

5 court, may appoint a shorthand reporter. All provisions relating to
6 shorthand reporters and their duties in the district court, in so far
7 as applicable, shall govern, except their compensation which shall be
8 fixed by order of the court not exceeding eight (8) dollars per day,
9 for the time actually engaged in their court duties and shall be paid
10 one-half by the county and one-half by the city as provided in this
11 act. All actions included in class "A" hereof, may be reported the
12 same as in the district court, and the reporter's fees shall be taxed
13 in said action as costs. No reporter shall be provided for in the trial
14 of action in class "B", unless the party demanding the same shall pay
15 the costs of said reporter to the clerk in advance which shall be taxed
16 as costs in the case, unless otherwise ordered by the court in the case
17 on trial. The transcript fees paid reporters will be the same as in
18 the district court, and may be taxed as part of the costs on appeal.

Approved April 13, A. D. 1921.

CHAPTER 245

STATE PSYCHOPATHIC HOSPITAL

S. F. 742.

AN ACT to amend chapter two hundred thirty-five (235), acts of the thirty-eighth general assembly, relating to the state psychopathic hospital and the care, observation and treatment of persons afflicted with abnormal mental conditions, and creating a board of commissioners of insanity, and providing a method for filing, hearing and deciding applications for the commitment of such persons to the state hospitals for the insane.

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

1 SECTION 1. Repeal. That the last paragraph of section eleven
2 (11), chapter two hundred thirty-five (235), acts of the thirty-eighth
3 general assembly (C. C. Sec. 2365), commencing with the words,
4 "If, upon such examination," be stricken out and the following sub-
5 stituted in lieu thereof:

6 "SEC. 11-a. *Insane patient.* If, upon such examination or at any
7 time thereafter, the medical director, or, in his absence, the assistant
8 medical director, shall be of the opinion that such patient, or any
9 patient in said state psychopathic hospital, is a fit subject for care,
10 observation and treatment in a state hospital for the insane, he shall
11 file an application, substantially as provided in section two thousand
12 two hundred sixty four (2264) of the code, (C. C. Sec. 2058) with
13 the board of commissioners of insanity hereinafter created.

14 "SEC. 11-b. *Commissioners of insanity.* The medical director, the
15 assistant medical director and one other member of the medical staff
16 of the state psychopathic hospital shall constitute a board of com-
17 missioners of insanity; and said board is hereby vested with all the
18 rights, powers, duties and obligations of the commissioners of insanity
19 as now constituted by law, except as herein provided, with full power
20 to receive and act upon all applications filed hereunder, as fully as
21 the commissioners of insanity are empowered and authorized by law

22 to do. The procedure of the board hereby created shall be the same
23 as now provided by law, except as herein modified.

24 "SEC. 11-c. *Organization—records and certification thereof.* Said
25 board shall elect one of its members secretary, who shall keep a rec-
26 ord, in a book provided for that purpose, of all the proceedings of
27 said board and certify a copy thereof forthwith to the clerk of the
28 district court of the county of the legal residence of the person against
29 whom said proceedings were had. Said clerk of the district court
30 shall file and record said proceedings in the records of his office the
31 same as if said proceedings had been before the commissioners of
32 insanity of said county.

33 "SEC. 11-d. *Appeal—procedure.* Any person found to be insane
34 under the provisions herein authorized may appeal from such finding
35 to the district court of the county of the legal residence of such per-
36 son. Said appeal and proceedings thereon shall be the same as if
37 said finding appealed from had been made by the commissioners of
38 insanity of said county; except that a copy of the notice of appeal
39 served, or to be served, upon the clerk of said district court shall be
40 served on a member of the board of commissioners of insanity here-
41 by created, and if, at the time the copy of said notice of appeal is
42 served on a member of said board, the patient is still in the actual
43 custody of said board and not enroute to a hospital for the insane, the
44 said board hereby created shall cause said patient to be conducted,
45 by its appointee or appointees, to the county of the legal residence of
46 said patient in which said appeal was taken and deliver to the custody
47 of the sheriff of said county, and thereafter the said patient shall
48 be cared for and disposed of as if the proceedings appealed from
49 had been had by the commissioners of insanity of said county.

50 "SEC. 11-e. *Appointees in lieu of sheriff—female patients.* All
51 duties imposed by law upon the sheriff, or his deputy, relating to the
52 attendance and commitment of insane patients may, by order of said
53 board hereby created, be performed by such person, or persons, as
54 said board may designate. If the patient be a female, she shall be
55 accompanied to the state hospital for the insane, or to the county of
56 her legal residence, as the case may be, by at least one woman.

57 "SEC. 11-f. *Jurisdiction in case of appeal.* In the case of an appeal
58 as herein provided, the jurisdiction of the board of commissioners
59 hereby created shall immediately cease, except as herein otherwise
60 specially provided."

1 SEC. 2. *Transfers from college of medicine.* Section fourteen
2 (14) of said chapter two hundred thirty-five (235), acts of the thirty-
3 eighth general assembly (C. C. 2368) is hereby amended by adding
4 thereto the following: "Whenever patients who have been com-
5 mitted by law to the general hospital of the college of medicine of
6 the state university of Iowa, under the provisions of chapter 5-B,
7 title III, supplemental supplement, 1915, (C. C. title X, chapter 9),
8 or chapter seventy-eight (78), acts of the thirty-eighth general as-
9 sembly (C. C. title X, chapter 10), are found by the medical director
10 of the state psychopathic hospital to be afflicted with abnormal men-
11 tal conditions, such patient may be transferred by the superintendent
12 of the hospital of the college of medicine of the state university of
13 Iowa and the said medical director, to the state psychopathic hos-
14 pital, and all necessary expenses for the care of such patient while

15 in the wards or rooms of said psychopathic hospital shall be paid
16 to said psychopathic hospital by the said hospital of the college of
17 medicine of the state university."

1 **SEC. 3. Costs in case of transfer.** Section fifteen (15) of said
2 chapter two hundred thirty-five (235), acts of the thirty-eighth gen-
3 eral assembly, (C. C. 2369) is hereby amended by striking out the
4 last paragraph thereof commencing with the words, "Whenever a
5 patient is transferred" and inserting in lieu thereof the following:
6 "Whenever the board hereby created shall designate any person, or
7 persons, to accompany any patient from said state psychopathic hos-
8 pital to any state hospital for the insane, or to the county of the legal
9 residence of the patient, the pay of such person, or persons, for per-
10 forming such duty shall not exceed three dollars (\$3.00) per day for
11 the time thus necessarily employed, and the actual, reasonable and
12 necessary expenses incurred in accompanying said patient and in
13 returning home therefrom. Said per diem and expenses shall be
14 itemized and verified and presented and allowed in connection with
15 the bills for maintenance as hereinafter provided; provided, how-
16 ever, that if the party accompanying said patient is a parent or other
17 relative, or an officer or employee receiving other compensation, the
18 said person shall receive no per diem, but only his actual, reasonable
19 and necessary traveling expenses."

1 **SEC. 4. Discharge of patient—appointment of attendant.** Sec-
2 tion eighteen (18) of said chapter two hundred thirty-five (235),
3 acts of the thirty-eighth general assembly (C. C. 2372) is hereby re-
4 pealed and the following enacted in lieu thereof: "The medical direc-
5 tor of the state psychopathic hospital may, at any time, discharge
6 any patient as recovered, as improved, or as not likely to be benefited
7 by further treatment, and upon said discharge said director shall no-
8 tify the committing judge or court thereof; and the said court or
9 judge shall appoint some person to accompany said discharged pa-
10 tient from the said state psychopathic hospital to such place as he
11 may designate, or authorize the said medical director to appoint such
12 attendant.

1 **SEC. 5. When costs payable by state.** If any patient be ad-
2 mitted to the state psychopathic hospital and thereafter an order of
3 commitment of said patient as a public patient be made by the court
4 or judge having jurisdiction thereof, the expense of keeping and
5 maintaining said patient from the date of the filing of the informa-
6 tion upon which said order is made shall be paid by the state.

1 **SEC. 6. Death of patient and resulting expense.** In the event
2 that a committed public patient or a voluntary public patient or a
3 committed private patient should die while at the state psychopathic
4 hospital or at the general hospital of the college of medicine of the
5 state university of Iowa, the medical director of the said state
6 psychopathic hospital is hereby authorized and directed to have the
7 body prepared for shipment in accordance with the rules and regu-
8 lations prescribed by the state board of health for shipping such
9 bodies; and it shall be the duty of the Iowa state board of educa-
10 tion to make arrangements for the embalming and such other prep-
11 aration as may be necessary to comply with said rules and regu-

12 lations, and for the purchase of suitable caskets. The state shall pay,
 13 to the state psychopathic hospital, out of any money in the state
 14 treasury not otherwise appropriated, the cost of the casket, the em-
 15 balming, and all other expenses incurred in preparing the body for
 16 shipment, and, in addition thereto, the cost of transportation from
 17 Iowa City, Iowa, to the place where the said patient lived at the time
 18 when he was committed or taken to the said state psychopathic
 19 hospital; said expenses to be paid in accordance with the provisions
 20 of section 19, chapter two hundred thirty-five (235), acts of the
 21 thirty-eighth general assembly (C. C. Sec. 2373.) In the event that
 22 the said person is a committed private patient, it shall be the duty
 23 of the county auditor of the proper county to proceed to collect all
 24 of such expenses, in accordance with the provisions of section six-
 25 teen (16) of chapter two hundred thirty-five (235), acts of the thirty-
 26 eighth general assembly, (C. C. Sec. 2370).

Approved April 13, A. D. 1921.

CHAPTER 246

CHATTEL MORTGAGES

S. F. 743.

AN ACT to amend the law as it appears in chapter three hundred fifty-two (352), acts of the thirty-eighth general assembly, (C. C. Sec. 6318), relating to the filing of chattel mortgages, bills of sale and other instruments affecting the title to or encumbrance of personal property and providing fees to be paid therefor, and to the indexing of real estate mortgages in a chattel mortgage index provided for that purpose, giving to such real estate mortgages so indexed the effect of chattel mortgages.

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

SECTION 1. Real estate mortgages with chattel mortgage clause.

1 That the law as it appears in chapter three hundred fifty-two (352),
 2 acts of the thirty-eighth general assembly, (C. C. Sec. 6318), be,
 3 and the same is hereby amended by adding to the law as it appears
 4 in chapter three hundred fifty-two (352), acts of the thirty-eighth
 5 general assembly, (C. C. 6318), the following:

6 "Where in a real estate mortgage there is any provision creating
 7 an encumbrance upon personal property or providing for a receiver-
 8 ship in the event of foreclosure, the person firm or corporation offer-
 9 ing the same for record, may have the same recorded at length,
 10 and also indexed in the chattel mortgage index book provided for
 11 herein. In said index book the recorder shall show the book and
 12 page where said real estate mortgage is recorded and such record-
 13 ing shall have the same force and effect as though said real estate
 14 mortgages were retained by the county recorder in the manner pro-
 15 vided for herein and such real estate mortgages shall not be required
 16 to be filed and kept in the office of the county recorder. When such
 17 real estate mortgage is released of record, the county recorder shall
 18 make entry thereof on the chattel mortgage index book."

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