

striking out the period at the end of said section and inserting a comma and adding thereto the following:

“and all necessary expenses incurred in the capture and return of such insane patient shall be paid directly from the state treasury upon a sworn statement of expenses by said commissioners and the approval of the superintendent of the hospital and of the board of control appended to such expense bill.”

Approved March 15, A. D. 1904.

## CHAPTER 80.

### STATE HOSPITAL FOR INEBRIATES.

S. F. 86.

AN ACT providing for the establishment, location, erection and operation of a state hospital for dipsomaniacs, inebriates, and for those addicted to the excessive use of narcotics, and providing for its support, and for the discipline of persons committed to it, and for the repeal of all laws inconsistent herewith. [Amendatory of chapter two-a (2-a) of title twelve (XII) of the supplement to the code, relating to the detention and treatment of dipsomaniacs, inebriates and those addicted to the excessive use of narcotics and repealing section thirty-two hundred and twenty-one (3221) of the code.]

*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1. State hospital for inebriates.** The industrial home for the adult blind at Knoxville shall hereafter be called the state hospital for inebriates, and shall be used for the detention, care, and treatment of all male dipsomaniacs, inebriates, and persons addicted to the excessive use of morphine, cocaine, or other narcotic drugs.

**SEC. 2. Officers and employes.** The officers and employes of said hospital shall consist of a superintendent, who shall be a reputable physician, and such other officers and employes as the board of control of state institutions shall deem necessary for the proper operation of said institution. Said superintendent shall be appointed by the board of control of state institutions for the term of four years and shall receive such salary as said board may fix, not exceeding two thousand dollars (\$2,000.00) per annum.

**SEC. 3. Control.** The board of control of state institutions shall have the same power and control over said hospital as is now given it with reference to the several institutions mentioned in chapter one hundred and eighteen (118) of the acts of the Twenty-seventh General Assembly and all amendments thereto, and said act and amendments shall apply to and govern said hospital in every respect in so far as they are not in conflict with the provisions of this act.

**SEC. 4. Notice of opening of hospital.** When said hospital buildings are erected, refitted, equipped, furnished, and ready for occupancy, said board of control shall mail written notice to every judge of the district court and to every clerk of the district court in the state, notifying them that said hospital is open for the reception of patients.

**SEC. 5. Male patients.** Said hospital shall receive all male patients regularly committed to it who are dipsomaniacs, inebriates, or who are addicted to the excessive use of morphine, cocaine, or other narcotic drugs.

**SEC. 6. Application for commitment.** Applications for commitment to said hospital shall be made to the judge of the district court of the district which embraces the county in which the person whom it is proposed to commit resides, and said application may be made in person by any dipsomaniac, inebriate, or user to excess of morphine, cocaine, or other narcotic drug, or it may be made against any such person by his wife, or other relative, or by his guardian, or by any other person, such other person having first obtained the consent of the district judge for so doing.

**SEC. 7. Examination—commitment.** On presentation of the application provided for in section six (6) hereof, unless made in person by an inebriate, dipsomaniac, or user to excess of narcotic drugs, the judge shall issue an order, which may be served by any peace officer, directing him to bring the accused person before him for examination, and on his appearance, unless he demands a formal trial, the judge shall hear any evidence which may be adduced touching the accusation. The accused may be represented by counsel and the judge may, if he deems it necessary, require the county attorney of the county where the hearing is had to attend and assist in such hearing. In case said application be voluntarily or involuntarily made and the said judge shall determine that the accused is a proper person to be committed to said hospital, he shall make an order committing him thereto; otherwise he shall be discharged. The term of detention and treatment shall be until the patient is cured and not exceeding three years.

**SEC. 8. Formal trial.** If the accused shall not voluntarily apply for commitment and shall prior to the beginning of the hearing before the judge, demand a formal trial, the judge shall continue the hearing to the next term of the district court, or if the court shall be in session the case shall be transferred to it, and in either case the cause shall be docketed and tried as a civil case, and all papers used before the judge shall be filed with the clerk of the court; pending such hearing the judge may make such order in relation to the custody, restraint or control of the accused as he shall deem necessary.

**SEC. 9. Warrant of commitment.** If on a formal trial the accusation is proven the judge of the court shall impose sentence of detention, as provided in section seven (7) hereof, and the clerk of the court shall issue a warrant of commitment in accordance therewith to said hospital. If the truth of the charge is not established he shall be discharged.

**SEC. 10. Costs and expenses.** All costs and expenses incurred in the arrest of the accused and other costs incurred in any hearing before the judge, and all costs and expenses of trial, and the costs and expenses incurred in taking the accused to the hospital, shall be taxed up on the proceeding or trial as the case may be and be made a matter of record in the proper books of the office of the clerk of the district court of the county where the accused resided and shall be paid by the county and may, if he be committed, be recovered by it of the accused.

**SEC. 11. Per capita allowance.** The board of control of state institutions shall fix the per capita monthly allowance which may be charged by said hospital for the care, treatment, and maintenance of each patient therein, which shall not exceed the sum of twenty dollars (\$20.00) per capita per month, which shall be certified by the superintendent of [to] said board and paid out as provided in chapter one hundred and eighteen (118) of the acts of the Twenty-seventh General Assembly applicable to state hospitals for the insane. Provided, however, that so much of the monthly sum as exceeds fifteen dollars (\$15) shall be paid by the state from any money in the state treasury not otherwise appropriated and shall not be charged to any county or person. Provided, that until the average number of patients in said hospital shall exceed two hundred per month, it shall be credited by the auditor of state and the treasurer of state with not to exceed the sum of four thousand dollars (\$4,000.00) per month, which may be drawn as above provided.

**SEC. 12. Rules and regulations—blanks.** The superintendent of said hospital, subject to the approval of the board of control, shall prepare rules and regulations for the government of said hospital and its inmates, and said board of control shall cause to be prepared a blank form of warrant or order of commitment which shall contain such printed questions as may tend to bring out the previous history, condition and treatment of the accused, which blanks shall be furnished to the district judges and to the clerks of the

district court. The judge when he investigates the charge and the clerk of the court when the case is tried, shall, so far as they are able, fill out said blanks.

**SEC. 13. Patients to labor—treatment.** Patients received at said hospital shall be required to labor if in the opinion of the superintendent it is for their physical and mental welfare, and the method of treatment shall be that which is deemed best to eliminate the effects of the alcohol or narcotic drug and to build up the system physically and mentally and which will tend to strengthen the moral character of the patient and enable him to resist the temptation to drink or to use narcotic drugs.

**SEC. 14. Conditions of parole.** Any patient whom the superintendent believes to be cured may be paroled, conditioned on said patient's signing a written pledge agreeing to refrain from the use of all intoxicating liquors as a beverage, and from the use of morphine and cocaine or other narcotic drugs during the term of his commitment and shall avoid frequenting places and the association of people tending to lead him back to his old habits of inebriety. And said paroled patient must make written reports to the superintendent of said hospital at the beginning of each month on blanks to be furnished the clerk of the district court for that purpose, to the effect that he has not during the month past in any respect violated any of the terms and conditions of his parole, which reports must be investigated and approved by the clerk of the district court of the county in which the patient resides, who may demand from said paroled patient satisfactory evidence as to the truth of his statement. If, at any time, a patient on parole shall fail to make said report, or shall fail in any respect to fulfill all of the conditions upon which said parole was granted, he may without any further proceeding whatever and on the written order of the superintendent of said hospital be taken and returned to the hospital, there to be detained and treated as provided herein. Said patient so violating his parole may be returned by any peace officer, or by any officer or person whom the superintendent of the hospital may direct so to do, and in every such case all of the expenses of such taking and return of such patient shall be paid by said hospital and shall be certified by the superintendent thereof to the auditor of state and the amount thereof shall be by him and by the treasurer of state credited to the support fund of said hospital and shall be drawn by said hospital as other funds are drawn.

**SEC. 15. Misdemeanor.** Any patient in said hospital who shall without due authority leave the hospital, including its grounds and any other place to which he may be permitted to go, shall be guilty of a misdemeanor and shall upon conviction be punishable by imprisonment in the county jail not less than thirty nor more than ninety days, and the district court of the county in which the institution is situated as well as the district court of any county in which the patient may be found shall have jurisdiction in such cases.

**SEC. 16. Refusal to work.** Any patient in said hospital who, shall be required to work as hereinbefore provided, and who shall refuse so to do, or who shall violate any of the rules and regulations of the hospital, shall be subject to punishment therefor and shall not be paroled.

**SEC. 17. Commitment of females.** Females who are dipsomaniacs, inebriates, or addicted to the excessive use of morphine, cocaine, or other narcotic drugs, may be committed to a state hospital for the insane to be designated by the board of control, for treatment, and all the provisions of this act, so far as applicable and except as modified by this section, shall apply in such cases and also to the cases of such females as may remain in the hospital for inebriates connected with any state hospital.

**SEC. 18. Transfer of patients—appropriation.** When the hospital for inebriates is open for the reception of patients the board of control shall cause to be transferred to it all male persons then in the inebriate hospitals

connected with the insane hospitals of the state, and for the purpose of covering the expense of said transfer there is hereby appropriated the sum of four thousand dollars (\$4,000.00), or so much thereof as may be necessary, out of any funds in the state treasury not otherwise disposed of.

**SEC. 19. Penalties.** Any person who shall furnish any patient of said hospital for inebriates, or any patient who has been or may hereafter be committed to any insane hospital as an inebriate, dipsomaniac, or as one addicted to the excessive use of narcotics, any intoxicating liquor or narcotic drug, except on the written prescription of the superintendent, shall be guilty of a felony, and on conviction thereof shall be punished by imprisonment in the state penitentiary for not less than six months nor more than one year, or by a fine, not less than five hundred dollars (\$500.00) nor more than one thousand dollars (\$1,000.00) at the discretion of the court. Any person who shall knowingly furnish any intoxicating liquor or narcotic drug to one who has been discharged from either of said institutions as cured, except upon the written prescription of a reputable practicing physician, shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not less than three hundred dollars (\$300.00) and not more than one thousand dollars (\$1,000.00), and stand committed to the county jail until such fine is paid.

**SEC. 20. Per capita support for first month.** For the purpose of the maintenance of said hospital for inebriates during the first month of its operation the superintendent thereof may estimate in advance of said opening and on the basis of a population of three hundred inmates at twenty dollars (\$20.00) per capita per month for the necessary supplies to operate the hospital for the first month, and the aggregate of said per capita shall be credited to said institution by the auditor of state and treasurer of state and may be drawn against as provided in chapter 118 of the acts of the Twenty-seventh General Assembly.

**SEC. 21. Additional land and buildings—appropriation.** To carry out the purposes of this act and provide for the purchase of the necessary land, and to erect proper additional buildings and out-buildings, and to refit the present buildings, and to equip and furnish the same, and to purchase all necessary animals, tools, implements, and other needed articles, there is hereby appropriated the sum of one hundred and twenty-five thousand dollars (\$125,000.00), or so much thereof as may be necessary, out of any funds available therefor, and on the passage and publication of this act the board of control shall proceed to purchase land, and erect, refit, equip and furnish said buildings as are herein provided for.

**SEC. 22. Repealed.** Section three thousand two hundred twenty-one (3221) of the code and all acts and parts of acts in conflict with this act are hereby repealed; provided, however, that nothing in this act shall in any way interfere with the execution of any commitment heretofore made under chapter ninety-three (93) of the acts of the Twenty-ninth General Assembly; and provided, further, that commitments may continue to be made under such act up to the time the hospital for inebriates provided for herein shall be formally declared ready for the reception of patients.

**SEC. 23. Insane patients—expenses.** Whenever any person committed to and received in the hospital for inebriates shall become insane, it shall be the duty of the superintendent to file, or cause to be filed, with the commissioners of insanity of Marion county, Iowa, an information charging the said patient with insanity and the said insane commission shall proceed to inquire into the sanity of said patient as provided in title XII, chapter two (2) of the code. In the event that said person shall be adjudged insane, he shall be transferred to the hospital for the insane, where he shall be detained until such time as that he shall be discharged by the superintendent of the insane hospital, when he shall be returned to the hospital for inebriates, where he

shall remain under the terms of the original commitment. All the expense incident to the commitment of said patient to the state hospital for the insane, including the expense of the hearing before the commissioners of insanity of Marion county, and the expense of returning said patient to the hospital for inebriates, shall in the first instance be paid by said hospital for inebriates, and an itemized statement thereof shall be certified by said superintendent to the auditor of state, and said auditor of state and treasurer of state shall credit said hospital with the amount of said expense, which may be drawn by said hospital in the same manner as other funds to its credit in the treasury of the state are drawn, and the auditor of state is authorized to collect said sum from the county where the patient has his legal residence.

**SEC. 24. Physical condition of patients.** Whenever the physical condition of any patient shall become such that, in the judgment of the superintendent, further confinement will prove injurious to the health of said patient, the state board of control may parole him, under proper conditions and restrictions, for such period of time as it may deem advisable.

**SEC. 25. Escape—expenses.** In case of the escape of any patient from the hospital, all necessary expense incurred in the recapture and recommitment of such patient, shall be paid by the state.

**SEC. 26. Subject to prosecution.** Whenever any person shall have been committed to the state hospital for inebriates under the provisions of this act, he shall still be subject to prosecution for any public offense committed against the penal statutes of the state and he shall, at all times, be subject to arrest notwithstanding such commitment. Such person shall, when discharged be returned to said hospital at the expense of the county in which said prosecution was pending and concluded.

**SEC. 27. In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published in Des Moines, Iowa.

Approved April 6, A. D. 1904.

I hereby certify that the foregoing act was published in the Register and Leader and the Des Moines Daily Capital, April 9, 1904.

W. B. MARTIN,  
*Secretary of State.*

## CHAPTER 81.

### DAMAGE DONE BY DOGS.

H. F. 44.

AN ACT to amend section twenty-three hundred and forty (2340) of the code, relating to damage done by dogs.

*Be it enacted by the General Assembly of the State of Iowa:*

**SECTION 1. Liability of owner.** That section twenty-three hundred and forty (2340) of the code, be, and the same hereby is amended as follows: by striking out the words "by his dog" in the fifth line thereof.

**SEC. 2. In effect.** This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Daily Capital, newspapers published at Des Moines, Iowa.

Approved April 13, A. D. 1904.

I hereby certify that the foregoing act was published in the Des Moines Daily Capital, April 15, 1904, and the Register and Leader, April 16, 1904.

W. B. MARTIN,  
*Secretary of State.*