in the manner provided in chapter two (2) of this title.

Sec. 110. Minimum monthly appropriation. If the average number of members shall be less than seven hundred fifty (750) in any month, the auditor and treasurer of state shall credit the home with the sum of twenty-one thousand dollars (\$21,000.00) for that month, which sum, or so much thereof as may be needed, is appropriated until July 1, 1925, out of any unappropriated money in the treasury, together with the monthly allowance for each officer and employee provided in the preceding section, and the sum so credited shall be drawn from the state treasury in the same manner and for the same purpose as the regular monthly per capita allowance is drawn.

#### CHAPTER 3 - A

#### IOWA SOLDIERS' ORPHANS' HOME

Sec. 110-a1. Objects. The Iowa soldiers' orphans' home shall be maintained for the purpose of providing for children therein a common school education and such useful and regular employment and training as will enable them to be self-sustaining. The board of control and superintendent of the home shall assist all discharged children in securing suitable homes and proper employment.

Sec. 110-a2. Salary of superintendent. The salary of the superintendent of said home shall be twenty-four hundred dollars (\$2,400.00) per year.

Sec. 110-a3. Admissions. Admission to said home shall be granted to resident children of the state under eighteen (18) years of age, as follows, giving preference in the order named:

1. Destitute children, and orphans unable to care for themselves, of soldiers, sailors, or marines.
2. Neglected or dependant children committed thereto by the juvenile court.
3. Other destitute children.

Sec. 110-a4. Procedure for admission. The procedure for commitment to said home shall be the same as provided by chapter fifteen (15) of title nine (9), but admission may be granted on voluntary applications signed by the legal custodian of the child and approved by a judge of a court of record, or by the board of supervisors, of the county of the child's residence. Such applications shall be subject to the approval of the board of control and shall be in such form as it may prescribe.

Sec. 110-a5. Transfer to and from the home. The board of control may transfer to the home minor wards of the state from any institution under its charge; but no person shall be so transferred who is not mentally normal, or who is incorrigible, or has any vicious habits, or whose presence in the home would be inimical to the normal or physical welfare of normal children therein, and any such child in the home may be transferred to the proper state institution.

Sec. 110-a6. Profits and earnings of child. Any profits arising from labor at the home shall be placed at interest in some savings bank, and each child paid, when discharged, in proportion as his labor contributed to the fund. The earnings of a child who is placed with others under contract shall be used, held, or otherwise applied for the exclusive benefit of said child.

Sec. 110-a7. Regulations. All children admitted or committed to the home shall be wards of the state and subject to the rules of the home. Subject to the approval of the board, any child received under voluntary application may be expelled by the superintendent for disobedience and refusal to submit to proper discipline. Children shall be discharged upon arriving at the age of eighteen (18) years, or sooner if possessed of sufficient means to provide for themselves.

Sec. 110-a8. Enumeration of soldiers' orphans. The assessor in each odd-numbered year shall take an enumeration of the children of deceased soldiers who were in the military service of the government, naming the company or organization to which the soldiers belonged, with the age and sex of the children. The auditors of the several counties shall furnish the assessors with the proper blanks for taking such lists. The lists so returned shall be revised from time to time, as may be necessary, by the board of supervisors, and a record made of such action.

Sec. 110-a9. Adoption of children. Any child in said home who is an orphan, or who has been abandoned by his parents, or whose parents or surviving parent consent in writing, may be adopted by any citizen of this state, upon the recommendation of the superintendent, and with the approval of the board.

Sec. 110-a10. Articles of adoption. The adoption shall be by written instrument, signed by the superintendent and by the person adopting, subject to the written approval of the board. Except as herein otherwise provided, such instrument shall be signed and recorded as provided by the general adoption statutes of the state, and the adoption shall create the rights and liabilities provided by said statutes.

Sec. 110-a11. Placing child under contract. Any child received in said home, unless adopted, may, under written contract approved by the board, be placed by the superintendent in the custody and care of any proper person or family. Such contract shall provide for the custody, care, education, maintenance, and earnings of the child for a fixed time which shall not extend beyond the age of majority. Such contract shall be signed by the superintendent and by the person taking the child.

Sec. 110-a12. Recovery of possession of child. In case of a violation of the terms of such articles of adoption, or contract, the board may cause the child to be taken from the person or persons with whom placed, and may make such other disposition of him as shall seem to be for his best interests.

Sec. 110-a13. Recovery of child - duty of county attorney. In case legal proceedings are necessary to recover the possession of such child, they may be instituted and carried on in the name of the superintendent, and the county attorney of the county in which the child is placed shall, if requested by the superintendent, act as his attorney in the proceedings.

Sec. 110-a14. Interference with child. It shall be unlawful for any parent or other person not a party to the placing of a child by adoption or for a term of years, to interfere in any manner with or to assume or exercise any control over such child or his earnings while such adoption or contract is in force.

Sec. 110-a15. Counties liable. Each county shall be liable for sums paid by the home in support of all its children, other than the children of soldiers, to the extent of a sum equal to one-half ( $1/2$ ) the amount appropriated by the state for the support for each child, and when the average number of children shall be less than five hundred (500) in any month, each county shall be liable for its just proportion for each child of the amount credited to the home for that month. The sums for which each county is so liable shall be charged to the county and collected as a part of the taxes due the state, and paid by the county at the same time state taxes are paid.

Sec. 110-a16. Maximum appropriation. For the support of the home there is appropriated out of any money in the state treasury not otherwise appropriated the sum of twenty-four dollars (\$24.00) per month, or so much thereof as may be necessary for each child actually supported, and, in addition, the expense of his transmission to the home. The superintendent on the first day of each month shall certify to the board of control the average number of children supported by the state in the home for the preceding month, and the expense of transmitting children to the home during said month. Upon receipt of such certificate the said board shall certify to the auditor and treasurer of state the total amount payable by the state for the support of the home for the preceding month, and the expense of transmitting children to the home for said month, and the auditor and treasurer of state shall credit the home with said amount. The amount so credited shall be drawn from the state treasury in the manner provided for the drawing of support funds for the other institutions under the management of the state board of control.

Sec. 110-a17. Minimum appropriation. If the average number of children shall be less than five hundred (500) in any month, the auditor and treasurer of state shall, upon the presentation of the proper certificate by the board, credit the home with the sum of twelve thousand dollars (\$12,000.00) for that month, and the sum so credited shall be drawn from the state treasury in the same manner and for the same purposes as the regular monthly per capita allowance is drawn.

#### CHAPTER 4 STATE SANATORIUM

Sec. 111. State sanatorium. The state sanatorium for the treatment of tuberculosis shall hereafter be known as the state sanatorium.

Sec. 112. State sanatorium - object and purpose. The state sanatorium shall be devoted solely to the care and treatment of pulmonary tuberculosis, both in its incipient and advanced stages, of residents of this state.

Sec. 113. Qualifications of superintendent. The superintendent shall be a well educated physician of at least five (5) years' experience in the practice of medicine. He shall reside at the sanatorium.

Sec. 114. Salaries. The annual salary of the superintendent shall be fixed by the board of control at an amount not exceeding twenty-five hundred dollars (\$2500.00).

Sec. 115. Duties of superintendent. Said superintendent shall:

1. Perform such duties as may be provided by law or by said board.
2. Oversee and secure the individual treatment and professional care of each patient.
3. Prescribe rules, subject to the approval of said board, for the application, examination, reception, discharge, and government of patients.
4. Keep a full record of the condition of each patient.
5. Encourage and assist in the establishment of hospitals throughout the state, especially in cities, for the treatment of tuberculosis.
6. Furnish to each applicant for admission proper blanks on which to make the application.

Sec. 116. Admission - examination. All applicants for admission to the sanatorium shall first secure a thorough examination of his condition by a physician licensed to practice medicine in this state for the purpose of determining whether said applicant is afflicted with pulmonary tuberculosis. Said

examining physician shall, as accurately as possible, fill out the blanks furnished for that purpose, and at once mail the same to the superintendent.

Sec. 117. Additional showing. The superintendent, in addition to the record of said examination, may demand of the applicant further showing as to his eligibility for admission. In case of doubt, the superintendent shall personally examine said applicant in case the applicant presents himself at the institution. If the applicant appears to be a bona fide resident of this state and is otherwise eligible for admission, he shall be received at the institution, provided there is room for him.

Sec. 118. Waiting list. If, at the time admission is granted, the applicant can not, for any reason, be then received, his name shall be regularly entered on a waiting list and applicants shall be admitted in that order.

Sec. 119. Separate department for advanced stages. The superintendent shall create a separate department for persons afflicted with pulmonary tuberculosis in advanced stages. If it be impossible to receive all such patients, preference shall be given to those most in need of treatment, and those whose condition is most dangerous to the public.

Sec. 120. Transfer of patients. Patients may be transferred from the department for incipient cases to the department for advanced cases and vice versa.

Sec. 121. Indigent patients - expenses. The state shall, on certificate of the superintendent approved by the board of control, pay, out of any money in the state treasury not otherwise appropriated, the actual and necessary expense attending the transportation of an accepted applicant for admission, to and from the sanatorium, and the expense of treating said applicant at said institution, if said applicant is unable to pay the same and such fact is certified to by the board of health of the city, town, or township, as the case may be, depending on the residence of said applicant.

Sec. 122. Advancing transportation expense. In cases contemplated by the preceding section, the superintendent shall certify an itemized estimate of the expense attending such transportation, which certificate when approved by the board of control shall be filed with the state auditor who shall thereupon issue his warrant to the superintendent for said amount. Within thirty (30) days thereafter the superintendent shall file with said auditor an itemized and verified statement, approved by the board of the actual and necessary expense attending said transportation, together with the receipt of the state treasurer for any part of said warrant not expended. If said warrant prove insufficient, said certificate shall show the amount of such deficiency, and the auditor shall at once issue his warrant therefor.

Sec. 123. Per capita allowance. The board of control shall, from time to time, fix the per capita allowance which may be charged by the said institution for the care, treatment, and maintenance of each patient, which shall not exceed the sum of sixty-five dollars (\$65.00) per capita per month, and there is appropriated until July 1, 1925, out of any unappropriated money in the state treasury, or so much thereof as may be needed, such allowance monthly for each inmate supported by the state, counting the actual time such person is an inmate and so supported.

Sec. 124. Certificates as to number of inmates. The superintendent, on the first day of each month, shall certify to the board the average number of inmates supported by the state in said institution for the preceding month.

Sec. 125. Certificate of monthly allowances. Upon receipt of such certificate, the board shall, on the basis of the per capita allowance as fixed by it, certify to the auditor and treasurer of state the total amount payable for the care, treatment, and maintenance of the patients supported by the state for the preceding month, and the auditor and treasurer of state shall credit said institution with said amount. The amount so credited shall be drawn from the state treasury in the manner provided in chapter two (2) of this title.

Sec. 126. Minimum allowance. If the aggregate per capita allowance for the patients shall not equal the sum of four thousand dollars (\$4,000.00) for any month, said amount is appropriated until July 1, 1925, from any unappropriated money in the state treasury, or so much thereof as may be needed, and upon receipt of the proper certificate from the board, the auditor and treasurer of state shall credit the institution with said sum for that month, and the same shall be drawn from the state treasury in the same manner and for the same purposes as the regular monthly per capita allowance is drawn.

Sec. 127. Liability of county. Each county shall be liable to the state for the support of all patients from that county in the state sanatorium. The amounts due shall be certified by the superintendent to the auditor of state, who shall collect the same from the counties liable, at the times and in the manner required for the certification and collection of money from counties for the support of insane patients.

Sec. 128. Liability of patients and others. Patients in the sanatorium and persons legally bound for their support shall be liable for the maintenance of patients in the sanatorium.

Sec. 129. Patients and others liable to counties. The provisions of law for the collection by boards of supervisors of amounts paid by their respective counties from the estates of insane patients and from persons legally bound for their support, shall apply in cases of patients cared for in the sanatorium.

Sec. 130. Appropriation to disseminate information. There is hereby appropriated until July 1, 1925, out of any unappropriated funds in the state treasury the sum of five thousand dollars (\$5,000.00) annually, or so much thereof as may be necessary, to be used by the board of control, in such manner as it may determine, for the collection and dissemination of information regarding tuberculosis. To this end it may employ one (1) or more lecturers on said subject.

## CHAPTER 5

### INSTITUTION FOR FEEBLE MINDED

Sec. 131. Institution for feeble minded. The institution for the feeble minded at Glenwood shall be maintained for the training, instruction, care, and support of feeble-minded residents of the state.

Sec. 132. Salary of executive officer. The superintendent shall receive a salary of three thousand dollars (\$3,000.00) per year.

Sec. 133. Separate departments. The board of control shall, as far as possible, create separate departments for separate classes of inmates.

Sec. 134. Admission and discharge. Admission to said institution may be either voluntary, by parents, guardian, or county attorney, under such rules as the board may prescribe, or by commitment under the following chapter of this title. The board may at any time return any inmate to its parent or guardian.

Sec. 135. Clothing - costs certified to county. The superintendent shall supply all inmates with clothing when not otherwise supplied. The actual cost thereof, together with the cost of transporting said inmate, shall be certified by the superintendent to the auditor of the county of the inmate's residence, and the board of supervisors shall allow the same and cause the amount to be remitted to the treasurer of state. Said certificate shall be presumed to be correct.

Sec. 136. Certificate to auditor of state. A duplicate of said certificate shall be forwarded to the auditor of state who shall charge the county accordingly, and the treasurer and auditor of state shall credit the home with the same amount.

Sec. 137. Duplicate receipts. The treasurer of state, on receipt of payment from the county, shall forward duplicate receipts to the county auditor who shall in return forward one (1) of said receipts to the auditor of state.

Sec. 138. Liability of inmate. Said inmate and those legally liable for his support shall be liable to the county for all clothing aforesaid and for all costs of transporting said inmate.

Sec. 139. Supervisors may release from liability. The board of supervisors, on proper showing of the financial condition of the parties named in the preceding section, may release any of said parties from said liability.

Sec. 140. Support. For the support of the institution for the feeble minded, there is appropriated until July 1, 1926, out of any unappropriated money in the state treasury, or so much thereof as may be needed, the sum of twenty-one dollars (\$21.00) monthly for each inmate supported by the state, counting the actual time such person is an inmate and so supported. The superintendent on the first day of each month shall certify to the board of control the average number of inmates supported by the state in the institution for the preceding month. Upon receipt of such certificate the board shall certify to the auditor and treasurer of state the total amount payable by the state for the support of the institution for the preceding month, and the auditor and treasurer of state shall credit the institution with said amount. The amount so credited shall be drawn from the state treasury in the manner provided in chapter two (2) of this title.

## CHAPTER 6

### GUARDIANSHIP AND CUSTODY OF FEEBLE MIMDED

Sec. 141. Feeble minded defined. The words "feeble-minded person" in this chapter shall be construed to mean any person afflicted with mental defectiveness from birth or from an early age, so pronounced that he is incapable of controlling himself and his affairs, and requires supervision, control, and care for his own welfare, or for the welfare of others, or for the welfare of the community, and who is not classifiable as an "insane person" within the meaning of the provisions of the chapters of this title relating to the insane.

Sec. 142. Duty of county attorney. The county attorney shall, if requested, appear on behalf of any petitioner for the appointment of a guardian or commitment of an alleged feeble-minded person, under this chapter, and on behalf of all public officials and superintendents in all matters pertaining to the duties herein imposed upon them.

Sec. 143. Petition to adjudicate feeble mindedness. A petition for the adjudication of the feeble mindedness of a person within the meaning of this chapter may, with the permission of the court, or judge, be filed, without fee, against such person, with the clerk of the district, superior, or municipal court of the county or city in which such alleged feeble-minded person resides or is found, by any relative of such person, or by his or her guardian, or by any reputable citizen of the county of such residence or of such place of finding.

Sec. 144. Sufficiency of petition. Said petition shall be verified by affidavit, may be on information or belief, and shall state:

1. That such person is feeble minded within the meaning of this chapter.
2. That it is dangerous to the welfare of the community for such person to be at large without care or control and the facts tending to show such danger.
3. The name and residence of all persons, so far as known, supervising, caring for, or supporting such person, or assuming, or under obligations, to do so.
4. The name and residence, if known, of the parents of such person, and of all other persons, legally chargeable with the supervision, care, or support of such person.
5. Whether such person has been examined by a qualified physician with a view of determining his mental condition.

Sec. 145. Names of witnesses indorsed. There shall be indorsed on the petition the names of all obtainable witnesses known to petitioner by which the allegations of the petition may be established.

Sec. 146. Additional parties. The following persons, in addition to the alleged feeble-minded person, shall be made party defendants if they reside in this state and their names and residences are known:

1. The parent or parents of said principal defendant.
2. The person with whom said principal defendant is living.
3. The person or persons assuming to give the principal defendant care and attention.
4. The guardian, if there be such, of the person or property of the principal defendant.

Sec. 147. Notice. Notice of the pendency of said petition and of the time and place of hearing thereon shall be served upon all defendants who are residents of the county in which the petition is filed, in the manner in which original notices are served. The court or judge shall, by written order, direct the manner and time of service on all other parties. No notice need be served on those who are personally before the court. Said notice shall require the defendants to bring said alleged feeble-minded person into court at the time and place named.

Sec. 148. Time of appearance. The time of appearance shall not be less than five (5) days after completed service, unless the court or judge orders otherwise.

Sec. 149. Hearing - default. The hearing may be had in term time or in vacation. The petition shall be taken as confessed by all defendants, except the principal defendant, who are duly served and who do not appear at the time required by the notice.

Sec. 150. Custody pending hearing. Pending final hearing, the court may, at any time after the filing of the petition, and on satisfactory showing that it is for the best interest of the alleged feeble-minded person and of the community that such person be at once taken into custody, or that service of notice will be ineffectual if he is not taken into custody, issue a warrant for the immediate production of such person before the court. In such case the court or judge may make any proper order for the custody or confinement of such person as will protect the defendant and the community and insure the presence of such person at the hearing. Such person shall not be confined with those accused or convicted of crime.

Sec. 151. Interrogatories propounded to petitioner. The court may require the petitioner to answer under oath such interrogatories as may be propounded by the board of control on forms provided by said board.

Sec. 152. Hearings - trial. Answers need not be, but may be, filed. The hearing on the allegations of the petitioner shall be as in equitable proceedings.

Sec. 153. Trial - how held. Trials shall be public, unless otherwise requested by the parent, guardian, or other person having the custody of the feeble-minded person.

Sec. 154. Commission to examine principal defendant. The court shall, at or prior to the final hearing, appoint a commission of two (2) qualified physicians, or of one (1) qualified physician and one (1) qualified psychologist, each of whom shall be residents of the county, who shall make a personal examination of the alleged feeble-minded person for the purpose of determining his mental condition.

Sec. 155. Report of commission. Said commission shall report in writing to the court the facts attending the mental condition of said person and its conclusion based thereon and its recommendations concerning such person. It shall also report to the court sworn answers to such questions as may be required on forms to be prepared and furnished by the board of control. Such reports shall be filed with the clerk of the court.

Sec. 156. Ruling on report. No objections or exceptions need be made to said report. The court may set the report aside, and may order a new examination by the same or by a new commission, or may make such findings of fact in lieu of said report as may be justified by the evidence before the court.

Sec. 157. When commission may be omitted. No commission need be appointed in those cases where the feeble mindedness of the person is manifest to the court or judge.

Sec. 158. Guardianship or commitment. If it be found that said person is feeble-minded, and that it will be conducive to the welfare of such person and to the community to place such person under guardianship, or to commit such person to some proper institution for treatment, the court or judge shall, by proper order:

1. Appoint a guardian of the person of such person, provided no such guardian has already been appointed.

2. Commit such person to any state institution for the feeble minded.
3. Commit such person to a private institution of this state, duly incorporated for the care of such persons, and approved by the board of control, provided such institution is willing to receive such person.

Sec. 159. Jurisdiction over commitment. The person committed to any private institution shall remain under the jurisdiction of the court and the order of commitment may at any time be set aside or modified by changing the place of or terminating the commitment, and appointing a guardian in lieu thereof; but this section shall not deprive the board of power to transfer committed patients from one institution to another.

Sec. 160. Powers of guardian. A guardian appointed hereunder shall have the same power over the person of his ward as possessed by a parent over a minor child, but shall be subordinate to any duly appointed guardian of the property of such ward.

Sec. 161. Jurisdiction over guardianship. Guardianship proceedings shall remain under the jurisdiction of the court. The court or judge may at any time, on application of any reputable person, terminate such guardianship, or remove the guardian and appoint a new guardian, or may order that such feeble-minded person be removed from the custody of the guardian and committed to an institution of the class heretofore specified.

Sec. 162. Notice of modification of order. No order shall be made discharging or varying a prior order placing the feeble-minded person under guardianship without giving one (1) or more of the relatives or a friend of the feeble-minded person, his guardian, or the board of control, notice and an opportunity to be heard.

Sec. 163. Inability to receive patient. If the state institution is unable forthwith to receive such person, the superintendent shall notify the court or judge of the time when such person will be received and in the meantime the said person shall be restrained and cared for under such order as the court may enter.

Sec. 164. Warrant of commitment. Upon the entry of an order of commitment, the clerk shall deliver to any suitable person designated by the court or judge, a warrant of commitment, and a duplicate thereof, commanding such person forthwith to deliver the committed person to the institution designated by the court.

Sec. 165. Assistants. The judge may, for the purpose of committing said person, direct the clerk to authorize the employment of one (1) or more assistants. No feeble-minded female shall be taken to the institution by any male person not her husband, father, brother, or son, without the attendance of some woman of good character and mature age.

Sec. 166. Receipt for patient. The superintendent shall, on the warrant of commitment, receipt for said person. The duplicate warrant shall be left with the superintendent and shall be his sufficient authority to restrain and care for said committed person.

Sec. 167. Return on warrant. The person executing said warrant shall make due return thereon of his doings and forthwith file the same with the clerk.

Sec. 168. Discharge - habeas corpus. No person committed hereunder shall be discharged from the institution except as herein provided, except that nothing herein shall abridge the right of petition for a writ of habeas corpus.

Sec. 169. Petition for discharge. A petition for the discharge of a person who has been committed to an institution under this chapter, or to vary such order of commitment, may at any time after six (6) months from the date of such commitment be filed by the person committed or by any reputable person. If the commitment be to a private institution, the petition shall be filed with the court or judge ordering such commitment. If the commitment be to a state institution, the petition shall be filed in the proper court of the county where the institution is situated.

Sec. 170. Grounds for discharge - modifications of orders. Discharges and modifications of orders may be made on any of the following grounds:

1. That the person adjudged to be feeble minded is not feeble minded.
2. That said person has so far improved as to be capable of caring for himself.
3. That the relatives or friends of the feeble-minded person are able and willing to support and care for him and request his discharge, and in the judgment of the superintendent and of the institution having the person in charge, no evil consequences are likely to follow such discharge.
4. That, for any other cause, said discharge should be made or such modification should be entered.

Sec. 171. Notice of application for discharge. Notice of the hearing shall be served on the superintendent of the institution and on such parties as the court or judge may find from the record are interested.

Sec. 172. Discharge or modification of order of commitment. On the hearing, the court may discharge the feeble-minded person from all supervision, control and care, or may place him under guardianship, or may transfer him from a public institution to a private institution, or vice versa, as the court thinks fit under all the circumstances.

Sec. 173. Denial of petition - adjudication. The denial of one (1) petition for discharge or modification shall be no bar to another on the same or different grounds within a reasonable time thereafter, such reasonable time to be determined by the court.

Sec. 174. Superintendent to examine patient. When a person is committed to an institution, the superintendent, under regulations of the board of control, shall cause the person to be examined, touching his mental condition, and if, on such examination, it is found that the person is not feeble minded, it shall be the duty of the superintendent to petition the court immediately for his discharge or a modification of the order sending such person to the institution.

Sec. 175. Communications. Persons admitted to any such institution shall have all reasonable opportunity and facility for communication with their friends. They shall be permitted to write and send letters, provided they contain nothing of an offensive character. Letters written by any inmate to any member of the board of control, or to any state or county official, shall be forwarded unopened.

Sec. 176. Leave of absence. No leave of absence from any such institution shall be granted to any inmate except for good cause to be determined and approved by the board of control, who shall take appropriate measures to secure for the feeble-minded person proper supervision, control, and care during such leave of absence.

**Sec. 177. Inquest by coroner.** In the event of a sudden or mysterious death of an inmate of any public or private institution for the feeble minded, a coroner's inquest shall be held. Notice of the death of such person, and the cause thereof, shall in all cases be sent to the judge of the court having jurisdiction over such person, and the fact of the death, with the time, place, and alleged cause shall be entered upon the docket.

**Sec. 178. Penalties.** Any person who shall seek to have any person adjudged feeble minded, knowing that such person is not feeble minded, shall be fined not exceeding one thousand dollars (\$1,000.00), or imprisoned not exceeding one (1) year in the county jail.

**Sec. 179. Witness fees.** The fees for attendance of witnesses and execution of legal process shall be the same as are allowed by law for similar service in other cases. For service as commissioner, the sum of five dollars (\$5.00) per day and the actual and necessary traveling expenses shall be allowed, to each person.

**Sec. 180. Costs.** The costs of proceedings shall be defrayed from the county treasury, unless otherwise ordered by the court. When the person alleged to be feeble minded is found not to be feeble minded, the court may render judgment against the person filing the petition, except when the petition is filed by order of court.

**Sec. 181. When foreign county liable.** When the proceedings are instituted in a county in which the alleged feeble-minded person was found, but of which he is not a resident, and the costs are not taxed to the petitioner, the county of which such feeble-minded person is a resident shall, on presentation of a properly itemized bill for such costs, repay the same to the former county.

**Sec. 182. Persons liable for costs and maintenance.** Costs incident to guardianship and to the trial and commitment of a feeble-minded person to such institution, including the cost of maintenance therein, may be collected of such feeble-minded person and of all persons legally chargeable with the support of such feeble-minded person.

**Sec. 183. Proceeding in juvenile court against delinquent child.** When in proceedings against an alleged delinquent or dependent child, the court or judge is satisfied from any evidence that such child is probably feeble minded, the court or judge may order a continuance of such proceedings, and may direct an officer of court or other proper person to file a petition against said child under this chapter, and, pending hearing, may, by order, provide proper custody for such child.

**Sec. 184. Suspending criminal proceeding on appearance of feeble mindedness.** If, on conviction in the district, superior, or municipal court of any person for a crime, or for any violation of any municipal ordinance, or if, on the conviction in said courts of a child for dependency of delinquency, it appears to the court or judge before sentence, from any evidence, that such convicted person is probably feeble minded within the meaning of this chapter, the court or judge may suspend sentence or order, and may order any officer of the court or other proper person to file a petition under this chapter against said person and pending hearing thereon shall provide for the custody of said person as directed in the preceding section.

Sec. 185. Passing sentence. Should it be found, under the two (2) preceding sections, that said person is not feeble minded, the court shall proceed with the original proceedings as though no petition had been filed.

Sec. 186. Transfers from home for feeble minded. The board of control may at any time transfer any patient from the institution for the feeble minded to the hospitals for the insane, and vice versa.

Sec. 187. Wards committed to hospitals for insane. If it appears at any time that a person has been, under the provisions of this chapter, placed under guardianship or committed to a private institution and ought to be committed to a hospital for the insane, he may be proceeded against under the chapters relating to the insane.

Sec. 188. Inmates in private asylums for insane. When the mental condition of a person in a private institution for the insane is found to be such that such patient ought to be transferred to an institution for the feeble minded, or placed under guardianship, such person may be proceeded against under this chapter.

Sec. 189. Clothing and money on discharge. All persons discharged from a state institution for the feeble minded shall, unless otherwise supplied, be furnished at state expense with suitable clothing and money, not exceeding twenty dollars (\$20.00), sufficient to defray his expenses home. Said expense shall be charged to the county of the person's residence and collected as in case of clothing furnished to inmates while in the custody of the institution.

Sec. 190. Escape. If any feeble-minded person shall escape from an institution for the feeble minded, or is removed therefrom without the written order of the board of control, it shall be the duty of the superintendent of the institution and his assistants, and all peace officers of any county in which such inmate may be found, to take and detain him without a warrant and at once report such detention to the superintendent who shall immediately provide for the return of said inmate to the institution.

Sec. 190-a1. Aiding escape. Whoever aids or assists an inmate to escape from any institution for the feeble minded, or knowingly conceals an inmate after such escape, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or imprisoned in the penitentiary not exceeding five (5) years.

Sec. 191. Expense of recapture. All actual and necessary expenses incurred in the capture, restraint, and return of the inmates to the hospital shall be paid on itemized vouchers, sworn to by the claimants and approved by the superintendent and the board of control, from any money in the state treasury not otherwise appropriated.

Sec. 192. Separate docket. Each court having jurisdiction under this chapter shall keep a separate docket of proceedings in which shall be made such entries as will, together with the papers filed, preserve a complete and perfect record of each case. The original petitions, writs, and returns made thereto and the reports of commissions shall be filed with the clerk of the court.

Sec. 193. Record by board of control. The board of control shall keep a record of all persons adjudged to be feeble minded, and of the orders respecting them by the courts throughout the state, copies of which orders shall be furnished by the clerk of the court without the board's application therefor.

Sec. 194. Admission of voluntary patients. Nothing in this chapter shall be construed to prevent the reception at the institution for the feeble minded, or at the hospital for epileptics and school for feeble minded, of voluntary patients under such rules as the board of control may prescribe.

## CHAPTER 7

### HOSPITAL FOR EPILEPTICS AND SCHOOL FOR FEEBLE MINDED

Sec. 195. Hospital for epileptics and school for feeble minded. The hospital for epileptics and school for feeble minded, hereinafter in this chapter referred to as "hospital", shall be maintained for the purposes of securing humane, curative, and scientific care and treatment of epileptics, and for the training, instruction, care, and support of feeble-minded residents of this state.

Sec. 196. Qualifications of superintendent - salary. The superintendent shall be a well educated physician with at least five (5) years' experience in the actual practice of medicine, and shall receive a salary not exceeding three thousand dollars (\$3,000.00) per annum.

Sec. 197. Duties. The superintendent shall:

1. Perform all duties required by law, and by the board of control, not inconsistent with law.
2. Oversees and secure the individual treatment and professional care of each patient in the hospital.
3. Keep a full and complete record of the condition of each patient.
4. Have the general superintendency of said hospital and all property connected therewith.
5. Direct and control all subordinate officers, employees, and inmates under such rules as the board may prescribe.
6. Have the custody of, and restrain and discipline all patients in such manner as he may deem best, subject to the regulations of the board.

Sec. 198. Admission of epileptics. All adults afflicted with epilepsy who have been residents of Iowa for at least one (1) year preceding the application for admission, and all children so afflicted whose parents or guardians have been residents of Iowa for a like period shall be eligible for admission.

Sec. 199. Compensation for private patients. The board shall fix and enforce the rate of compensation to be paid in said hospital by private patients so afflicted. All money paid under the provisions of this section shall be received by the chief executive officer of the institution and remitted each month to the treasurer of state and placed to the credit of the general fund of the state.

Sec. 200. Voluntary patients rendered custodial patients. When a sane patient has voluntarily entered said hospital, either through his own action or through the action of the patient or guardian, and afterward, while in the hospital, becomes violent or insane, the board of control, on written complaint, may, after due hearing, commit said patient to said hospital as an insane epileptic. Such order of commitment shall be noted upon the records of the hospital, and shall have the same force and effect as an order of commitment by the commissioners of insanity, and with the same right of appeal.

Sec. 201. Commitments by commissioners of insanity. All laws relating to the commitments of insane persons to the hospitals for the insane, in so far as applicable, shall apply to commitments of epileptics to said hospital and school.

Sec. 202. Transfer of inmates. The board shall have power to transfer epileptics from any other institution under its control to said hospital and school, to transfer insane epileptics from the said hospital for epileptics to other state institutions, and to retransfer such epileptics if deemed expedient.

Sec. 203. Discharge of patient. Any person who has voluntarily entered said hospital as an epileptic patient and is sane, may at any time obtain his discharge by giving at least ten (10) days' written notice of his desires for discharge. The parent or guardian of a minor child, which child has been voluntarily placed in said hospital as an epileptic patient and who is sane, may obtain the discharge of such child by giving such notice. A patient discharged under this section may not be again admitted except under a warrant of commitment.

Sec. 204. Clothing. The superintendent of the hospital shall furnish each inmate afflicted with epilepsy with suitable clothing, unless said clothing is otherwise provided, the cost of which shall be certified and paid in the same manner in which clothing for inmates of the institution for feeble minded is certified and paid.

Sec. 204-a1. Admission of feeble minded. Feeble-minded residents of this state may be admitted to said hospital and school and shall be clothed, maintained, and supported in the manner provided in the chapter relating to the institution for feeble minded at Glenwood.

Sec. 204-a2. Districting state. At their discretion the board of control shall district the state into two districts and in such manner that the institution for the feeble minded at Glenwood and the hospital for epileptics and school for feeble minded at Woodward shall each be located within one of such districts. Such districts may from time to time be changed. After such districts have been established, the board of control shall notify all county attorneys and all committing officers of its action, and thereafter, unless for good cause the board otherwise orders, all commitments of feeble minded from a district shall be to the institution located within such district. Until the state is so districted, commitments shall be made to either of said institutions as the board of control may direct.

Sec. 204-a3. Transfers. Feeble-minded inmates in the institution at Glenwood may be transferred by the board to the hospital and school at Woodward or from the latter institution to the former.

Sec. 205. Support. For the support of the hospital for epileptics and school for feeble minded there is appropriated until July 1, 1925, out of any unappropriated money in the state treasury, or so much thereof as may be needed, the sum of twenty-one dollars (\$21.00) monthly for each inmate supported by the state, counting the actual time such person is an inmate and so supported. The superintendent on the first day of each month shall certify to the board of control the average number of inmates supported by the state in the hospital and school for the preceding month. Upon receipt of such certificate the board shall certify to the auditor and treasurer of state the total amount payable by the state for the support of the hospital and school for the preceding month and the auditor and treasurer of state shall credit to the hospital and school said amount. The amount so credited shall be drawn from the state treasury in the manner provided in chapter two (2) of this title.

Sec. 206. Minimum appropriation. If the number of patients in said hospital is less than six hundred (600) the sum of twelve thousand dollars (\$12,000.00) per month, of so much thereof as may be necessary, is hereby appropriated until July 1, 1925, out of any funds in the state treasury not otherwise appropriated for the support and maintenance of said hospital, and upon presentation of the proper certificate by the board, the auditor and treasurer of state shall credit said institution with said amount for that month, and said amount shall be drawn from the state treasury in the same manner and for the same purposes as the regular monthly per capita allowance is drawn.

## CHAPTER 8

### DRUG HABITUATES

Sec. 207. Commitment of drug habituates. Persons addicted to the excessive use of intoxicating liquors, morphine, cocaine, or other narcotic drugs may be committed by the commissioners of insanity of each county, to such institutions as the board of control may designate.

Sec. 208. Statutes applicable. All statutes governing the commitment, custody, treatment, and maintenance of the insane shall, so far as applicable, govern the commitment, custody, treatment, and maintenance of those addicted to the excessive use of such drugs and intoxicating liquors.

Sec. 209. Term of commitment - parole. Persons committed under the two (2) preceding sections shall be retained in custody until cured, except that such inmates may be paroled under such conditions as the board of control may prescribe.

Sec. 210. Places of commitment. The board of control shall designate the institutions to which commitments may be made under this chapter, and to that end may divide the state into districts, and shall promptly notify each clerk of the district court of such designation and all changes therein.

Sec. 211. Insanity of narcotic habituates. Should a person, committed because of his excessive use of narcotic drugs or intoxicating liquors, become insane, the board of control, on complaint of the superintendent having the custody of such person, and on due hearing, may order such person committed to a hospital for the insane. Such order shall have the same force and effect as though entered by the commissioners of insanity of the county of the patient's residence, and such person may appeal from such order in the same manner in which appeals are allowed from the orders of the commissioners of insanity.

## CHAPTER 9

### STATE HOSPITALS FOR INSANE

Sec. 212. Official designation. The hospitals for the insane shall be designated as follows:

1. Mount Pleasant state hospital.
2. Independence state hospital.
3. Clarinda state hospital.
4. Cherches state hospital.

Sec. 213. Qualifications of superintendent. The superintendent of each hospital shall be a physician of acknowledged skill and ability in his profession and authorized to practice medicine in this state. The same person shall not hold the office of superintendent and steward.

Sec. 214. Qualifications of assistant physicians. The assistant physicians shall be of such character and qualifications as to be able to perform the ordinary duties of the superintendent during his absence or inability to act.

Sec. 215. Salary of superintendent. The salary of the superintendent of each hospital shall not exceed three thousand dollars (\$3,000.00) per annum.

Sec. 216. Superintendent as witness. The superintendent and assistant physicians of said hospitals, when called as witnesses in any court, shall be paid the same mileage which other witnesses are paid and in addition thereto shall be paid a fee of twenty-five dollars (\$25.00) per day, said fee to revert to the support fund of the hospital he serves.

Sec. 217. Duties of superintendent. The superintendent shall:

1. Have the entire control of the medical, mental, moral, and dietetic treatment of the patients in his custody.
2. Require all subordinate officers and employees to perform their respective duties.
3. Have an official seal with the name of the hospital and the word "Iowa" thereon and affix the same to all notices, orders of discharge, or other paper required to be given by him.
4. Keep proper books in which shall be entered all moneys and supplies received on account of any patient and a detailed account of the disposition of the same.
5. Report, in December of each year, to each county, the mental and physical condition of each patient from said county and the probable safety of removing any such patient to the county hospital.

Sec. 218. Order of receiving patients. Preference in the reception of patients into said hospitals shall be exercised in the following order:

1. Cases of less duration than one (1) year.
2. Chronic cases where the disease is of more than one (1) year's duration, presenting the most favorable prospect for recovery.
3. Those for whom application has been longest on file, other things being equal.

Where cases are equally meritorious in all other respects, the indigent shall have the preference.

Sec. 219. Idiots not receivable in state hospitals. No idiot shall be admitted to a state hospital for the insane. The term "idiot" is restricted to persons foolish from birth, supposed to be naturally without mind.

Sec. 220. Custody of patient - justification. The superintendent, upon the receipt of a duly executed warrant of commitment of a patient into the hospital for the insane, accompanied by the physician's certificate provided by law, shall take such patient into custody and restrain him as provided by law and the rules of the board of control, without liability on the part of such superintendent and all other officers of the hospital to prosecution of any kind on account thereof, but no person shall be detained in the hospital who is found by the superintendent to be sane.

Sec. 221. Equal treatment. The several patients, according to their different conditions of mind and body, and their respective needs, shall be provided for and treated with equal care.

Sec. 222. Special care permitted. Patients may have such special care as may be agreed upon with the superintendent, if the friends or relatives of the patient will pay the expense thereof. Charges for such special care and attendance shall be paid quarterly in advance.

Sec. 223. Monthly visitation - women inspectors. The board shall make monthly and thorough examinations of each hospital. It may appoint a woman to make examinations of any hospital and to make written report thereof to the board. Such woman inspector shall be paid four dollars (\$4.00) for each day actually employed in the discharge of her duties and in addition her necessary traveling expenses. Such compensation and expenses shall be paid from the funds of the institution in the manner provided for the payment of current expenses.

Sec. 224. Inmates allowed to write. The names of the members of the board and their postoffice addresses shall be kept posted in every ward in each hospital. Every inmate shall be allowed to write once a week what he pleases to said board and to any other person. The superintendent may send letters addressed to other parties to the board of control for inspection before forwarding them to the individual addressed.

Sec. 225. Writing material furnished. Every inmate shall be furnished by the superintendent or party having charge of such person, at least once in each week, with suitable materials for writing, inclosing, sealing, and mailing letters, if he requests and uses the same.

Sec. 226. Letters to members of board. The superintendent or other officer in charge of an inmate shall, without reading the same, receive all letters addressed to members of the board, if so requested, and shall properly mail the same, and deliver to such inmate all letters or other writings addressed to him. Letters written to the person so confined may be examined by the superintendent, and if, in his opinion, the delivery of such letters would be injurious to the person so confined, he shall return the letters to the writer with his reasons for not delivering them.

Sec. 227. Escape and recapture. It shall be the duty of the superintendent and of all other officers and employees of any of said hospitals, in case of the escape of any patient, to exercise all due diligence to recapture and return said patient to the hospital. A notification by the superintendent of such escape to any peace officer of the state or to any private person shall be sufficient authority to such officer or person to take and return such patient to the hospital.

Sec. 227-a1. Aiding escape. Whoever aids or assists an inmate to escape from any hospital for the insane, or knowingly conceals an inmate after such escape, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment in the penitentiary not exceeding five (5) years.

Sec. 228. Expense attending recapture. All actual and necessary expenses incurred in the capture, restraint, and return to the hospital of the patient shall be paid on itemized voucher, sworn to by the claimants and approved by the superintendent and the board of control, from any money in the state treasury not otherwise appropriated.

Sec. 229. Investigation as to sanity. The board may investigate the mental condition of any inmate and shall discharge any person, if, in its opinion, such person is not insane, or can be cared for after such discharge without danger to others, and with benefit to the patient, but in determining whether such patient shall be discharged, the recommendation of the superintendent shall be secured. The power to investigate the mental condition of an inmate is merely permissive, and does not repeal or alter any statute respecting the discharge of commitment of inmates of the state hospitals.

Sec. 230. Discharge - certificate. All patients shall be discharged immediately on regaining their sanity, and the superintendent shall issue duplicate certificates of full recovery, one (1) of which he shall deliver to the recovered patient, and the other of which he shall forward to the clerk of the district court of the county from which the patient was committed.

Sec. 231. Duty of clerk. The said clerk shall, immediately on receipt of such certificate, record the same at length in the record of the proceedings against said party as an insane person.

Sec. 232. Certificate and record as evidence. Either of said certificates or the record thereof shall be presumptive evidence of the recovery of such person, shall restore him to all his civil rights.

Sec. 233. Clothing furnished. Upon such discharge the superintendent shall furnish such person, unless otherwise supplied, with suitable clothing and a sum of money not exceeding twenty dollars (\$20.00), which shall be charged with the other expenses of such patient in the hospital.

Sec. 234. Discharge of harmless incurables. The relatives of any patient not susceptible of cure by remedial treatment in the hospital, and not dangerous to be at large, shall have the right to take charge of and remove him with the consent of the board of control.

Sec. 235. Certificate covering subsequent recovery. When a patient is discharged at a time when he has not fully recovered his sanity, he may at any time, under such rules as the board of control may prescribe, apply to the superintendent of the hospital where he was confined for a certificate of recovery. The superintendent, under like rules, shall examine such person or cause such examination to be made and if satisfied that such person has regained his sanity, shall issue duplicate certificates showing such recovery.

Sec. 236. Delivery of certificate and effect thereof. The duplicate certificate mentioned in the preceding section shall be delivered as in case of a discharge when cured, and the same record shall be made with the same effect.

Sec. 237. Discharge of dangerous incurables. The board of control, on the recommendation of the superintendent, and on the application of the relatives or friends of a patient who is not cured and who cannot be safely allowed to go at liberty, may release such patient when fully satisfied that such relatives or friends will provide and maintain all necessary supervision, care, and restraint over such patient.

Sec. 238. Return of patient accused of crime. When an inmate of any state hospital who was committed to such hospital at a time when he was formally accused of crime in any county of the state, regains his reason, the superintendent shall thereupon issue his warrant for the return of such person to the jail of the county in which such charge is pending and notify the sheriff of such county accordingly who shall proceed to such hospital and execute such warrant.

Sec. 239. Return by sheriff. The sheriff shall in writing make his return of service on said warrant and deliver such warrant and return to the clerk of the district court of his county. Said clerk shall forthwith make a copy of the warrant and return and mail the same to the said superintendent who shall file and preserve it.

Sec. 240. Discharge of criminal insane. No patient who may be under criminal charge or conviction shall be discharged without the order of the district court or judge, and notice to the county attorney of the proper county.

Sec. 241. Transfer of dangerous inmates. When an inmate of any hospital for insane becomes incorrigible, and unmanageable to such extent that he is dangerous to the safety of others in the hospital, the board may apply in writing to the district court or to any judge thereof, of the county in which such hospital is situated, for an order to transfer said inmate to the department for the insane in the men's reformatory and if such order be granted such inmate shall be so transferred. The county attorney of said county shall appear in support of such application on behalf of the board.

Sec. 242. Examination by court - notice. Before granting the order authorized in the preceding section the court or judge shall investigate the allegations of the petition and before proceeding to a hearing thereon shall require notice to be served on any relative, friend, or guardian of the person in question of the filing of said application. On such hearing the court or judge shall appoint a guardian ad litem for said person, if it deems such action necessary to protect the rights of such person.

Sec. 243. Relieving overcrowded conditions. The board shall order the discharge or removal from the hospital of incurable and harmless patients whenever it is necessary to make room for recent cases.

Sec. 244. Notice to commissioners. When a patient who has not fully recovered is discharged from the hospital without application therefor, notice of the order shall at once be sent to the commissioners of insanity of the county of which the patient is a resident, and the commissioners shall forthwith cause the patient to be removed, and shall at once provide for his care in the county as in other cases.

Sec. 245. Inquest. A coroner's inquest shall be held in those cases where a death shall occur suddenly and without apparent cause, or a patient die and his relatives so request, but in the latter case the relatives making the request shall be liable for the expense of the same, and payment therefor may be required in advance.

Sec. 246. Monthly allowance. The board of control shall, from time to time, on the reports of the superintendents, fix the monthly allowance which may be charged by each of the hospitals for the insane for the board and care of each patient therein, which shall not exceed twenty dollars (\$20.00) for each patient, and such amount is appropriated until July 1, 1925, from any unappropriated funds in the state treasury, or so much thereof as may be needed.

Sec. 247. Certification by superintendent. The superintendent of each hospital for the insane, on the first day of each month shall certify to the board the average number of inmates supported by the state in the hospital of which he is superintendent, for the preceding month.

Sec. 248. Certification by board. Upon receipt of such certificate the board shall certify to the auditor and treasurer of state the total amount payable by the state for the support of said hospital for the preceding month, and the auditor and treasurer of state shall credit the hospital with said amount. The amount so credited shall be drawn from the state treasury in the manner provided in chapter two (2) of this title.

## CHAPTER 10

### COUNTY AND PRIVATE HOSPITALS FOR INSANE

Sec. 249. County and private hospitals for insane. All county and private institutions wherein insane persons are kept shall be under the supervision of the board of control of state institutions.

Sec. 250. Inspection. Said board shall make or cause to be made, at least two (2) inspections each year of every private and county institution wherein insane persons are kept. Such inspection shall be made by the members of the board or by some competent and disinterested person appointed by it. Written report as to such inspection shall be filed with the board and shall embrace:

1. The capacity of said institution for the care of patients.
2. The number and sex of the inmates kept therein.
3. The arrangement, method of construction, and adaptability of buildings for the purposes intended.
4. The condition of buildings as to sewage, ventilation, light, heat, cleanliness, means of water supply, fire escapes, and fire protection.
5. The care of patients, their food, clothing, medical treatment, and employment.
6. The number, kind, sex, duties, and salaries of all employees.
7. The cost to the state or county of maintaining insane patients therein, separate from the cost of maintaining sane paupers.
8. Such other matters as the board of control may require.

Sec. 251. Patients to have a hearing. The inspector shall see all patients in the institutions and give each an opportunity to converse with him out of the hearing of any officer or employee of the institution, and shall fully investigate all complaints and report the result thereof in writing to said board. The board before acting on said report adversely to the institution, shall give the persons in charge thereof a copy of such report and an opportunity to be heard.

Sec. 252. Compensation of inspectors. Inspectors under appointment by the board shall receive a salary of not to exceed six dollars (\$6.00) per day for the time actually and necessarily employed in making the inspection and in going to and from the place of inspection, and actual expenses as an employee of the board.

Sec. 253. Appropriation for inspection. There is hereby appropriated until July 1, 1925, out of any money in the state treasury not otherwise appropriated the sum of three thousand dollars (\$3,000.00) annually, for paying the expenses of inspecting county and private institutions in which insane persons are kept, and institutions receiving children under chapters fifteen (15) and sixteen (16) of this title. At the end of each biennial period the board of control shall cause to be transferred to the general funds of the treasury any balance of the sums hereby appropriated not required for the payment of the expenses of the period.

Sec. 254. Rules. The board of control shall, from time to time, adopt reasonable rules touching the care and treatment of, and make orders in relation to, such insane patients as may be kept in said institutions, which rules shall not interfere with the medical treatment given to private patients by competent physicians. Copies of such rules, when adopted, shall be mailed to the chief executive officer of each private institution, and to the clerk of the district court, the chairman of the board of supervisors, and the officer in charge of the institution in all counties having county institutions caring for insane persons.

Sec. 255. Removal of patients. Said board, in case of failure to comply with such rules, is authorized to remove all said insane persons kept in such institutions at public expense, to the proper state hospital, or to some private or county institution or hospital for the care of the insane that has complied with the rules prescribed by said board, such removal of patients, if to a state hospital, to be made by an attendant or attendants sent from the state hospital. If a female is removed under the provisions of this section, at least one (1) attendant shall be a female.

Sec. 256. Cost of removal - collection from county. The cost of such removal, including all expenses of said attendant, shall be certified by the superintendent of the hospital receiving the patient, to the auditor of state, who shall draw his warrant upon the treasurer of state for said sum, which shall be credited to the support fund of said hospital and charged against the general revenues of the state and collected by the auditor of state from the county which sent said patient to said institution.

Sec. 257. Notification to guardians. The board of control shall notify the guardian, or one (1) or more of the relatives, of patients kept at private expense, of all violations of said rules by said private or county institutions, and of the action of the board as to all other patients.

Sec. 258. Investigating sanity of inmate. Should the board believe that any person in any such county or private institution is sane, or illegally restrained of liberty, it shall institute and prosecute proceedings in the name of the state, before the proper officer, board or court, for the discharge of such person.

Sec. 259. Transfers from county or private institutions. Patients who are suffering from acute insanity, and who are violent, and confined at public expense in any such institution, may be removed by the board of control to the proper state hospital for the insane when, on competent medical testimony, the board finds that said patient can be better cared for and with better hope of recovery in the state hospital. Such removal shall be at the expense of the proper county. Said expense shall be recovered as provided in the third preceding section.

Sec. 260. Transfers from state hospitals - exceptions. A county chargeable with the expense of a patient in a state hospital for the insane shall remove such patient to a county or private institution for the insane which has complied with the aforesaid rules when the board so orders on a finding that said patient is suffering from chronic insanity and will receive equal benefit by being so transferred. In no case shall a patient, the relative or guardian of whom pays the expense of their keep in a state hospital, be thus transferred except upon the written consent of such relative or guardian.

Sec. 261. Transfers generally. Any patient in a state hospital for the insane, who is maintained at public expense, may, with the approval of the board of control, be transferred to a county or private institution for the insane on the written request of the board of supervisors and of the commissioners of insanity.

Sec. 262. Difference of opinion - how adjudicated. When a difference of opinion exists between the board of control and the authorities in charge of any private or county asylum in regard to the removal of a patient or patients as herein provided, the matter shall be submitted to the district court, or judge thereof, of the county in which such asylum is situated and shall be summarily tried as an equitable action, and the judgment of the district court or judge shall be final.

Sec. 263. Discharge of transferred patient. Patients transferred from a state hospital to such county or private institutions shall not be discharged, when not cured, without the consent of the board of control.

Sec. 264. Caring for insane of other counties. Boards of supervisors of counties having no proper facilities for caring for the insane, may, with the consent of the board of control, provide for such care at the expense of the county in any convenient and proper county or private institution for the insane which is willing to receive them.

Sec. 265. Authority of private asylum. No person shall be confined and restrained in any private institution or hospital for the care or treatment of the insane, except upon the certificate of the commission of insanity of the county in which such person resides, or of two (2) reputable physicians, at least one (1) of whom shall be bona fide resident of this state, who shall certify that such person is a fit subject for treatment and restraint in said institution or hospital, which certificate shall be the authority of the owners and officers of said hospital or institution for receiving and confining said patient or person therein.

#### CHAPTER 11 COMMISSION OF INSANITY

Sec. 266. Commission of insanity. In each county there shall be a commission of insanity which shall be composed of three members. In counties having two (2) places where district court is held there shall be one (1) such commission at each place.

Sec. 267. Personnel of commission. Said commission shall consist of the clerk of the district court, one (1) reputable physician in actual practice, and one (1) reputable attorney in actual practice. Said two (2) latter members shall reside as near as may be convenient to the place where the district court is held. In the absence or inability of the clerk to act in any case, his deputy may act.

Sec. 268. Appointment and term. Said commission shall be appointed by the district court or judges thereof. If made in vacation the appointment shall be by written order, signed by the judges and recorded by the clerk. Appointments shall be for two (2) years and be so arranged that the term of one (1) member shall expire each year. The appointment of successors may be made at any time within three (3) months prior to the expiration of the term of the incumbents.

Sec. 269. Organization. The members shall organize by choosing one (1) of their number president. The clerk of the district court or his deputy shall be clerk of the commission. The commission shall hold its meetings at the office of the clerk, unless for good reasons it shall fix on some other place, and shall also meet on notice from the clerk or his deputy.

Sec. 270. Temporary vacancy. In the temporary absence or inability of two (2) members to act, the member present may call to his aid, temporarily, a person possessed of the qualifications required for a member, who, after qualifying as in other cases, may act in the same capacity. If one (1) of the absent members is a clerk, his deputy shall act. The record in such cases must show the facts.

Sec. 271. Duty of clerk. The clerk of said commission shall:

1. Issue all processes required to be given by the commission and affix thereto his seal as clerk of the court.
2. File and preserve in his office all papers and records connected with any inquest by the commission.
3. Keep separate books of the proceedings of the commission with entries sufficiently full to show, with the papers filed, a complete record of its findings, orders, and proceedings.

Sec. 272. Service of notice - reports. The notices, reports, and communications required to be given or made by said commission may be sent by mail, unless otherwise expressed, and the facts and date of such sending and their reception must be noted on the proper record.

Sec. 273. Jurisdiction - holding under criminal charge. Said commission shall, except as otherwise provided, have jurisdiction of all applications for the commitment to the state hospitals for the insane, or for the otherwise safe keeping, of insane persons within its county, unless the application is filed with the commission at a time when the alleged insane person is being held in custody under an indictment returned by the grand jury or under a trial information filed by the county attorney.

Sec. 274. Compensation and expenses. Compensation and expenses shall be allowed as follows:

1. To each member of the commission, three dollars (\$3.00) for each day actually employed in the duties of his office as such member and necessary and actual expenses, not including charges for board.
2. To the clerk, in addition to compensation as a member, one-half (1/2) as much more for making the required record entries in all cases of inquest and of meetings of the commission, and twenty-five cents (25¢) for each process issued under seal.
3. To the examining physician, when not a member of the commission the same fees as a member and in addition mileage of five cents (5¢) per mile each way.
4. To witnesses, the same fees as witnesses in the district court.
5. Fees on appeal shall be the same as in ordinary actions.

Sec. 275. Costs - how paid. The compensation and expenses provided for above, and the fees of the sheriff provided for in such cases, shall be allowed and paid out of the county treasury in the usual manner.

Sec. 276. Transportation expenses. When funds to pay the expenses of transporting a patient to a hospital are needed in advance, the commission shall estimate the probable expense, including the necessary assistance, and not including the compensation allowed the sheriff, and on such estimate, certified by the clerk, the auditor of the county shall issue a county warrant for the amount, as estimated, in favor of the sheriff or other person intrusted with the execution of such warrant of commitment. The sheriff or other person executing such warrant, shall accompany his return with a statement of the expenses incurred, and the excess or deficiency may be deducted from or added to his compensation, as the case may be. If funds are not so advanced, such expenses shall be certified and paid in the manner above prescribed on the return of the warrant. When the commission orders the return of a patient, compensation and expenses shall be in like manner allowed.

## COMMITMENT AND DISCHARGE OF INSANE

Sec. 277. Form of information. Applications for admission to the hospitals for the insane shall be sworn information which shall allege and show:

1. That the person in whose behalf the application is made is believed to be insane, and a fit subject for custody and treatment in the hospital.
2. That such person has been found in the county.
3. The place of residence of such person or where it is believed to be, or that such residence is not known.

Sec. 278. Hearing - custody. On the filing of such information, the commission, if satisfied that there is reasonable cause therefor, may require the alleged insane person to be brought before it and, to this end, may issue its warrant to any peace officer of the county. The commission may provide for the custody of such person until its investigation is concluded.

Sec. 279. Subpoenas and oaths. The commission shall have power to issue subpoenas. Each member of the commission shall have power to administer oaths to witnesses. In case a witness fails to appear or refuses to testify, the commission shall, in writing, report such refusal to the district court or to a judge thereof, and said court or judge shall proceed as though such refusal occurred in a legal proceeding before said court or judge.

Sec. 280. Hearings. Hearings shall be had in the presence of such person unless the commission finds that such course would probably be injurious to such person or attended with no advantage.

Sec. 281. Appearance. Appearance on behalf of such alleged insane person may be made by any citizen of the county, or by any relative, either in person or by counsel.

Sec. 282. Examining physician. The commission, shall, in all cases, appoint, either from, or outside, its own membership, some regular practicing physician of the county to make a personal examination of the person in question for the purposes of determining his mental and physical condition. Said physician shall certify to the commission whether said person is sane or insane.

Sec. 283. Physician to return answers to interrogatories. The examining physician shall accompany his certificate with correct answers to the following questions so far as correct answers can be obtained:

1. Name of patient? Age? Married or single?
2. Number of children? Age of youngest child?
3. Place of birth?
4. Residence?
5. Past occupation?
6. Present occupation?
7. Is this the first attack?
8. If there were other attacks when did they occur?
9. Duration of other attacks?
10. When were the first symptoms of the present attack manifested? In what way were they manifested?
11. Is disease increasing, decreasing, or stationary?
12. Is the disease variable?
13. Are there rational intervals?
14. Do rational intervals occur at regular periods?
15. State fully on what subjects or in what way is derangement now manifested?

16. Disposition to injure others?
17. Has suicide ever been attempted? If so, in what way? Is the propensity to suicide now active?
18. Is there a disposition to filthy habits, destruction of clothing, breaking of glass, etc.?
19. What relatives, including grandparents and cousins, have been insane?
20. Did the patient manifest any peculiarities of temper, habits, disposition or pursuits before the accession of the disease? Any predominant passion, religious impressions, etc.?
21. Was the patient ever addicted to intemperance in any form?
22. Has the patient been subject to epilepsy? Suppressed eruptions? Discharge of sores?
23. Other bodily diseases suffered by patient? If so, name them?
24. Has patient ever had any injury of the head? If so, explain nature of injury?
25. Has restraint or confinement been employed? If so, what kind, and how long?
26. What is supposed to be the cause of the disease?
27. What treatment has been pursued for the relief of the patient? Mention particulars and effects.
28. State any other matter supposed to have a bearing on the case.

Sec. 284. Correction of answers. If the commission on further examination after the answers are given finds that any of said answers are incorrect, it shall correct the same.

Sec. 285. Findings and order. If the commission finds from the evidence that said person is insane and a fit subject for custody and treatment in the state hospital, it shall order his commitment to the hospital in the district in which the county is situated, and in connection with such finding and order shall determine and enter of record the county which is the legal settlement of such person. If such settlement is unknown the record shall show such fact.

Sec. 286. Warrant of commitment. Unless an appeal is taken, the commission shall forthwith issue its warrant of commitment and a duplicate thereof, stating such findings with the settlement of the person, if found, and, if not found, its information, if any, in regard thereto, authorizing the superintendent of the hospital to receive and keep him as a patient therein.

Sec. 287. Service of warrant. Said warrant and duplicate, with the certificate and finding of the physician, shall be delivered to the sheriff, who shall execute the same by conveying such person to the hospital, and delivering him, with such duplicate and physician's certificate and finding, to the superintendent, who shall, over his official signature, acknowledge such delivery on the original warrant, which the sheriff shall return to the clerk of the commission, with his costs and expenses indorsed thereon.

Sec. 288. Record and commitment of one accused of crime. If, after the commission has acquired jurisdiction over a person under a charge of insanity, the district court also acquires jurisdiction over such person under a formal charge of crime, the findings of the commission and the warrant of commitment, if any, shall state the fact of jurisdiction in the district court, and the name of the criminal charge.

Sec. 289. Appointment in lieu of sheriff. If the sheriff and his deputies are otherwise engaged, the commission may appoint some other suitable person to execute the warrant, who shall take and subscribe an oath faithfully to discharge his duty, and shall be entitled to the same fees as the sheriff.

Sec. 290. Assistants - females. The sheriff, or any person appointed, may call to his aid such assistance as he may need to execute such warrant; but no female shall thus be taken to the hospital without the attendance of some other female or some relative. The superintendent, in his acknowledgement of delivery, must state whether there was any such person in attendance, and give the name or names, if any.

Sec. 291. Preference in executing warrant. If any relative or immediate friend of the patient, who is a suitable person, shall so request, he shall have the privilege of executing such warrant, in preference to the sheriff or any other person, without taking such oath, and for so doing shall be entitled to his necessary expenses, but no fees.

Sec. 292. Confinement of insane.- females. No person who shall be found to be insane shall, during investigation or after such finding, and pending commitment to the hospital, or when on the way there, be confined in any jail, prison, or place of solitary confinement, except in cases of extreme violence, when it may be necessary for the safety of such person or of the public; and if such person be so confined, there shall, at all times during its continuance, be some suitable person or persons in attendance in charge of such person; but at no time shall any female be placed in such confinement without at least one (1) female attendant remaining in charge of her.

Sec. 293. Appeal from finding. Any person found to be insane, or his next friend, may appeal from such finding to the district court by giving the clerk thereof, within ten (10) days after such finding has been made, notice in writing that an appeal is taken, which may be signed by the party, his agent, next friend, guardian, or attorney, and, when thus appealed, it shall stand for trial anew. Upon appeal it shall be the duty of the county attorney, without additional compensation, to prosecute the action on behalf of the informant.

Sec. 294. Custody pending appeal. The appellant, pending the appeal, shall be discharged from custody, unless the commission finds that he cannot with safety be allowed to go at large, in which case it shall require him to be suitably provided for in the manner hereinafter specified.

Sec. 295. Final order. If, upon the trial of the appeal, such person is found insane, and a fit subject for custody and treatment in the hospital, an order of commitment shall be entered, and the clerk shall issue a warrant therefor, and the proceedings thereunder shall be as provided in cases before the commission.

Sec. 296. Blanks. The board of control shall furnish the commissions of insenity of the counties with forms for blanks for warrants, certificates, and other papers as will enable it with regularity and facility to comply with the provisions of this chapter, and also with copies of the regulations of the hospital, when printed.

Sec. 297. Temporary custody in certain cases. If any person found to be insane cannot at once be admitted to the hospital, or, in case of appeal from the finding of the commission, if such person cannot with safety be allowed to go at liberty, the commission of insanity shall require that such person shall be suitably provided for otherwise until such admission can be had, or until the occasion therefor no longer exists.

Sec. 298. Care by relatives or friends. Such patients may be cared for as private patients when relatives or friends will obligate themselves to provide such care without public charge. In such case the commission shall in writing appoint some suitable person special custodian who shall have authority and shall in all suitable ways restrain, protect, and care for such patient, in such manner as to best secure his safety and comfort, and to best protect the persons and property of others.

Sec. 299. Care by county. If care and custody of the patient is not provided as authorized in the preceding section the commission shall require that he be restrained and cared for by the board of supervisors, at the expense of the county, at the county home or some other suitable place, and the commission of insanity shall issue its mandate to the board of supervisors, which shall forthwith comply therewith.

Sec. 300. Custody outside state hospitals. The commission of insanity may grant applications, made in substantially the form provided in this title, for the restraint, protection and care, within the county and outside the state hospitals, of alleged insane persons, either as public or private patients, but all patients so cared for shall be reported to the board of control.

Sec. 301. Neglected insane. On information laid before the commission of insanity of any county that an insane person in the county is suffering for want of proper care, it shall forthwith inquire into the matter, and, if it finds that such information is true, it shall make all needful provisions for the care of such person as provided in other cases.

Sec. 302. Transfers from county and private asylums. Insane persons who have been under care, either as public or private patients, outside of the hospital, by authority of the commission of insanity may, on application, be transferred to the state hospital, whenever they can be admitted thereto. Such admission may be had without another inquest, at any time within six (6) months after the inquest already had, unless the commission shall think further inquest advisable.

Sec. 303. Discharge from custody. When it shall be shown to the satisfaction of the commission of insanity that cause no longer exists for the care within the county of any person as an insane patient, it shall, with the approval of the board of control, order his immediate discharge, and shall find if such person is sane or insane at the time of such discharge, which finding shall be entered of record by the clerk of the commission of insanity.

Sec. 304. Commission of inquiry. A sworn complaint, alleging that a named person is not insane and is unjustly deprived of his liberty in any hospital in the state, may be filed by any person, with the clerk of the district court of the county in which such named person is so confined, or of the county in which such named person has a legal settlement, and thereupon a judge of said court shall appoint a commission of not more than three (3) persons to inquire into the truth of said allegations. One (1) of said commissioners shall be a physician and if additional commissioners are appointed, one (1) of such commissioners shall be a lawyer.

Sec. 305. Duty of commission. Said commission shall at once proceed to the place where said person is confined and make a thorough and discreet examination for the purpose of determining the truth of said allegations and shall promptly report its findings to said judge in writing. Said report shall be accompanied by a written statement of the case signed by the superintendent.

Sec. 306. Hearing. If, on such report and statement, and the hearing of testimony if any is offered, the judge shall find that such person is sane, he shall order his discharge; if the contrary, he shall so state, and authorize his continued detention.

Sec. 307. Finding and order filed. The finding and order of the judge, with the report and other papers, shall be filed in the office of the clerk of the court where the complaint was filed. Said clerk shall enter a memorandum thereof on his record, and forthwith notify the superintendent of the hospital of the finding and order of the judge, and the superintendent shall carry out the order.

Sec. 308. Compensation - payment. Said commissioners shall be entitled to their necessary expenses and a reasonable compensation, to be allowed by the judge, who shall certify the same to the auditor of state who shall thereupon draw the proper warrants on any funds in the state treasury not otherwise appropriated. The applicant shall pay said costs and expenses if the judge shall so order on a finding that the complaint was filed without probable cause.

Sec. 309. Limitation on proceedings. The proceeding authorized in the five (5) preceding sections shall not be had oftener than once in six (6) months regarding the same person; nor regarding any patient within six (6) months after his admission to the hospital.

Sec. 310. Habeas corpus. All persons confined as insane shall be entitled to the benefit of the writ of habeas corpus, and the question of insanity shall be decided at the hearing. If the judge shall decide that the person is insane, such decision shall be no bar to the issuing of the writ a second time, whenever it shall be alleged that such person has been restored to reason.

Sec. 311. Cruelty or official misconduct. If any person having the care of an insane person, and restraining him, whether in a hospital or elsewhere, with or without authority, shall treat him with unnecessary severity, harshness, or cruelty, or in any way abuse him, or if any officer required by the provisions of this and the three (3) preceding chapters to perform any act shall wilfully refuse or neglect to perform the same, he shall, unless otherwise provided, be fined not to exceed five hundred dollars (\$500.00), or be imprisoned in the county jail not to exceed three (3) months, and pay the costs of prosecution, or be both fined and imprisoned at the discretion of the court.

Sec. 312. Failure to furnish writing material - penalty. If any member of the visiting committee, superintendent of the hospital, or other person in charge of an insane person confined in the hospital, shall knowingly and wilfully violate any provision of this and the three (3) preceding chapters by failing and refusing to furnish material for writing, failing or refusing to allow a party to write letters, to mail letters written, to receive and deliver letters written as provided herein to such person so confined, or in any other way, he shall be guilty of a misdemeanor.

Sec. 313. Insane defined. The term "insane" as used in this chapter includes every species of insanity or mental derangement.

## CHAPTER 13

### SUPPORT OF INSANE

Sec. 314. Liability of county and state. The necessary and legal costs and expenses attending the arrest, care, investigation, commitment, and support of an insane person committed to a state hospital shall be paid:

1. By the county in which such person has a legal settlement, or
2. By the state when such person has no legal settlement in this state or when such settlement is unknown.

The residence of any person found insane who is an inmate of any state institution shall be that existing at the time of admission thereto.

Sec. 315. Finding of legal settlement. The commission of insanity shall, when a person is found to be insane, or as soon thereafter as it obtains the proper information, determine and enter of record whether the legal settlement of said person is:

1. In the county of the residence of said commissioners, or
2. In some other county of the state, or
3. In some foreign state or county, or
4. Unknown.

Sec. 316. Certification of settlement to superintendent. If such legal settlement is found to be in another county of this state, the commission shall, as soon as said determination is made, certify such finding to the superintendent of the hospital to which said patient is committed, and thereupon said superintendent shall charge the expenses already incurred and unadjusted, and all future expenses of such patient, to the county so certified until said settlement shall be otherwise determined as hereinafter provided.

Sec. 317. Certification of settlement to debtor county. Said finding of legal settlement shall also be certified by the commission to the county auditor of the county of such legal settlement. Such auditor shall lay such notification before the board of supervisors of his county, and it shall be conclusively presumed that such person has a legal settlement in said notified county unless said county shall, within six (6) months, in writing filed with the commission of insanity giving said notice, dispute such legal settlement.

Sec. 318. Non residents - conditions attending commitments. If such legal settlement is found by the commission to be in some foreign state or county, or unknown, it shall, without entering an order of commitment to the state hospital, immediately notify the board of control of such finding and furnish the board of control with a copy of the evidence taken on the question of legal settlement, and hold said patient for investigation by said board of control.

Sec. 319. Determination by board of control. The board of control shall immediately investigate the legal settlement of said patient and proceed as follows:

1. If the board of control finds that the decision of the commission of insanity as to legal settlement is correct, the board of control shall cause said patient either to be transferred to a state hospital for the insane and there maintained at the expense of the state, or to be transferred to the place of foreign settlement.
2. If the board of control finds that the decision of the commission of insanity is not correct, the board of control shall order said patient transferred to a state hospital for the insane and there maintained at the expense of the county of legal settlement in this state.

Sec. 320. Removal of nonresident patients. If at any time the board of control discovers that an insane patient in a state hospital was, at the time of commitment, a nonresident of this state, it may cause said patient to be conveyed to his place of residence if his condition permits of such transfer and other reasons do not render such transfer inadvisable.

Sec. 331. Transfers of insane persons - expenses. The transfer to state hospitals or to the places of their legal settlement of insane persons who have no legal settlement in this state or whose legal settlement is unknown, shall be made according to the directions of the board of control, and when practicable by employees of state hospitals, and the actual and necessary expenses of such transfers shall be paid on itemized vouchers sworn to by the claimants and approved by the board of control, from any funds in the state treasury not otherwise appropriated.

Sec. 332. Subsequent discovery of residence. If, after a patient has been received into a state hospital for the insane as a patient whose legal settlement is supposed to be outside this state or unknown, the board of control finds that the legal settlement of said patient was, at the time of commitment, in a county of this state, said board shall charge all legal costs and expenses pertaining to the commitment and support of said patient to the county of such legal settlement, and the same shall be collected as provided by law in other cases.

Sec. 333. Preliminary payment of costs. All legal costs and expenses attending the arrest, care, investigation, and commitment of a person to a state hospital for the insane under a finding that such person has a legal settlement in another county of this state, shall, in the first instance, be paid by the county of commitment. The county of such legal settlement shall reimburse the county so paying for all such payments, with interest.

Sec. 334. Recovery of costs from state. Costs and expenses attending the arrest, care, and investigation of a person who has been committed to a state hospital for the insane and who has no legal settlement in this state or whose legal settlement is unknown, including cost of commitment, if any, shall be paid out of any money in the state treasury not otherwise appropriated, on itemized vouchers executed by the auditor of the county which has paid them, and approved by the board of control.

Sec. 335. Action to determine legal settlement. When a dispute arises between different counties or between the board of control and a county as to the legal settlement of a person committed to a state hospital for the insane, the attorney general, at the request of the board of control, shall, without the advancement of fees, cause an action to be brought in the district court of any county where such dispute exists, to determine such legal settlement. Said action may be brought at any time when it appears that said dispute cannot be amicably settled. All counties which may be the place of such legal settlement, so far as known, shall be made defendants and the allegation of such settlement may be in the alternative. Said action shall be tried as in equity.

Sec. 336. Judgment when settlement found within state. The court shall determine whether the legal settlement of said insane person, at the time of the commitment, was in one of the defendant counties. If the court so find, judgment shall be entered against the county of such settlement in favor of any other county for all legal costs and expenses arising out of said proceedings in insanity, and paid by said other county. If any such costs have not been paid, judgment shall be rendered against the county of settlement in favor of the parties, including the state, to whom said costs or expenses may be due.

Sec. 337. Order when nonresidence or unknown settlement appears. If the court finds that the legal settlement of said insane person, at the time of commitment, was in a foreign state or country, or was unknown, an order shall be entered that said insane person shall be maintained in the hospital for the insane at the expense of the state. In such case the state shall refund to any county, with interest, all legal costs and expenses arising out of said proceedings in insanity and paid by said county. Any decision by the court shall be final.

Sec. 328. Personal liability of insane person and others. Insane persons and persons legally liable for their support shall remain liable for the support of such insane. The county auditor, subject to the direction of the board of supervisors, shall enforce the obligation herein created as to all sums advanced by the county.

Sec. 329. Presumption. In actions to enforce the liability imposed by the preceding section, the certificate from the superintendent and the notice from the auditor of state stating the sums charged in such cases, shall be presumptively correct.

Sec. 330. Relief from liability. If the board of supervisors in the case of any insane patient who has been supported at the expense of the county shall deem it a hardship to compel the relatives of such patient to bear the burden of his support, or charge the estate of such patient therewith, they may on application relieve such relatives or estate from any part or all of such burden as may seem to them reasonable and just.

Sec. 331. Expense in county or private hospitals. The estates of insane or idiotic persons who may be treated or confined in any county asylum or home, or in any private hospital or sanitarium, and the estates of persons legally bound for their support, shall be liable to the county for the reasonable cost of such support, or so much thereof as may be determined by the board of supervisors.

Sec. 332. Nonresidents liable to state - presumption. The estates of all nonresident patients provided for and treated in state hospitals for the insane in this state, and all persons legally bound for the support of such patients shall be liable to the state for the reasonable value of the care, maintenance, and treatment of such patients while in such hospitals. The certificate of the superintendent of the state hospital in which any nonresident is or has been a patient, showing the amounts drawn from the state treasury or due therefrom as provided by law on account of such nonresident patient, shall be presumptive evidence of the reasonable value of the care, maintenance, and treatment furnished such patient.

Sec. 333. Expenses certified to counties. Each superintendent of a state hospital where insane patients are cared for shall certify to the auditor of state on the first days of January, April, July and October, the amount not previously certified by him due the state from the several counties having patients chargeable thereto, and the auditor of state shall thereupon charge the same to the county so owing. A duplicate certificate shall also be mailed to the auditor of each county having patients chargeable thereto. This section shall apply to all superintendents of all institutions having patients chargeable to counties.

Sec. 334. Duty of county auditor and treasurer. The county auditor, upon receipt of such certificate, shall thereupon enter the same to the credit of the state in his lodger of state accounts, and at once issue a notice to his county treasurer, authorizing him to transfer the amount from the insane or county fund, to the general state revenue, which notice shall be filed by the treasurer as his authority for making such transfer, and shall include the amount so transferred in his next remittance of state taxes to the treasurer of state, designating the fund to which it belongs.

Sec. 335. Penalty for nonpayment. Should any county fail to pay these bills within sixty (60) days from the date of certificate from the superintendent, the auditor of state shall charge the delinquent county the penalty of one per cent (1%) per month on and after sixty (60) days from date of certificate until paid.

Sec. 336. Tax for hospital support fund. The board of supervisors shall at the time of levying other taxes estimate the amount necessary to meet said expense the coming year, including cost of commitment and transportation of patients, and shall levy a tax therefor. Said fund shall not be diverted to any other purpose. Should any county fail to levy a tax sufficient to meet this expense the deficiency shall be paid from the general county fund.

Sec. 337. County fund for insane. The board of supervisors shall, annually, levy a tax of one and one-half (1 1/2) mills or less, as may be necessary, for the purpose of raising a fund for the support of such insane persons as are cared for and supported by the county in the insane ward of the county home, or elsewhere outside of any state hospital for the insane, which shall be known as the county fund for the insane, and shall be used for no other purpose than the support of such insane persons.

#### CHAPTER 14 JUVENILE COURT

Sec. 338. Juvenile court - jurisdiction. There is hereby established in each county a juvenile court, which, and the judges thereof, shall have and exercise the jurisdiction and powers provided by law.

Sec. 339. Juvenile court - how constituted. The juvenile court of each county shall be constituted as follows:

1. Of the judges of the district.
2. In counties wherein there is a superior or municipal court, of the judges thereof, respectively, when designated as judges of the juvenile court by the judges of the district court.

Sec. 340. Designation of judge. The judges of the district court may designate one (1) of their number to act as judge of the juvenile court in any county or counties, and may designate a superior or municipal court judge to act as judge of the juvenile court in cases arising in any city in which any such court is organized and in cases arising in any part of any county convenient thereto. In counties having a population of one hundred thousand (100,000) or over, unless said district judges designate a superior or municipal court judge to act as juvenile judge, they shall after each election, designate one (1) of their number to act as juvenile judge for the ensuing four (4) years.

Sec. 341. Designation of judge - effect. The designation of any judge to hold the juvenile court shall not deprive him of other judicial functions, or the other judges of the power to act as judges of the juvenile court during the absence, inability to act or upon request of the regularly designated juvenile judge.

Sec. 342. Courts always open. Juvenile courts shall always be open for the transaction of business, but the hearing of any matter requiring notice shall be had only at such time and place as the judge may fix.

Sec. 343. Records of court. The juvenile court shall be a court of record, and the proceedings, orders, findings, and decisions thereof shall be entered in books kept for that purpose and designated as the juvenile court records.

Sec. 344. Clerk of juvenile court. The clerk of the court whose judge acts as the juvenile court shall act as clerk of the juvenile court.

Sec. 345. Probation officers - salary. The judge designated as juvenile judge in each county, or in cases where there is more than one (1) such judge in any county the judges so designated acting jointly, shall appoint probation officers, one of whom shall be a woman, as follows:

1. In and for any county having a population of less than thirty thousand (30,000), not more than four (4) probation officers, who shall serve without pay.

2. In counties having a population of more than thirty thousand (30,000) and less than fifty thousand (50,000) a chief probation officer at a salary of not more than fifteen hundred dollars (\$1500.00) per year, and the court may also appoint one deputy at a salary of not more than twelve hundred dollars (\$1200.00) per year.

3. In counties having a population of more than fifty thousand (50,000) and less than one hundred twenty-five thousand (125,000) a chief probation officer at a salary of not more than two thousand dollars (\$2,000.00) per year, and the court may appoint two deputies at a salary of not more than fifteen hundred dollars (\$1500.00) each per year.

4. In counties having a population in excess of one hundred twenty-five thousand (125,000), one (1) chief probation officer at a salary of not to exceed three thousand dollars (\$3,000.00) per year, and not to exceed five (5) deputy probation officers at a salary, each, of not to exceed eighteen hundred dollars (\$1,800.00) per year.

Sec. 346. Physicians and nurses. In any county having a population of one hundred twenty-five thousand (125,000) or more, the judge or judges of the juvenile court may appoint a competent physician at a salary of not more than fifty dollars (\$50.00) per month, and a visiting nurse, who shall be a trained graduate, at a salary of not more than one hundred dollars (\$100.00) per month, and prescribe their duties.

Sec. 347. Powers and duties- office and supplies. Probation officers, in the discharge of their duties as such, shall possess the powers of peace officers. They shall be furnished by the county with a proper office and all necessary blanks, books, and stationary. It shall be the duty of said probation officers to make such investigation as may be required by the court; to be present in court in order to represent the interests of the child when the case is heard; to furnish to the court such information and assistance as the judge may require, and to take such charge of any child before and after trial as may be directed by the court.

Sec. 348. Duties of clerk of court. The clerk of court shall, if practicable, notify a convenient probation officer in advance when any child is to be brought before the said court.

Sec. 349. Salaries - expenses - how paid. The judges making the appointments shall fix the salary of all appointees at not exceeding the amount authorized by law. All appointees shall serve during the pleasure of such judges, and in addition to salaries shall receive their necessary and actual expenses incurred while performing their duties. All salaries and expenses shall be paid by the county.

## CHAPTER 15

### CARE OF NEGLECTED, DEPENDENT AND DELINQUENT CHILDREN

Sec. 350. Applicable only to certain children. This chapter shall not apply to any child who is accused of an offense which is punishable by life imprisonment or death, but shall otherwise apply to all children who are not feeble minded and who are under eighteen (18) years of age and who are not inmates of any state institution or any institution incorporated under the laws of this state.

Sec. 351. Dependent and neglected child defined. The term "dependent child" or "neglected child" shall mean any child who, for any reason:

1. Is destitute, or homeless, or abandoned.
2. Is dependent upon the public for support.
3. Is without proper parental care or guardianship, or habitually begs or receives alms.
4. If under ten years of age, is engaged in giving any public entertainment in public places for pecuniary gain for himself or for another, or who accompanies, or is used in aid of, any person so doing.
5. Is found living in any house of ill fame, or with any vicious or disreputable person.
6. Is living in a home which is unfit for such child.
7. Is living under such other unfit surroundings as bring such child, in the opinion of the court, within the spirit of this chapter.

Sec. 352. Delinquent child defined. The term "delinquent child" means any child:

1. Who habitually violates any law of this state, or of any town or city ordinance.
2. Who is incorrigible.
3. Who knowingly associates with thieves, or vicious or immoral persons.
4. Who is growing up in idleness or crime.
5. Who knowingly frequents a house of ill fame.
6. Who patronizes any policy shop or place where any gaming device is located.
7. Who habitually wanders about any railroad yard or tracks, gets upon any moving train or enters any car or engine without lawful authority.

Sec. 353. Child, parent, and institution defined. The word "child" or "children" may mean one (1) or more children, and shall include any person under eighteen (18) years of age.

The word "parent" or "parents" may mean one (1) or both parents when consistent with the intent of this chapter. The word "institution" shall include any corporation which includes in its purposes the care or disposition of children coming within the meaning of this chapter.

Sec. 354. Petitions - by whom filed. Petitions, sworn to on information and belief, setting forth the facts which render a child, found in the county, dependent, neglected, or delinquent within the meaning of this chapter, may be filed, without payment of filing fee, with the clerk of the juvenile court, by any reputable resident of the county.

Sec. 355. Petition may embrace several children. Complaint with reference to more than one (1) child may be embraced in one (1) count of the petition, subject to being later divided on order of the juvenile court if such order appears advisable.

Sec. 356. Judge to fix time and place of hearing - notice. Upon the filing of the petition, the court or judge shall fix a time for the hearing and a place within the district convenient to the parties, and cause notice to issue as hereinafter provided.

Sec. 357. Notice - requirements. Said notice shall apprise all parties entitled to notice of the filing of said petition, and of the time and place of hearing thereon, and shall require the custodian of said child to appear with said child at said time and place. A copy of the petition shall be attached to said notice.

Sec. 358. Manner of service. The court or judge may, in all cases, specify the particular manner in which said notice shall be served.

Sec. 359. Service of notice. Said notice shall be served on the custodian of said child or on the person with whom such child is living, and on all other persons entitled to notice, at least five (5) days before the day of hearing. No further service shall be required than on the parent when the parent is the custodian or guardian of said child or children. If the said custodian is not the parent or guardian, then additional service shall be made in the following order:

1. On the parents if their residence in this state is known.
2. On the guardian if his residence in this state is known.
3. On some relative if his residence in this state is known.

Sec. 360. Refusal to produce child. If the person summoned as herein provided shall fail to appear or bring the child, without reasonable cause, and abide the order of the court, he may be proceeded against as in case of contempt of court in addition to any criminal proceedings authorized by law.

Sec. 361. Warrant of arrest. In case the notice can not be served, or the party served fails to obey the same, or when it shall be made to appear to the court that such notice will be ineffectual, a warrant may issue on the order of the court, either against the parent or guardian or custodian, or against the child himself.

Sec. 362. Hearing - continuance. On the day set for hearing, the court shall, if the required notice has been given, or at any time, if the parties entitled to such notice are in court, proceed to try the cause in equity unless a continuance appears advisable in the interest of justice.

Sec. 363. Custody of child pending hearing. When, in the opinion of the court, an emergency exists, temporary provision may be made for the custody of the child pending further hearing.

Sec. 364. Appointment to represent child. The court may, at any time after the filing of the petition, appoint an attorney, or other suitable person to represent and appear for said child.

Sec. 365. Information charging crime. In any case after an investigation of the facts and circumstances, the court may, in its discretion, cause the child to be charged with either:

1. An indictable offense, in which case the court shall proceed to hold a preliminary examination, and shall exercise the powers of other magistrates.
2. An offense not triable on indictment, in which case the court may order any peace officer to file forthwith an information against such child and proceed to try the case before a jury of twelve (12). When no regular jury is in attendance at the district, superior, or municipal court, as the case may be, the judge shall cause to be issued by the clerk and serve by any peace officer a summons for such number of persons qualified to act as jurors as in his judgment are necessary to secure an impartial jury, allowing to the state and the defendant, each, three (3) peremptory challenges.

Sec. 366. Commitment of child. If a child is unable to furnish a required bail pending the final disposition of the case, he may be committed to the care of a probation or peace officer, or other person, who shall keep such child in some suitable place provided by the city or county, outside the inclosure of any jail or police station. No child shall be confined in the same yard or inclosure with adult convicts.

Sec. 367. Misdemeanor cases transferred. Any child, taken before any justice of the peace or police court, charged with a public offense shall, together with the case, be at once transferred by said court, to the juvenile court.

Sec. 368. Exclusion from courtroom. The judge of the juvenile court shall fix a time and place for the hearing of cases transferred thereto, which shall be disposed of in the same manner as cases originally brought before said court. During his examination into or trial of the case as a court of equity, the court may exclude from the courtroom any and all persons who, in his opinion, are not necessary for the hearing of the case.

Sec. 369. Conviction of crime - alternative procedure. When there is a conviction in the district court of any delinquent child of an indictable offense, the district court may enter judgment thereon or, if the punishment be not imprisonment for life, or death, it may transfer the cause to the juvenile court. The juvenile court shall have power to proceed with such child under the alternative or mandatory commitments provided in this chapter, but if the results, in the opinion of the court, be not conducive to the public interest and the welfare of the child, it may, at any time, revoke such orders of commitment and enter such judgment of conviction as the district court might have entered.

Sec. 370. Alternative commitments. The juvenile court, in the case of any neglected, dependent, or delinquent child, may:

1. Continue the proceedings from time to time and commit said child to the care and custody of a probation officer or other discreet person.
2. Commit said child to some suitable family home or allow it to remain in its own home.
3. Commit said child to any institution in the state, incorporated and maintained for the purpose of caring for such children.
4. Cause the child to be placed in a public or state hospital for treatment or special care, or in a private hospital which will receive it for such purpose, when such course seems necessary for the welfare of the child.

Sec. 371. Guardianship and adoption. In case the court commits said child to the custody of some proper person or institution, such person or institution shall, by virtue of such custody, be the legal guardian of the person of such child and may be made a party to any proceeding for the legal adoption of such child, but any such adoption shall be approved by the court.

Sec. 372. Conditions attending commitment. In any case contemplated by the second preceding section, the court may, from time to time, incorporate in its order such conditions and restrictions as it may deem advisable for the welfare of the child, and the jurisdiction of the court over said proceedings and said child shall continue until the child is legally adopted, or until the child is committed to a state institution.

Sec. 373. Religious belief. The court, in committing children, shall place them, as far as practicable, in the care and custody of some individual holding the same religious belief as the parents of said child, or with some institution which is controlled by persons of like religious faith with the parents of said child.

Sec. 374. Aid to widow in care of child. If the juvenile court finds of record that the mother of a neglected or dependent child is and has been a resident of the county for one (1) year preceding the filing of the application, and is a widow and a proper guardian but, by reason of indigency, is unable to properly care for such child, and that the welfare of said child will be promoted by remaining in its own home, it may, on ten (10) days' written notice to the chairman of the board of supervisors, of said application, by proper order, determine the amount of money, not exceeding two dollars and fifty cents (\$2.50) per week, necessary to enable said mother to properly care for said child. The board of supervisors shall cause said amount to be paid from the county treasury as provided in said order. Such order may, at any time, be modified or vacated by the court. No payment shall be made after said child reached the age of

sixteen (16) years, or after the mother has remarried, or after she has acquired a legal residence in another county, or after she has become a nonresident of the state.

Sec. 374-cl. Duration of order. Orders entered under the preceding section shall, unless sooner terminated by the court, automatically terminate two (2) years from the date thereof, but may be renewed under a new application.

Sec. 375. When considered widow. Any mother whose husband is an inmate of any institution under the care of the board of control, shall, for the purposes of the second preceding section, be considered a widow, but only while such husband is so confined.

Sec. 376. Compelling support by parent. The court, in any proceeding hereunder relative to a neglected or dependent child, shall have jurisdiction, on reasonable notice to the parents of said child, to inquire into the ability of said parents to support said child and make all proper orders in reference thereto. The court may require such parent to enter into a bond, with or without surety, and in a reasonable sum, conditioned for the proper care, support, and supervision of such child. If it finds that the parent is able to support such child in any reasonable degree, it may require such parent to pay a reasonable amount of money into court at such times as it may provide, which sum shall be applied to the care of said child. All orders for the payment of money shall be enforced by execution and in such case the parent ordered to make payment shall not be entitled to hold any property as exempt from such execution. All other orders may be enforced by process of contempt until such orders are complied with.

Sec. 377. Action on bond. In case of the breach of a bond given as required in the preceding section, the amount thereof shall be deemed liquidated damages, which, when collected, shall, under the orders of the court, be applied to the care of said child. The county attorney shall, on the order of the court, prosecute all actions on such bonds.

Sec. 378. Mandatory commitments. If commitments of any child is not made under the foregoing provisions of this chapter, or if made thereunder and the results, in the opinion of the court, are not conducive to the welfare of the child, the court shall proceed as follows:

1. If the child is neglected or dependent and not delinquent, it shall be committed either to the soldiers' orphans' home or to the state juvenile home.

2. If the child is delinquent and under the age of ten (10) years, it shall be committed to the state juvenile home.

3. If the child is over the age of ten (10) years and, in the opinion of the court or judge is seriously delinquent or so disposed, it shall be committed to the state training school for boys or for girls, as the case may be; but married women, prostitutes, and girls who are pregnant shall not be committed to the training school.

4. If the child is over the age of ten (10) years and, in the opinion of the court or judge is not seriously delinquent nor so disposed, it shall be committed to the state juvenile home.

Sec. 379. Interpretive clause. It is the intent of the preceding section to so classify commitments that the merely neglected and dependent child will not be associated with the delinquent and their delinquent children will be so segregated that the least delinquent will not suffer by association with those of greater delinquency.

Sec. 380. Right to transfer. The board of control, at any time, for the purpose of effecting, as nearly as practicable, the declared intent of this chapter, may transfer an inmate of any of said three (3) state institutions to any other of said institutions. It may also transfer any feeble-minded child from said institutions, to the institution for feeble minded or to the hospital for epileptics and school for feeble minded. The expense of such transfers shall be charged to the support fund of the institution from which the transfers are made.

Sec. 381. Term of commitment. Commitments shall be until the child attains the age of twenty-one (21) years, unless otherwise discharged by law.

A warrant of commitment shall consist of a copy of the order of commitment, certified to by the clerk and shall be in duplicate, one (1) of which shall be delivered to the executive head of the receiving institution and shall constitute sufficient authority to hold in custody the party committed.

Sec. 382. Court notified of application for discharge. When application, written or otherwise, is made to the board of control for the release or discharge of any delinquent child under twenty-one (21) years of age, who has been committed by a juvenile court to any state institution, such board shall at once, by letter, give written notice of such application to the judge of the juvenile court which made the commitment, and such child shall not be discharged or released in less than thirty (30) days after such notice has been given.

Sec. 383. Record of discharge. The board shall keep a full record of the discharge by it of all delinquent children which record shall among other matters show the reasons therefor and whether the discharge was on application or on action of the board.

Sec. 384. Statement to superintendent of state institution. In case of a commitment to a state institution, the judge shall forward to the superintendent a statement of the nature of the complaint, and such other particulars as he may be able to ascertain, including the date of birth of the child, its habits and environments, the number of times it has been arrested and the cause therefor, the influence of the parent or custodian on such child, and the substance of the evidence introduced on the hearing.

Sec. 385. Detention home and school in certain counties. In counties having a population of more than forty thousand (40,000), the board of supervisors shall provide and maintain, separate, apart, and outside the inclosure of any jail or police station, a suitable detention home and school for dependent, neglected, and delinquent children.

Sec. 386. Tax authorized. The board of supervisors may annually levy a tax of not to exceed one (1) mill for the purpose of maintaining such home, and paying the salaries and expenses of all appointees authorized by this chapter.

Sec. 387. Board of control to approve institutions. The board of control shall designate and approve the institutions to which such children may be legally committed and shall have supervision, and right of visitation and inspection at all times over all such institutions.

Sec. 388. Reports by court and institutions. The juvenile court, and all institutions receiving such children, shall, between the first and fifteenth day of January of each year, make report to the board of control. The report shall embrace the number of children of each sex brought before the court during the past year, the number for whom homes have been provided, the number sent to state institutions, and the number in charge of each institution.

Sec. 389. Statutes construed liberally. This chapter shall be liberally construed to the end that its purpose may be carried out.

#### CHAPTER 15-A JUVENILE DELINQUENCY

Sec. 389-a1. Contributing to delinquency of child. It shall be unlawful:

1. To encourage any child under eighteen (18) years of age to commit any act of delinquency defined in the preceding chapter of this title, or
2. To send, or cause to be sent, any such child to a home of prostitution or to any place where intoxicating liquors are unlawfully sold or unlawfully kept for sale, or to any policy shop, or to any gambling place, or to any public poolroom, or to induce any such child to go to any such places, knowing them to be such, or
3. To knowingly encourage, contribute, or in any manner cause such child to violate any law of this state, or any ordinance of any city or town, or
4. To knowingly permit, encourage, or cause such child to be guilty of any vicious or immoral conduct.

Sec. 389-a2. Penalty - bar. A violation of the preceding section shall be punishable by a fine of not exceeding one hundred dollars (\$100.00) or by imprisonment in the county jail not exceeding thirty (30) days, or by both such fine and imprisonment. Said conviction shall not bar a prosecution of such convicted person for an indictable offense when the acts which caused or contributed to the delinquency of such child are indictable.

Sec. 389-a3. Suspension of sentence. Upon said conviction being had, the court may, for a period not exceeding two (2) years, suspend sentence under such conditions as to good behavior as it may prescribe. Should said conditions be fulfilled, the court may at any time enter an order setting said conviction aside and wholly releasing the defendant therefrom. Should said condition be not fulfilled to the satisfaction of the court, an order of sentence may at any time be entered which shall be effective from the date thereof.

Sec. 389-a4. Preliminary examination by juvenile court. If, in proceedings in juvenile court, it appears probable that an indictable offense has been committed and that the commission thereof caused, or contributed to, the delinquency of such child, said court may order the issuance of a warrant for the arrest of such suspected person, and on the appearance of such person said court may proceed to hold a preliminary examination, and in so doing shall exercise all the powers of a committing magistrate.

#### CHAPTER 16

##### PRIVATE INSTITUTIONS FOR NEGLECTED, DEPENDENT, AND DELINQUENT CHILDREN

Sec. 390. Private institutions for care of children. Any institution, incorporated under the laws of this state or maintained for the purpose of caring for placing out for adoption, or otherwise improving the condition of unfortunate children, may:

1. Receive neglected, dependent, or delinquent children, who are under eighteen (18) years of age, under commitment from the juvenile court, and control and dispose of them subject to the provisions of chapter fifteen (15) of this title.
2. Receive neglected, dependent, and delinquent children under twenty-one (21) and over eighteen (18) years of age, under commitment from the juvenile court, and control and dispose of them as in this chapter provided.

3. Receive, control, and dispose of all minor children voluntarily surrendered to such institutions.

Sec. 391. Jurisdiction to revoke. The district court of any county in which any such institution may be located shall have jurisdiction to revoke the powers herein granted upon a showing that any such institution has abused the trust imposed, or that the welfare of its wards demands that they be taken from the control of such institution. It shall be the duty of the state board of control to institute such proceedings whenever, in its judgment, they are advisable.

Sec. 392. Terms defined. The meaning of the terms "neglected", "dependent" and "delinquent" child shall be the same as provided in chapter fifteen (15) of this title.

Sec. 393. Who may surrender child. Minor children may be surrendered to such institutions:

1. By the parents jointly.
2. By either parent, when the other is dead, or hopelessly insane, or a habitual drunkard, or has abandoned the family, or is in prison for crime, or is an inmate or keeper of a house of ill fame.
3. By the mother alone, if the child is illegitimate and in her care and custody.

Sec. 394. Commitment of children over eighteen years old. Any reputable citizen of the county may file a petition with the juvenile court as provided in chapter fifteen (15) of this title, against any neglected, dependent, or delinquent minor child who is over the age of eighteen (18) years and therein ask that said be committed to such an institution, or otherwise dealt with as may appear best for the welfare of said child, and in such case the procedure shall, so far as applicable, be as provided in said chapter, except that such child shall not be committed thereunder to any state institution.

Sec. 395. Duty of institution. All children in such institutions, over seven (7) years and under fourteen (14) years of age, shall be kept in school during the school sessions of the district in which such child is kept, or in some parochial school for a like period.

Sec. 396. Revocation of commitment. The juvenile court of the county in which an institution is located may at any time revoke a commitment to such institution when it is made to appear that the trust imposed has been abused, or that the welfare of the child requires such revocation.

Sec. 397. Board of control to supervise. All institutions receiving children under this chapter shall be subject to the supervision and inspection of the board of control which may at any time require such information of such institutions as it may deem necessary to effect such supervision and inspection.

Sec. 398. Institutions to report. Every such institution shall file with the board of control, during the month of January of each year, an annual written or printed report, which shall show:

1. The number of children cared for during the preceding year.
2. The number of children received for the first time and the number returned from families.
3. The number placed in homes.
4. The number deceased.
5. The number returned to friends.
6. The number placed in state institutions.

7. The number and names and number of months of each of those attending school.
8. A statement showing the receipts and disbursements of such association.
9. The amount expended for salaries and other expenses, specifying the same.
10. The amount expended for lands, buildings, and investments.

Sec. 399. Commitments prohibited. No child shall be committed to the care of any such institution which shall fail to file with the state board of control a satisfactory report for the calendar year last preceding, unless it be an institution organized within the current year.

Sec. 400. Foreign institutions. Institutions of the nature contemplated by this chapter, and organized under the laws of a foreign state, shall not place any child in any family home or other place in this state unless it first executes the bond hereinafter provided and satisfies the board of control that it will not bring into this state any child which has a contagious or incurable disease, or which is deformed, feeble-minded, or of vicious character and that it will promptly remove from the state any child brought into the state by its agents in case said child becomes a public charge within five (5) years after being brought into the state.

Sec. 401. Bond by foreign institution. Such foreign institution shall execute and file with the said board a bond, to be approved by the said board, in the sum of one thousand dollars (\$1,000.00) conditioned to comply with the preceding section.

Sec. 402. Action on bond. In case of a breach of said bond a conclusive presumption shall prevail that the amount of said bond was intended to constitute liquidated damages.

Sec. 403. Construction of statute. The third preceding section shall not be construed as prohibiting any resident of the state from receiving and adopting any child which is a resident of a foreign state.

Sec. 404. Monthly allowance. The institution receiving and caring for a child under eighteen (18) years of age and under commitment from the juvenile court, shall receive, from the county of the legal settlement of such child, a monthly allowance of not to exceed sixteen dollars (\$16.00).

Sec. 405. Commitments in lieu of jail sentence. When any court may pronounce sentence committing any female to any jail, such female may be committed to any institution as herein provided, if such institution is willing to receive her, without expense to the state, but such commitment shall not exceed the maximum jail sentence.

Sec. 406. Commitment subsequent to jail sentence. If the court has already committed such female to a jail and thereafter it appears that any such institution is willing to receive her under a commitment, and under the conditions herein imposed, the court may make an additional order, releasing her from such jail and ordering her committed to such institution for the unexpired time of the original commitment.

Sec. 407. Surrender of female. Any such female may be surrendered at any time to the court, judge, or presiding magistrate making the original order, which court, judge, or magistrate may make a further order committing the accused to a proper jail for the unexpired term of the original commitment.

Sec. 408. Release on bond. If, after any female is so committed to such institution, a bond is given under which such female is entitled to a release from such commitment, such female shall be released by an order issued by the officer approving said bond.

Sec. 409. Custody and control - labor. Any such female committed to an institution as herein provided shall be in the legal custody and control of the immediate managing head, and such female, whether the commitment so provides or not, shall, while being held under such commitment, perform such reasonable, fit, and proper labor as such managing head may direct, which labor shall be the sole compensation to such institution for the keep of such female.

Sec. 410. Institution defined. The term "institution" as used in the five (5) preceding sections shall embrace any institution having for its objects, in whole or in part, the furnishing of relief, care, and assistance to the poor, destitute, needy, or unfortunate, or any other charitable or benevolent object.

Sec. 411. Visitation by board of control. Any institution having any such female in its custody shall be subject to supervision and inspection by the board of control to the same extent as the other institutions named in this chapter.

Sec. 411-a1. Unincorporated institutions. All private unincorporated institutions devoted to the reception and care of neglected, dependent and delinquent children shall be subject to the supervision and inspection of the board of control which may at any time require such information of such institutions as it may deem necessary in order to render its supervision and inspection effective.

## CHAPTER 17.

### TRAINING SCHOOLS.

Sec. 412. Iowa training schools. The state training school at Eldora shall be known as the Iowa training school for boys. The state training school at Mitchellville shall be known as the Iowa training school for girls.

Sec. 413. Superintendent - powers and duties. The superintendent shall have charge and custody of the inmates of the school. He shall discipline, govern, instruct, employ, and use his best endeavors to reform the pupils in his care, so that, while preserving their health, he may promote, as far as possible, moral, religious, and industrious habits, and regular, thorough, and progressive improvement in their studies, trade, and employment.

Sec. 414. Salary. The salary of the superintendent of the state training school for boys shall be twenty-five hundred dollars (\$2,500.00) per year, and the salary of the superintendent of the state training school for girls shall be two thousand dollars (\$2,000.00) per year.

Sec. 415. Instruction and employment. The board of control shall cause the boys and girls in said schools to be instructed in piety and morality, in such instruction on the constitutions of the United States and of this state as required in the common schools and in such branches of useful knowledge as are adapted to their age and capacity, including the effects of alcoholic liquors, stimulants, and narcotics on the human system, and in some regular course of labor, either mechanical, agricultural, or manufacturing, as is best suited to their age, strength, disposition, capacity, reformation, and well being.

Sec. 416. Procedure to commit. The procedure for the commitment of children to the state training school, except as otherwise provided, shall be the same as provided in chapter fifteen (15) of this title.

Sec. 417. Commitments in case of conviction for crime. When a boy or girl over ten (10) and under eighteen (18) years of age, of sound mind, is found guilty in the district court of any crime except murder, the court may order the child sent to the state training school for boys, or for girls, as the case may be.

Sec. 418. Placing in families. All children committed to and received in the training schools may, with the written approval of the board of control, be placed by the superintendent, with any persons or in families of good standing and character where they will be properly cared for and educated.

Sec. 419. Articles of agreement. Such children shall be so placed under articles of agreement, approved by the board of control and signed by the person or persons taking them and by the superintendent. Said articles shall provide for the custody, care, education, maintenance, and earnings of said children for a time to be fixed in said articles, which shall not extend beyond the time when the persons bound shall attain the age of twenty-one (21) years.

Sec. 420. Resuming custody of child. In case a child so placed be not given the care, education, treatment and maintenance required by such agreement, the board of control may cause the child to be taken from the person with whom placed and returned to the institution, or may replace, release or finally discharge him as may seem best.

Sec. 421. Unlawful interference with child. It shall be unlawful for any parent or other person not a party to such placing of a child to interfere in any manner or assume or exercise any control over such child or his earnings. Said earnings shall be used, held, or otherwise applied for the exclusive benefit of such child.

Sec. 422. County attorney to appear for child. In case legal proceedings are necessary to enforce any right conferred on any child by the four (4) preceding sections, the county attorney of the county in which such proceedings should be instituted shall, on request of the superintendent, approved by the board of control, institute and carry on in the name of the superintendent, the proceedings in behalf of the superintendent.

Sec. 423. Discharge or parole. The board of control may at any time after one (1) year's service order the discharge or parole of any inmate as a reward for good conduct, and may, in exceptional cases, discharge or parole inmates without regard to the length of their service or conduct, when satisfied that the reasons therefor are urgent and sufficient. If paroled upon satisfactory evidence of reformation, the order may remain in effect or terminate under such rules as the board may prescribe.

Sec. 424. Effect of binding out or discharge. The binding out or the discharge of an inmate as reformed, or having arrived at the age of twenty-one (21) years, shall be a complete release from all penalties incurred by the conviction for the offense upon which the child was committed to the school.

Sec. 426. Appropriation. For the support of the training schools there is appropriated until July 1, 1925. out of any money in the state treasury not otherwise appropriated the following sums, or so much thereof as may be needed:

1. For the boys' department, twenty-four dollars (\$24.00) monthly for each inmate actually supported in said school. The superintendent on the first day of each month shall certify to the board the average number of inmates supported by the state in the school for the preceding month. Upon receipt of such

certificate the board shall certify to the auditor and treasurer of state the total amount payable by the state for the support of the school for the preceding month and the auditor and treasurer of state shall credit the school with said amount. The amount so credited shall be drawn from the state treasury in the manner provided in chapter two (2) of this title. When the average number of inmates in said school shall be less than four hundred eighty (480) for any month, the auditor and treasurer of state, upon the presentation of the proper certificate by the board, shall credit said school with the sum of eleven thousand five hundred twenty dollars (\$11,520.00), and the sum so credited shall be drawn from the state treasury in the same manner and for the same purposes as the regular monthly per capita allowance is drawn.

2. For the girls' department, twenty-four dollars (\$24.00) monthly for each inmate actually supported in said school, counting the average number therein for the preceding month, which shall be certified to the auditor and treasurer of state as provided in the preceding paragraph, and credited by said officers to the school in like manner. When the average number of inmates in said school shall be less than three hundred twelve (312) for any month, the auditor and treasurer of state shall, upon the proper showing, credit said school with the sum of seven thousand five hundred dollars (\$7,500.00) in the manner provided in the preceding paragraph. The sums provided in this paragraph shall be drawn from the state treasury in the manner provided in the preceding paragraph.

#### CHAPTER 17-A

#### IOWA JUVENILE HOME

Sec. 426-a1. Objects. The Iowa juvenile home shall be maintained for the care, custody, and education of children therein, who shall be wards of the state. Such education shall embrace instruction in the common school branches, in such other higher branches as may be practical and in such manual training, as shall best fit and develop such children and render them self-sustaining. Instruction may also be given in elementary military tactics.

Sec. 426-a2. Procedure for commitment. The procedure for the commitment of such children to said home shall be the same as provided in chapter fifteen (15) of title nine (9).

Sec. 426-a3. Admission under voluntary applications. Children of the class which might be admitted to said home by the juvenile court may be admitted to said home on voluntary application signed by the legal custodian of such children, and approved in writing by the board of supervisors of the county where such child has a legal residence. Such application shall be subject to the approval of the board of control and shall, in such form as it may prescribe.

Sec. 426-a4. Transfer to and from home. Transfers to and from the juvenile home may be made as provided in the chapter relating to the soldier's orphans' home.

Sec. 426-a5. Adoption or placing child under contract. Children in juvenile home may be adopted, or placed with other persons under contract, and repossessed by the board for other disposition, in the same manner and with the same effect as provided in the chapter relating to the soldiers' orphans' home. The provisions of said chapter which prohibit interference with said children while under adoption or contract shall also apply to children committed to or received in the juvenile home.

Sec. 426-a6. Counties liable for support. Each county shall be liable for sums paid by the home in support of all children committed or received from said county to the extent of one-half (1/2) of the per capita cost per month for each child, and when the average number of children is less than two hundred ninety-two (292) in any month, each county shall be liable for its just proportion for each child of the amount credited to the home for that month. The sum for which each county is so liable shall be charged to the county, and collected as a part of the taxes due the state, and paid by the county, at the same time state taxes are paid.

Sec. 426-a7. Maximum appropriation. For the support of the home there is appropriated out of any money in the state treasury not otherwise appropriated, or so much thereof as may be necessary, twenty-four dollars (\$24.00) monthly for each child actually supported, and, in addition, the expense of his transmission to the home. The superintendent on the first day of each month shall certify to the board of control the average number of inmates supported by the state in the home for the preceding month, and the expense of transmitting children to the home during said month. Upon receipt of such certificate said board shall certify to the auditor and treasurer of state the total amount payable by the state for the support of the home for the preceding month, and the cost of transmitting children to the home for said month, and the auditor and treasurer of state shall credit the home with said amount. The amount so credited shall be drawn from the state treasury in the manner provided for the drawing of support funds for the other institutions under the management of the state board of control.

Sec. 426-a8. Minimum appropriation. If the average number of children shall be less than two hundred ninety-two (292) in any month, the auditor and treasurer of state shall, upon presentation of the proper certificate, by the board, credit the home with seven thousand dollars (\$7000.00) for that month, and the sum so credited shall be drawn from the state treasury in the same manner and for the same purpose as the regular monthly per capita allowance is drawn.

## CHAPTER 18

### WOMEN'S REFORMATORY

Sec. 427. Women's reformatory - object. The women's reformatory shall be maintained for the purpose of preparing the inmates to lead orderly and virtuous lives and to become self-supporting and useful members of society, and to this end to instruct them in the common school and other branches of learning, in morality, physical culture, domestic science, mechanical arts, and such other branches of industry as may be practicable.

Sec. 428. Superintendent - salary. The superintendent of the women's reformatory shall be a female and shall receive a salary of not to exceed two thousand dollars (\$2,000.00) per year.

Sec. 429. Service required. The superintendent may, with the approval of the board of control, require any inmate to perform any service suited to her strength and attainments and which may be needed for the benefit of the reformatory or for the welfare of such inmates

Sec. 430. Commitments generally. All females, over eighteen (18) years of age, and married females under eighteen (18) years of age, who are convicted in the district court of offenses, punishable by imprisonment in excess of thirty (30) days, shall, if imprisonment be imposed, be committed to the women's reformatory.

Sec. 431. Optional commitments for life. Any unmarried female over ten (10) and under eighteen (18) years of age convicted of an offense punishable by life imprisonment may be committed either to the Iowa training school for girls or to the women's reformatory.

Sec. 432. Commitment on appeal. A female, over eighteen (18) years of age, convicted, on appeal from a conviction of a nonindictable offense, may, if imprisonment be imposed, be committed to the women's reformatory for an indeterminate period not exceeding ninety (90) days.

Sec. 433. Term of commitment. A female convicted of a felony shall not be detained in said reformatory under one (1) commitment for a period longer than the maximum term of imprisonment provided by law for said felony. A female convicted of a crime less than felony shall not be detained therein longer than five (5) years under one (1) commitment.

Sec. 434. Manner of committing females. Females committed to said reformatory shall be taken thereto by some woman, or by some peace officer accompanied by some woman, appointed by the court.

Sec. 435. Costs of commitment. The costs and expenses allowed for taking females to the reformatory shall be the same as those allowed by law for taking girls to the training school and shall be audited and paid in like manner by the counties from which they are sent.

Sec. 436. Transfer of inmates - costs. The board of control may transfer inmates from the said reformatory to the training school for girls, and from such training school to such reformatory, whenever such course will be conducive to the welfare of the institution or of the other inmates therein, or of the inmate so transferred. The costs of such transfer shall be paid from the funds of the institution from which the transfer is made.

Sec. 437. Effect of transfer of inmates. After a transfer to either institution is made, under the preceding section, the person transferred shall be subject to all the provisions of law and regulations of the institution to which she is transferred the same as though she had originally been committed thereto.

Sec. 438. Paroles by board of control. The board of control, except as to inmates serving life terms, or under sentence of death, may parole any inmate of said reformatory at such time and under such conditions as it may determine, and may revoke such parole for a violation of the conditions thereof.

Sec. 438-a1. Recommendation for discharge or pardon. The board of control shall recommend to the governor the discharge or pardon of such prisoners committed to the women's reformatory as have, with the proper spirit, served not less than twelve (12) months of their parole, and who have, by their conduct, given satisfactory evidence that they will continue to be law-abiding citizens. The board may, at any other time, and for reasons satisfactory to it, recommend to the governor the discharge or pardon of any inmate of said reformatory.

Sec. 439. Employment for discharged inmate. It shall be the duty of the superintendent, so far as is practicable, to obtain for each inmate before she is paroled or discharged a home and suitable employment if they are not otherwise provided.

Sec. 440. Clothing, transportation, and money. The superintendent may, with the consent of the board, furnish a discharge or paroled inmate with proper clothing, and a receptacle therefor, and transportation to her place of employment, or home, or other place not more distant than the place of commitment, and a sum of money not exceeding twenty-five dollars (\$25.00).

Sec. 441. Escape. Any inmate of said reformatory who shall escape therefrom, or who violates the condition of her parole, may be arrested and returned to said reformatory, by an officer or employee thereof without any other authority than this chapter, and by any peace officer or other person on the request in writing of the superintendent or board of control.

Sec. 442. Costs of returning inmate. The costs attending the return of escaped or paroled inmates shall be paid from the funds of the institution.

Sec. 444. Appropriation. There is hereby appropriated until July 1, 1925, out of any money in the state treasury not otherwise appropriated, for the purpose of maintaining the women's reformatory, including the payment of the compensation of officers and employees, for instruction of inmates, the furnishing of food, clothing, and all necessary supplies, and transportation for paroled and discharged inmates and return to the reformatory of paroled and escaped inmates, the sum of twenty-four dollars (\$24.00) per month, or so much thereof as shall be necessary for each inmate. The superintendent on the first day of each month shall certify to the board the average number of inmates supported and domiciled in the reformatory for the preceding month. Upon receipt of such certificate the board shall certify to the auditor and treasurer of state the total amount payable by the state for the support of the reformatory for the preceding month, and the auditor and treasurer of state shall credit the reformatory with said amount. The amount so credited shall be drawn from the state treasury in the manner provided in chapter two (2) of this title. In case the average number of inmates shall be fewer in any one (1) month than one hundred sixty-five (165), the auditor and treasurer of state shall, upon presentation of the proper certificate from the board, credit said institution with the sum of three thousand nine hundred sixty dollars (\$3,960.00), which sum, or so much thereof as may be needed, is appropriated out of any unappropriated money in the state treasury, and the sum so credited shall be drawn from the state treasury in the same manner and for the same purpose as the regular monthly per capita allowance is drawn.

## CHAPTER 19

### PENITENTIARY AND MEN'S REFORMATORY

Sec. 445. Duty of wardens. The wardens of the penitentiary, and of the men's reformatory, shall live within the precincts of said institutions, respectively, and shall devote their entire time to the duties of their positions.

Sec. 446. Maximum salaries. Monthly salaries in the penitentiary and the men's reformatory shall not exceed the following sums:

1. Warden, two hundred fifty dollars (\$250.00).
2. Deputy warden, one hundred fifty dollars (\$150.00).
3. Assistant deputy warden, one hundred twenty-five dollars (\$125.00).

4. Clerk, one hundred fifty dollars (\$150.00).
5. Chaplain, one hundred twenty-five dollars (\$125.00).
6. Additional chaplain, twenty-five dollars (\$25.00).
7. Physician, one hundred twenty-five dollars (\$125.00).
8. Storekeeper, one hundred twenty-five dollars (\$125.00).
9. Record clerk, receiving officer, and captain of the night guards, each, one hundred ten dollars (\$110.00).

Sec. 447. Salary of guards. Turnkeys and guards shall receive the following monthly salaries: Of the first class, one hundred dollars (\$100.00); of the second class, ninety dollars (\$90.00); of third class, eighty dollars (\$80.00).

Sec. 447-a1. Eight hour day. Eight (8) hours shall constitute a day's work for the receiving clerk, record clerk, all captains, turnkeys, and guards and all necessary time in excess thereof shall be paid for at not less than pro rata pay.

Sec. 448. How salaries paid. All salaries shall be paid out of any money in the state treasury not otherwise appropriated.

Sec. 449. Household and domestic service. The wardens of the penitentiary and men's reformatory shall be entitled to receive the labor of prisoners, not exceeding three (3) at one (1) time, for household and domestic service in their own families.

Sec. 450. Dwellings for subordinate officers. Each deputy warden shall be furnished with a dwelling house by the board of control, or house rent, and also furnished with water, heat, ice, and lights, and domestic service in his family by not more than one (1) prisoner at one (1) time.

Sec. 451. Punishment and records thereof. Disobedience by the convicts of the disciplinary rules of the institution shall be punished by the infliction of such penalties as are provided by law and the rules which are prescribed for the government of said institution. The warden shall keep a register of all punishments inflicted on any convict, and the cause for which they were inflicted.

Sec. 452. According prohibited privileges to prisoners. If any officer or other person employed in either of said institutions or its precincts, negligently suffer any convict confined therein to be at large without its precincts, or out of the cell or apartment assigned to him, or to be conversed with, relieved or comforted contrary to law or the rules of the institution, he shall be punished by a fine not exceeding five hundred dollars (\$500.00).

Sec. 453. Failure to perform duty. Any person required to perform any duty relative to either of said institutions who wilfully fails to perform the same, shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), and shall forfeit his office. Should said failure result in the escape of any of the convicts, or in loss of any of the funds appropriated to the use and benefit of the said institution, exceeding twenty dollars (\$20.00), he shall be punished by imprisonment in the penitentiary for a term not less than two (2) nor more than ten (10) years.

Sec. 454. Federal prisoners. Convicts sentenced for any term at hard labor by any court of the United States may be received by the warden into the penitentiary or men's reformatory and there kept in pursuance of their sentences.

Sec. 455. Transfers from penitentiary. The board of control may transfer short term and promising prisoners from the penitentiary to unoccupied rooms in the men's reformatory whenever the number of inmates in the penitentiary exceeds the number of cells therein. It may also transfer to the men's reformatory other prisoners when satisfied that such transfers will be to the best interest of the institutions and of the prisoners.

Sec. 456. Permissive transfers from men's reformatory. The board of control may transfer male prisoners from the men's reformatory to the penitentiary:

1. When the prisoner has been guilty of insubordination or of repeated violations of the rules of the reformatory.
2. When the prisoner is not a hopeful subject for reformatory treatment.

Sec. 457. Mandatory transfers from men's reformatory. Said board shall transfer a prisoner from the men's reformatory to the penitentiary when, after his commitment to the reformatory, it is discovered that he is over thirty (30) years of age, or that he has, prior to his last conviction, been convicted in any court of any felony, but such transfer shall not be made unless there are suitable accommodations at the penitentiary to care for such prisoner.

Sec. 458. Department for insane. There shall be maintained in the men's reformatory a department in which all insane convicts shall be confined and treated.

Sec. 459. Transfer of insane from penitentiary. When the said board has cause to believe that a prisoner in the penitentiary is insane, it shall cause such prisoner to be examined by one (1) of the superintendents of the hospitals for the insane and if such prisoner be found to be insane, said board shall cause him to be transferred to the department for insane at the men's reformatory, where he shall be confined until the expiration of his sentence, or until pronounced sane, in which latter event, he shall be returned to the penitentiary, or held in the reformatory until the expiration of his sentence.

Sec. 460. Discharge of insane convict. When the board has reason to believe that a prisoner in the penitentiary or said reformatory, whose sentence has expired, is insane, it shall cause examination to be made of such prisoner by competent physicians who shall certify to the board whether such prisoner is sane or insane. The board may make further investigation and if satisfied that he is insane, it may cause him to be transferred to one (1) of the hospitals for the insane, or may order him to be confined in the department for the insane at the reformatory.

Sec. 461. Employment of prisoners. Prisoners in the penitentiary or men's reformatory shall be employed only on state account in the maintenance of the institutions, in the erection, repair, or operation of buildings and works used in connection with said institutions, and in such industries as may be established and maintained in connection therewith by the board of control.

The employment of prisoners on work of any character which the state contracts to do for any person, firm or corporation on state premises where the work and prisoners employed thereon are both under the supervision, direction and control of the board of control and the warden, shall not be construed as contracting or leasing the labor of prisoners to such person, firm or corporation, but such contract shall not extend beyond July 1, 1927. The board shall not permit such services to be rendered to a private party at a less wage than is paid free labor for like service or its equivalent, taking into consideration all the elements that enter into the value of prison labor, and the decision of the Board of Control in that respect shall be final, after approval by the appeal board provided for by chapter 3-A of Senate File No. 7, acts of the Fortieth General Assembly of Iowa, Special Session.

Sec. 461-a1. Erections or repairs at other institutions. The board may temporarily detail, under proper surveillance, trustworthy prisoners to perform services in the construction or repair of any work imposed on the board at any institution under their control.

Sec. 461-a2. Prices of labor. The board of control shall fix and determine the price which shall be paid to the said board by the various public bodies to which convict labor may be furnished.

Sec. 461-a3. Price lists to public officials. The board of control shall, from time to time, prepare classified and itemized price lists of articles and things manufactured at the state institutions controlled by it, and furnish such lists to all boards of supervisors, boards of school directors, city and town councils and commissions, township trustees, and all other departments and officials of the state, county, cities and towns empowered to make purchases of supplies for public purposes.

Sec. 461-a4. Application for material. The township trustees of any township or the board of supervisors of any county may make application to the board of control for such road building material, and other appliances, as may be needed or required by them for the construction, improvement or repairing of the township, county or state roads in their respective districts.

Sec. 461-a5. Purchase mandatory. No articles or supplies so listed, except in case of emergency, shall be purchased for public use by the aforesaid public officials, bodies, and departments from any private source unless the board of control is unable to promptly furnish such articles or supplies.

Sec. 461-a6. Selling price. Such supplies, material and articles manufactured by convict labor within the state shall be furnished by the board of control to the state, its institutions and political subdivisions thereof and the road districts of the state at a price not greater <sup>than</sup> that obtaining for similar products in the open market.

Sec. 461-a7. Limitation on contract. After July 1st, 1927, the board of control or the warden of the state penitentiary or the warden of the reformatory shall not, nor shall any other person employed by the state make any contract by which the labor or time of any prisoner or inmate in such penitentiary or reformatory shall be contracted, let, farmed out, given or sold to any person, firm, association or corporation.

Sec. 461-a8. Convicts available for road work. The board of control shall certify to the board of supervisors of any county, upon request, the number of persons in the penitentiary and reformatory whom the warden may recommend to be used for road work. The state highway commission, board of supervisors and township trustees may use such persons in the building or repairing of public roads, whenever, in their judgment, it is practicable so to do.

Sec. 461-a9. Supervision of work. The work herein provided for shall be under the direction and supervision of the board of supervisors but all the persons taken from said penitentiary and reformatory shall be under jurisdiction of the state board of control.

Sec. 462. Hard labor and solitary confinement. All commitments to either of said institutions must be at hard labor. Solitary imprisonment of prisoners shall not be employed except for the purpose of discipline.

Sec. 463. Enforcing obedience to others. Any officer of said institutions and his assistants shall, in case a prisoner resists his lawful authority, or refuses to obey his lawful command, enforce immediate obedience by the use of such weapons or other aids as may be effectual, and, if, in so doing, such convict is wounded or killed, such officer and his assistants shall be justified.

Sec. 464. Insurrection - duty to prevent. Every officer and citizen of the state within reach shall, by every means within their power, suppress and aid in suppressing any insurrection among the convicts in said institutions, and prevent and aid in preventing the escape or rescue of any convict therefrom, or from any legal confinement, or from any person in whose custody a convict may be. If in the performance of this duty or in arresting or assisting to arrest a convict who has escaped or been rescued, such officer or person wound or kill the convict, or a person aiding or assisting him, the same shall be held justifiable.

Sec. 465. Escape of prisoner - reward. If a convict escapes from the penitentiary or men's reformatory the warden shall take all proper measures for his apprehension; and for that purpose he may offer a reward, not exceeding fifty dollars (\$50.00), to be paid by the state, for the apprehension and delivery of such convict.

Sec. 466. Classification of prisoners. The wardens shall, so far as practicable, prevent prisoners under eighteen (18) years of age from associating with other prisoners.

Sec. 467. Property of convict. The warden shall receive and care for any property any convict may have on his person upon entering, and, if convenient, place the same, if money, at interest for the owner's use, keeping an account thereof, and on the discharge of the convict, return, and if money, repay the same with the interest so earned, to him or his legal representatives, unless in the meantime it has been previously disposed of according to law.

Sec. 468. Indictment against convict in penitentiary. Upon the return of an indictment or upon the filing of a trial information for any offense which may be punished by death or life imprisonment, against any person confined in the penitentiary or men's reformatory, the court to which such indictment is returned may enter an order directing that such person be produced before it for trial. The sheriff shall execute such order by serving a copy thereof on the warden having such accused person in custody and thereupon such person shall be delivered to such sheriff and conveyed to the place of trial.

Sec. 469. Defendant returned - how punished. If the defendant be found not guilty, he shall be returned to the institution from which he was taken; if convicted he shall be punished as provided by law.

Sec. 470. Time to be served. No convict shall be discharged from the penitentiary or men's reformatory until he has served the full term for which he was sentenced, less good time earned and not forfeited, unless he be pardoned or otherwise legally released. He shall be deemed to be serving his sentence from the day on which he is received into the institution but not while in solitary confinement for violation of the rules of the institution.

Sec. 471. Diminution of sentence. Each prisoner who shall have no infraction of the rules of discipline of the penitentiary or men's reformatory or laws of the state, recorded against him, and who performs in a faithful manner the duties assigned to him, shall be entitled to a reduction of sentence as follows, and if the sentence be for less than a year, then the pro rata part thereof:

1. On the first year, one (1) month.
2. On the second year, two (2) months.
3. On the third year, three (3) months.
4. On the fourth year, four (4) months.
5. On the fifth year, five (5) months.
6. On each year subsequent to the fifth year, six (6) months.

Sec. 472. Records of prisoners. The board of control shall cause to be kept at each of said institutions the following permanent records:

1. A record of each infraction, by a prisoner, of the published rules of discipline.
2. Such other records for the use of the board of parole as may be approved by the executive council.

Sec. 473. Forfeiture of diminution of sentence. A prisoner who violates any of such rules shall forfeit the reduction of sentence earned, by him, as follows:

1. For the first violation, two (2) days.
2. For the second violation, four (4) days.
3. For the third violation, eight (8) days.
4. For the fourth violation, sixteen (16) days and, in addition, whatever number of days more than one (1) that he is in punishment.
5. For the fifth and each subsequent violation, or for an escape, or attempt to escape, the warden shall have the power, with the approval of the board of control, to deprive the prisoner of any portion or all of the good time that the convict may have earned, but not less than as provided for the fourth offense.

Sec. 474. Separate sentences. When a convict is committed under several convictions with separate sentences, they shall be construed as one (1) continuous sentence in the granting or forfeiting of good time.

Sec. 475. Special reduction in sentence. Any prisoner in either of said institutions who may be employed in any service outside the walls of the institution, or who may be listed as a trusty, may, with the approval of the board of control, be granted a special reduction of sentence, in addition to the reduction heretofore authorized, at the rate of ten (10) days for each month so served.

Sec. 476. Discharge - transportation, clothing and money. When a prisoner is discharged the warden shall furnish him at the expense of the state, with a railroad ticket to the point in the state nearest his home, or to any point of a like distance without the state, a suit of common clothing, and not more than twenty-five dollars (\$25.00), an account of which shall be kept by the warden.

Sec. 477. Visitors - admission fee. The wardens shall charge each adult visitor to the institution an admission fee of twenty-five cents (25¢), of which he shall render an account each month to the board of control. The board shall cause said fund to be expended for the benefit of the prisoners in the purchase of furnishings for a library, reading matter therein, and musical instruments and entertainments for the prisoners. This section shall not apply to state officers, and others exempt by law, nor to relatives of a prisoner.

Sec. 478. Who may visit. The following persons are authorized to visit said institutions at pleasure: The governor, secretary, auditor, and treasurer of state, secretary of agriculture, members of the general assembly, judges of the supreme, district, superior, and municipal courts, county attorneys, and all regular officiating ministers of the gospel. No other person shall be granted admission except by permission of the warden.

Sec. 479. Per capita appropriation for support. For the general support of the prisoners confined in the men's reformatory at Anamosa and the penitentiary at Fort Madison there is appropriated until July 1, 1925, from any money in the state treasury not otherwise appropriated the sum of seventeen dollars (\$17.00) monthly or so much thereof as may be needed for each prisoner in each of said institutions, which sum shall be in addition to the monthly salary allowances for each officer and employee of said institutions. The warden of each of said institutions on the first day of each month shall certify to the board the average number of inmates supported by the state in the institution of which he is warden for the preceding month. Upon receipt of such certificate the board shall certify to the auditor and treasurer of state the total amount payable by the state for the support of the institution for the preceding month, and the auditor and treasurer of state shall credit the institution with said amount. The amount so credited shall be drawn from the state treasury in the manner provided in chapter two (2) of this title.

Sec. 480. Special appropriation. If the average number of prisoners at Anamosa shall be less than six hundred fifty (650) in any month, the auditor and treasurer of state, upon presentation of the proper certificate from the board, shall credit said institution with the sum of eleven thousand fifty dollars (\$11,050.00).

If the average number of prisoners at Fort Madison shall be less than six hundred twenty-five (625) in any month, the auditor and treasurer of state shall, upon proper showing, credit said institution with the sum of ten thousand six hundred twenty-five dollars (\$10,625.00). The sums herein provided or so much thereof as may be needed are appropriated until July 1, 1925, from any unappropriated funds in the state treasury, and shall be in addition to the monthly salary allowances for each officer and employee, and shall be drawn from the state treasury in the same manner and for the same purpose as the regular per capita allowance is drawn.

## CHAPTER 20

### PAROLES

Sec. 481. Board of parole - qualifications - term - vacancy - chairman. The board of parole shall consist of three (3) electors of the state. Not more than two (2) members shall belong to the same political party. One (1) member shall be a practicing attorney at law at the time of his appointment. Each member shall serve for six (6) years from July first of the year of his appointment, except appointees to fill vacancies who shall serve for the balance of the unexpired term. The chairman of the board shall be the member whose term first expires.

Sec. 482. Appointment - vacancies. The governor shall, during each regular session of the general assembly and within sixty (60) days after the convening thereof, appoint, with the approval of the senate, a successor to that member of the board whose term will expire on July first following. Appointments may be made when the general assembly is not in session, to fill vacancies, but such appointments shall be subject to the approval of the senate when next in session. Vacancies occurring during a session of the general assembly shall be filled as regular appointments are made and before the end of said session, and for the unexpired portion of the regular term.

Sec. 483. Expenses. Each member of the board, the secretary, and all other employees shall, in addition to salary, be entitled to receive their necessary traveling expenses by the nearest traveled route while engaged in official business.

Sec. 484. Trips to other states. No traveling expenses to other states shall be allowed unless the trip is authorized by the board by a written resolution which shall state the purpose and declare the necessity for the trip prior to the actual making thereof, but emergency trips may be made on written order of the chairman which shall be reported to the board at its next meeting.

Sec. 485. Appropriation. There is hereby appropriated until July 1, 1925, from any unappropriated funds in the state treasury an amount sufficient to pay the expenditures herein authorized.

Sec. 486. Power to parole after commitment. The board of parole shall, except as to prisoners serving life terms, or under sentence of death, or infected with venereal disease in communicable stage, have power to parole persons convicted of crime and committed to either the penitentiary or men's reformatory.

Sec. 487. Rules. Said board shall have power to establish and enforce the rules and conditions under which paroles may be granted.

Sec. 488. Parole before commitment. Said board may, on the recommendation of the trial judge and prosecuting attorney, and when it appears that the good of society will not suffer thereby, parole after sentence for less than life imprisonment and before commitment, prisoners who have not been previously convicted of a felony.

Sec. 489. Employment for paroled prisoners. No person shall be released on parole until the board of parole shall have satisfactory evidence that arrangements have been made for his employment or maintenance for at least six (6) months. Said board may render assistance to prisoners about to be paroled in procuring employment and the necessary expense incident thereto shall be paid as other expenses of the board are paid.

Sec. 490. Legal custody of paroled prisoners. All paroled prisoners shall remain, while on parole, in the legal custody of the warden, and under the control of said board, and shall be subject, at any time, to be taken into custody and returned to the penitentiary of men's reformatory from which they were paroled.

Sec. 491. Order for recommitment - fees. The written order of said board, certified to by the secretary of said board, that a prisoner on parole shall be taken into custody and returned to the institution from which paroled, shall be served by any peace officer or other person, to whom it may be delivered for service, and such officer or person shall receive the same fees for serving such order as sheriffs receive for like service. Said fees shall be paid from the appropriation herein made.

Sec. 492. Parole time not counted on sentence. The time when a prisoner is on parole or absent from the penitentiary or men's reformatory shall not be held to apply upon his sentence if he shall violate the term of his parole.

Sec. 493. Investigations. Said board shall have power to make any investigation which it may deem necessary in order to determine the facts relative to matters coming before it, but shall not receive, unsolicited by them, any petition or communication or argument in regard to application for parole, pardon, or discharge unless provided for in their adopted rules. Every public officer to whom inquiry may be addressed by the board of parole concerning any prisoner shall give said board all information possessed by or accessible to him which may throw light upon the question of the fitness of a prisoner to receive the benefits of parole.

Sec. 494. Duty of clerk of district court. The clerk of the district court shall, as to each commitment to the penitentiary or men's reformatory, furnish the board of parole with a copy of the indictment, the minutes of testimony attached thereto, the name and residence of the trial judge, of the prosecuting attorneys, and of the jurors and witnesses sworn at the trial.

Sec. 495. Duty of trial judge and prosecutor. The trial judge and the prosecuting attorney shall, when requested by the board, furnish it with a full statement of the facts and circumstances attending the commission of the offense so far as known or believed by them.

Sec. 496. Clothing, transportation and money furnished. When a prisoner is paroled, he shall be furnished, by the warden, with such clothing, transportation, and money as is provided for prisoners when discharged at the termination of their sentence, but no further allowance shall be made if final discharge is granted while on parole.

Sec. 497. Parole relief funds. There is hereby established, from any unappropriated funds in the state treasury, a fund of one thousand dollars (\$1,000.00) which shall be known as the men's parole relief fund; also a fund of two hundred fifty dollars (\$250.00) which shall be known as the women's parole relief fund. The treasurer of state shall continue to maintain said funds in said amounts.

Sec. 498. Disbursement and repayment. Said funds may be used for the relief of paroled prisoners who are in distress because of illness, loss of employment, or conditions creating personal need. In no instance shall the total amount advanced to a prisoner exceed twenty-five dollars (\$25.00). The prisoner, at the time of receiving an advancement, shall execute and deliver to the board granting the parole, his written obligation to repay the same during the period of the parole. When so paid, the amount shall be deposited with the treasurer of state and credited to the fund from which drawn.

Sec. 499. Vouchers. Said funds shall be drawn on vouchers executed by the chairman and secretary of the board granting the parole in favor of said needy person. Each voucher shall show that the advancement was ordered by said board.

Sec. 500. Parole by court. The trial court before which a person has been convicted of any crime except treason, murder, rape, robbery, or arson may, by record entry, suspend the sentence and parole said person during good behavior:

1. If said person has not previously been convicted of a felony, and
2. If said person is shown to be free from venereal disease, and
3. If said person, if an adult and able to labor, has obtained apparently permanent employment for a reasonable time.

Sec. 500-a1. Custody of court parole. When a parole is granted under the preceding section, the court shall order said person committed to the custody, care and supervision:

1. Of any suitable resident citizen of this state, or
2. Of the board of parole if the sentence of commitment is to the penitentiary or men's reformatory, and
3. Of the board of control if the sentence of commitment is to the women's reformatory.

Sec. 500-a2. Powers of board. The board to which the court commits a parolee shall have and exercise over said parolee all the powers possessed by said board over prisoners paroled by it.

Sec. 500-a3. Expense. Any necessary expense contracted by the board of control in the care of a person committed to it under a parole by the court shall be paid from the appropriation for the expense of state agents under said board. Any such expense contracted by the board of parole shall be paid from the appropriation for the general expenditures of said board.

Sec. 501. Report by custodian. The person having the custody of such paroled person under order of court, shall, each thirty (30) days, or oftener if required by the court, make written report to the judge as to the conduct of such paroled person.

Sec. 502. Revocation of court parole. A suspension of a sentence by the court as herein provided may be revoked at any time, without notice, by the court or judge, and the defendant committed in obedience to such judgment.

Sec. 503. Violation of court parole. If the suspended sentence be an order for commitment to the training school, the fact that the dependent first violated his or her parole after reaching the age of eighteen (18) years, and before reaching the age of twenty-one (21) years, shall not prevent the enforcement of such sentence.

Sec. 503-a1. Violation of board parole. Whoever, while on parole, shall violate any condition of his parole, or any rule or regulation of the board granting the parole, shall be deemed guilty of a felony, and shall be punished by imprisonment in the institution from which he had been paroled, for a term of not more than five (5) years, his sentence under such conviction to take effect upon the completion of his previous sentence.

Sec. 504. Clerk to report criminal statistics. The clerk of the district court shall, on or before July fifteenth each year, report to the board of parole:

1. The number of convictions of all offenses in that court, in his county, for the year ending June thirtieth preceding, the character of each offense, the sentence imposed, occupation of the offender, and whether such offender can read or write.
2. Number of acquittals.
3. Number of dismissals by the court without trial, and the nature of the charges so dismissed.
4. The expense of the county for criminal prosecutions during said year.

Sec. 505. Itemization of statistics. The fourth item required by the preceding section shall be itemized as follows:

1. Jury fees in criminal cases.
2. Meals for jurors in criminal cases
3. Bailiffs' fees for service while attending criminal cases.
4. Expense of taking prisoners to prison.
5. Attorney fees under appointment to defend.
6. Grand jury fees.
7. Witness fees paid in criminal cases.
8. Reporters' fees for reporting and transcribing testimony in criminal cases at expense of county.
9. Grand jury witness fees paid.
10. Compensation to clerk of grand jury.
11. Compensation to bailiff of grand jury.
12. Fees and expenses paid sheriff and other officers by the county in connection with the grand jury.
13. Expense of jail, not including board of prisoners.
14. Board of prisoners.
15. Compensation and expense of county attorney and his assistants in criminal cases.
16. All jurors' fees, jurors' meals, witness fees, constable's fees, and justice fees paid by the county in all criminal cases before a justice of the peace, magistrate or police court.

Sec. 505. Auditor to report statistics to clerk. The county auditor shall report to the clerk of the district court, on or before July fifth of each year, the expenses of the county in criminal prosecutions during the year ending June thirtieth preceding, including but distinguishing the compensation of the county attorney. Such report shall include all the items of criminal expenses which appear in the records of his office and which are required to be reported by the clerk of the district court to the board of parole. The clerk of the district court shall furnish to the auditor the blanks to be used in making such report.

Sec. 506-al. Biennial report. The board of parole shall, biennially, at the time provided by law, report to the governor a summary of paroles granted and releases recommended, the names of all prisoners who have violated their paroles, and such other information concerning its operation as may be deemed advisable, including an abstract for each year of the returns relative to criminal matters.

## CHAPTER 21

### PARDONS, COMMUTATIONS, REMISSION OF FINES AND FORFEITURES, AND RESTORATION TO CITIZENSHIP

Sec. 507. Power of governor to grant reprieves and pardons. Nothing in the preceding chapter shall be construed as impairing the power of the governor under the constitution, to grant a reprieve, pardon or commutation of sentence in any case.

Sec. 508. Pardon. A person whose sentence has been suspended may be pardoned by the governor at any time after such suspension on such conditions as he may think proper.

Sec. 509. Recommendation for pardon. The board of parole shall recommend to the governor the discharge or pardon of such prisoners committed to the penitentiary or men's reformatory as have acceptably served not less than twelve (12) months of their parole and who have, by their conduct, given satisfactory evidence that they will continue to be law-abiding citizens.

Sec. 510. Pardon of soldiers, sailors, and marines. Said board may also recommend to the governor the pardon of a paroled prisoner who, during parole, and during the war with the central powers of Europe, entered the army or navy of the United States or of any of the countries with which the United States was allied, or who, during said war, was employed upon or in public works by or for the immediate benefit of the United States, and who has been honorably discharged from such army or navy.

Sec. 510-a1. Record of recommendation. All recommendations of the board shall be entered in the proper records of the board.

Sec. 511. Conditions prerequisite to pardon. After conviction for a felony, no pardon shall be granted by the governor until he shall have presented the matter to, and obtained the advice of, the board which has power to parole persons from the institution to which such person has been sentenced or committed, but he may commute a death sentence to imprisonment in the penitentiary for life, without making such reference or obtaining such advice.

Sec. 512. Publication in re pardon. Before presenting an application for pardon to the proper board for its action, where the sentence is death or imprisonment for life, the governor shall cause a notice containing the reasons assigned for granting the pardon to be published in two (2) newspapers of general circulation, one (1) of which shall be published at the capital and the other in the county where the conviction was had, once each week, for four (4) successive weeks, the last publication to be at least twenty (20) days prior to the time of presenting such application to such board.

Sec. 513. Investigation of applications for pardon. The proper board shall, under the direction of the governor, take charge of all correspondence in reference to the pardon of persons convicted of crimes and carefully investigate each application, and file its recommendation with the governor with its reasons for the same.

Sec. 514. Information relative to applications. When an application is made to the governor for a pardon, reprieve or commutation, or for the remission of a fine or forfeiture, he may require the judge of the court, or the county attorney or attorney general by whom the action was prosecuted, or the clerk of such court, to furnish him without delay a copy of the minutes of the evidence taken on the trial, and of any other facts having reference to the propriety of his exercise of his powers in the premises.

Sec. 515. Governor may take testimony. The governor may also take such testimony, bearing upon applications, as he may deem advisable. Any person who, in giving such testimony, swears falsely, and any person who shall knowingly and corruptly make any false statements in an affidavit intended to be used in connection with an application for pardon, or for remission of fine or forfeiture shall be guilty of perjury, and be punished accordingly.

Sec. 516. Files in matters of pardon. All papers and documents relating to the pardon of any person shall, upon the granting of such pardon, become a part of the files of the governor's office.

Sec. 517. Restoration to citizenship. The governor shall have the right to grant any convict, whom he shall think worthy thereof, a certificate of restoration to all his rights of citizenship. The warden or superintendent, upon request of the governor, shall, in case of application for such restoration, furnish him with a statement of the convict's deportment during his imprisonment, and may at all times make such recommendations to the governor as he shall think proper respecting such restoration.

Sec. 518. Fines and forfeitures. The governor shall have power to remit fines and forfeitures upon such conditions as he may think proper.

Sec. 519. Copies of pardons, reprieves, etc. Pardons, commutations of sentences, remissions of fines and forfeitures, and restorations of rights of citizenship shall, when issued, be in duplicate. Reprieves shall be in triplicate.

Sec. 520. Delivery of copies when accused in custody. Pardons, reprieves, and commutations of sentences shall be forwarded to the officer having custody of the party in question. Said officer shall retain one (1) copy and make record in the books of his office, and act in accordance therewith. On one (1) copy, said officer shall make such written return as the governor may require, and forward said copy and return to the clerk of the court wherein the judgment is of record. In case of reprieves, the third copy shall, in all cases, be delivered to the person whose sentence is reprieved.

Sec. 521. Delivery of copies when accused not in custody. In case the party in question is not in custody, and in case of remissions of fines and forfeitures and restorations of rights of citizenship, one (1) copy shall be delivered to said party and one (1) copy to the clerk aforesaid.

Sec. 522. Duty of clerk. Said clerk shall, upon receipt of any of said executive instruments, immediately file and preserve the same in his office and note such filing on the judgment docket of the case in question, except that remissions of fines and forfeitures shall be spread at length on the record books of the court, and indexed in the same manner as the original case.

Approved April 29, 1924.

## CHAPTER 60

### EDUCATION

#### S. F. 85

AN ACT to amend, revise, and codify chapter one (1) of title ten (10) and sections twenty-two hundred seventy-one (2271), twenty-two hundred seventy-three (2273), twenty-five hundred seventy-three (2573), and twenty-five hundred seventy-five (2575) of the compiled code of Iowa, and sections twenty-two hundred seventy-four-a one (2274-A1), twenty-two hundred seventy-four-a two (2274-A2), and twenty six hundred twenty-eight (2628) of the supplement to said code, relating to education.

Be It Enacted by the General Assembly of the State of Iowa: