

CHAPTER 140.

DRUGGED LIQUORS.

AN ACT to punish the selling of drugged intoxicating liquors.

Fine and imprisonment for selling drugged liquors.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any person who shall wilfully sell or keep for sale intoxicating malt or vinous liquors which have been adulterated or drugged by admixture with any deleterious or poisonous substance, shall be deemed guilty of a felony and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars or by imprisonment in the penitentiary not exceeding two years.

Sec. 2. This act to be in force from and after its publication according to law.

Approved March 23d, 1858.

CHAPTER 141.

ASYLUM FOR THE INSANE.

AN ACT for the government of the Iowa Insane Hospital, and the care of the Insane and Idiots

Title and management.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the Insane Hospital located at Mount Pleasant, shall be known by the title of the Iowa Insane Hospital, and shall be placed under charge of a Board of seven Trustees, four of whom shall constitute a quorum for the transaction of business.

First Board.

Sec. 2. That Samuel McFarland, Hoskin Riggs, Timothy Stearns, John B. Lash, of Henry county, John R. Allen, of Lee county, Lincoln Clarke, of Dubuque county, and J. M. Shaffer, of Jefferson, be and are hereby constituted a Board of Trustees provided for in the first section of this act, a majority of whom shall reside in the county of Henry. The two first named shall serve for two years, the second two shall serve for

Terms of office.

four years, the last three for six years, and as their terms expire their successors shall be appointed for six years by the General Assembly. All vacancies occurring by death or otherwise shall be filled by the Governor until the meeting of the General Assembly and until their successors are appointed and qualified.

Sec. 3. The trustees before entering upon the duties of their office shall take and subscribe an oath or affirmation to support the Constitution of the United States and of this State, and also faithfully to discharge the duties required of them by the provisions of this act, which duties shall be discharged gratuitously, provided they shall have their necessary expenses during the time they are actually engaged in the discharge of their official duties, such payment to be made out of the State Treasury upon a warrant of the Auditor of State. The Trustees shall meet at any time after this act shall take effect and before the opening of the Hospital for the admission of patients, and elect a President who shall preside at their meetings.

Sec. 4. The Trustees shall have the general control and management of the Hospital; they shall prescribe by-laws for the government of the same, and conduct its affairs agreeably to the laws in force, and such by-laws as they may establish; they shall appoint a Medical Superintendent and on the nomination of the Superintendent, a Steward and Matron, and an Assistant Physician or Physicians, who shall be styled the resident officers of the Institution. Said trustees shall fix all salaries not otherwise determined by law. They shall also in connection with the Superintendent, prescribe rules, regulations and by-laws for the government of the institution. They shall in their by-laws prescribe the duties of their respective officers, their tenure of office, and shall at their pleasure, remove any officer except the Superintendent, and they may remove the Superintendent for incompetency, wilful neglect or refusal to discharge any of his duties or for any misconduct on his part which might render it improper for him to continue longer in said office.

Trustees visit
Asylum.

Sec. 5. It shall be the duty of one or more of the Board of Trustees to visit the institution monthly, and all or a majority thereof quarterly, and at such monthly visits they shall, with the Superintendent, examine the accounts of the Steward and certify their approval or otherwise, on the page with his monthly balances. They shall also at the same time register their names in a book to be kept for that purpose at the Hospital and note therein the general condition of the Hospital.

Minutes and re-
ports

Sec. 6. The Board of Trustees shall make a record of their proceedings at all meetings in a book kept for that purpose, and at their annual meetings shall make a report to the Governor, of the condition and wants of the Hospital which shall be accompanied by full and accurate reports of the Superintendent and a detailed account of all moneys received and disbursed by the Stewart.

Annual and spe-
cial meetings.

Sec. 7. The board of trustees shall hold their annual meeting on the first Wednesday in December, in each year, at the office of the Hospital which shall be in the Hospital building. Special meetings for the appointment of resident officers or for the transaction of general business, shall be held on the written request of the President or two members of the board, of which ten days notice shall be given to each member in writing by the President, stating the object for which the meeting is called.

Trustee not in-
terested in con-
tracts.

Sec. 8. No Trustee or any officer of the institution shall be either directly or indirectly interested in the purchase of building material or any article of furniture or supply for the use of the Hospital.

Trustee cannot
be Supt.

Sec. 9. No member of the Board of Trustees shall be eligible to the office of Superintendent of the Hospital during the term for which he was appointed, nor within one year after his term shall have expired.

Qualification and
term of Superin-
tendent.

Sec. 10. The Medical Superintendent of the Hospital shall be a Physician of acknowledged skill and ability in his profession. He shall be the chief executive officer of the Hospital and shall hold his office for six years unless sooner removed by the Trustees as provid-

ed for in the fourth section of this act. Before entering on the duties of his office he shall take and subscribe to an oath or affirmation faithfully and diligently to discharge the duties required of him by law. He shall have the entire control of the medical, moral and dietetic treatment of the patients, and he shall see that the several officers of the institution faithfully and diligently discharge their respective duties. He shall employ attendants, nurses, servants and such other persons as he may deem necessary for the efficient and economical administration of the government of the Hospital, assign them their respective places and duties, and may at any time discharge any of them from service.

His powers.

Sec. 11. The Superintendent shall provide an official seal for the Hospital upon which shall be the words "Iowa Insane Hospital, Mount Pleasant." He shall make reports to the Trustees as provided for in section six of this act.

Reports.

Sec. 12. The Assistant Physician shall be a medical man of such character and qualifications as to be able to perform the ordinary duties of the Superintendent during his absence.

Assistant Physician.

Sec. 13. The Steward under the direction of the Superintendent and not otherwise, shall make all purchases for the Hospital where they can be made on the best terms, keep the accounts, make engagements with, pay and discharge those employed in and about the Hospital, have a personal superintendence of the farm, garden and grounds, and perform such other duties as may be assigned him.

Steward and his duties.

Sec. 14. The Steward shall execute a bond, with such securities as the board of Trustees shall approve, in the penal sum of ten thousand dollars conditioned that he will faithfully perform the duties of his office and pay over and account for all money that shall come into his hands belonging to the State.

Steward gives bond.

Sec. 15. The Matron under the direction of the Superintendent and not otherwise shall have the general supervision of the institution and do what she can to promote the comfort and restoration of the patients.

Matron and her duties.

Trustees may receive bequests. Sec. 16. The Trustees of the Hospital and their successors in office shall have the power to receive and hold in trust for the use and benefit of the Hospital any grant or devise of land or any donation or bequest of money or personal property to be applied to the maintenance and support of insane persons or to the general use of the hospital.

Steward draws money. Account rendered. Sec. 17. The Treasurer of the State may, from time to time, advance to the Steward on his own order, appended, or endorsed by the Superintendent, and two of the Trustees, on a warrant from the Auditor of State, a sum not exceeding one thousand dollars to meet current expenses. The Steward shall keep an accurate account in detail in a proper book always open to the inspection of the Superintendent and Trustees of all expenses paid out of the sums so advanced by the Treasurer and shall settle the same with the Superintendent and Trustees monthly or oftener if required, and shall account for the whole sum of one thousand dollars before another is approved.

Hospital open. Sec. 18. The hospital when completed shall be open to all the insane of the State subject to the provisions of this act.

Admission of patients. Sec. 19. No person shall be admitted into the Hospital except he be a citizen of the State of Iowa, and an inhabitant of the county from which he or she may be sent, and no person shall be considered an inhabitant in the sense of this act, who has not resided within this State six months next preceeding the date of his or her application, and no person shall be entitled to the benefit of the provision of this act except persons whose insanity or lunacy has occurred during the time such persons shall have resided in the State. No idiot shall be admitted into the hospital and no lunatic under the age of seven years. All patients admitted into the hospital shall be maintained therein at the expense of the State, except such as are provided for in the twentieth section of this act.

Sec. 20. Any two of the Trustees with the Superintendent may receive into the Hospital any patient of

whose insanity they may be satisfied after personal examination without an inquest as provided for in this act, *Provided*, such patient is not to be supported at the expense of the State. They shall fix the price of keeping such patient, shall require not less than six months cost of such keeping to be paid in advance and shall require a bond with such security and in such an amount as they may approve for any claim beyond the amount so paid in advance for the further support of said patient. Any moneys received from such source shall go into the treasury of the Hospital and be accounted for as other moneys are, as provided in this act. Any amount of money received for the support of such patient remaining after they shall from any cause be removed from the hospital shall be refunded to the person authorized to receive it.

Terms of admission of foreign patients.

Sec. 21. For the admission of patients into the hospital the following proceedings shall be had, viz, some resident citizen of the proper county shall file with the Probate Judge of such county an affidavit which shall be substantially as follows:

Form of affidavit to county Judge

The State of Iowa, _____ county S. S.

The undersigned a citizen of _____ county, Iowa, being sworn says that he believes _____ is insane, that he or she should not be at large, that he is an inhabitant of said county in the sense required by this act. Dated this _____ day of _____ A. D. _____

A. B.

Sec. 22. When the affidavit aforesaid shall be filed the Probate Judge shall forthwith issue his warrant to some suitable person commanding him to bring the person alleged to be insane before him on a day in such warrant which shall not be more than five days after the affidavit shall have been filed, and shall immediately issue subpoenas for such witnesses as he shall deem necessary (one of whom shall be a respectable physician) commanding the persons in such subpoenas named to appear before said Judge on the return day of the subpoena, and if any person shall dispute the insanity of the party charged the Probate Judge shall issue sub-

Insane person arrested and evidence summoned.

penas for such person or persons as shall be demanded on behalf of the person alleged to be insane.

Investigate case. Sec. 23. At the time appointed (unless for good cause the investigation shall be adjourned) the Judge shall proceed to examine the witnesses in attendance and if upon the hearing of the testimony such Judge shall be satisfied that the person so charged is insane he shall cause a certificate to be made out by the medical witness in attendance which shall set forth the following: *First*, that the patient is free from any infectious disease and vermin. *Second*, the age of the patient and concise history of the case. *Third*, the duration of the disease dating from the first symptom. *Fourth* the supposed cause of the disease, whether it is hereditary. *Fifth*, whether the patient has been subject to epilepsy. *Sixth*, whether the patient has made any attempts to commit violence on himself or others. *Seventh*, the medical treatment pursued in the case as near as the same can be ascertained, to which the witness shall add any other information or circumstances known to him which may tend to throw light upon the subject.

Certificate sent to Asylum. Sec. 24. The Probate Judge upon the certificate of the medical witness made out according to the twenty-third section of this act, shall forthwith apply to the Superintendent of the Hospital. He shall at the same time transmit copies under his official seal of the certificate of the said medical witness and of his finding in the case; upon receiving the application and said certificate the Superintendent shall immediately advise the Probate Judge whether the patient can be received and if so, at what time. The Probate Judge when advised that the patient can be received shall forthwith issue his warrant to the sheriff or any other suitable person, commanding him to forthwith take charge of and convey such insane person to the hospital. If the Probate Judge shall be satisfied from proof that an assistant is necessary, he may appoint one person as such assistant. The warrant of the Probate Judge shall be substantially as follows:

Warrant issued.

The State of Iowa, ——— County, SS.

The Probate Judge of said county to ———.

All the proceedings prescribed by law to entitle ——— Form of warrant.
to be admitted into the Hospital having been had, you are commanded forthwith to take charge of and convey said ——— to the Hospital, and you are authorized to take ——— as assistant. After executing this warrant you shall make due return thereof to this office.

Witness my hand and official seal this ——— day of
——, A. D. ———.

Probate Judge.

Upon receiving such patient the Superintendent shall endorse upon said warrant a receipt substantially as follows:

Iowa Insane Hospital, }
Mount Pleasant, ——— A. D. — } Endorsed.

Received this ——— day of ——— the patient named
in the within warrant.

Superintendent.

This warrant, with the receipt thereon, shall be returned to the Probate Judge who issued the same, and shall be filed by him with the other papers relating to the case. In all cases the relations of the insane person shall have a right, if they choose, to convey such insane person to the hospital, and in such case the warrant shall be directed to one of such relations, directing him to take another of such relations as his assistant; *Provided*, That in case the medical witness shall not state in his certificate that the patient is free from any infectious disease, and from vermin, it shall be the duty of the Probate Judge to refuse to make the application to the Superintendent as hereinafter provided, until such certificate is furnished. The relations of any person charged with insanity, or who shall be found to be insane under the provisions of this Act, shall in all cases have the right to take charge of and keep said insane person or persons charged with insanity, if they shall desire so to do, and in such case the Probate Judge before whom the inquest shall have been held, shall deliver such insane person

Relatives may convey.

May retain charge.

or persons to the person or persons desiring to take charge of them.

Patient supplied with clothing.

Sec. 25. When a patient is sent to the Hospital it shall be the duty of the Probate Judge to see that the patient is supplied with proper clothing, and if not otherwise furnished, the Probate Judge shall furnish such clothing, and in such case the same shall be paid for upon the certificate of the Probate Judge, and the order of the County Auditor, out of the county treasury. For a male patient the clothing shall be a coat, vest, and two pairs of pantaloons, all of woolen cloth, two pairs of woolen socks, two pocket handkerchiefs, two dark colored cravats, one hat or cap, one pair of shoes or boots, two cotton shirts and an overcoat or other outside garment, sufficient to protect him in severe weather. For a female patient such clothing shall be two substantial gowns or dresses, two flannel petticoats, two pairs of woolen stockings, one pair of shoes, two handkerchiefs, a decent bonnet, two cotton chemises and a large shawl or cloak. In both cases the clothing shall be new, or as good as new, and the woolens of dark color. Such clothing shall be delivered in good order with the patient, or the Superintendent shall not be bound to receive the patient.

Clothing specified.

Person not admitted to Hospital taken care of in the county

Sec. 26. If any person found to be insane, cannot for any cause be admitted into the hospital, the Probate Judge shall direct the sheriff of the county or some other suitable person, to take charge of such lunatic until such case shall be removed and if necessary may direct the confinement of such lunatic in the county poor house or jail, as the case may require, and if all things needful be not otherwise supplied he shall furnish them, and in such case the same shall be paid for out of the county treasury on the certificate of the Probate Judge and the order of the county Auditor; *Provided*, that such Judge shall not in any case furnish any thing either in the way of clothing as provided in section twenty-five of this act, or for any other person who is not a poor person as understood in the sixty-first section of this act, and, *provided further*, no lunatic shall

Relatives furnish clothing.

be confined in with a person charged with or convicted of a crime.

Sec. 27. Where a lunatic not entitled to admission into the hospital shall be at large, and his being so at large shall be dangerous to himself or others, upon such facts being established to the satisfaction of the Probate Judge, he shall immediately order such lunatic to be confined and provided for as directed by the twenty-sixth section of this act, and when any person be so confined and the attending physician shall certify that such person is restored to reason, or that it is not necessary longer to confine such person, or if the friends of such person shall agree to take the care of such person, the Probate Judge shall immediately order his discharge.

Dangerous lunatics not permitted to be at large.

Sec. 28. Any patient may be discharged from the hospital upon the application of the Superintendent to one of the Trustees, and order of such Trustees. Incurable and harmless patients may be discharged whenever such discharge is necessary to make room for a recent case from the same county, and whenever an order shall be made for the removal of a patient from the hospital, the Superintendent shall forthwith give notice under seal of the hospital to the Probate Judge of the county from which such patient was sent, and thereupon such Probate Judge shall forthwith issue his warrant to the sheriff or some other suitable person (giving the relations of the patient the preference) which warrant shall be substantially as follows:

Patient discharged from Hospital.

The State of Iowa, _____ County, SS.

Office of the Probate Judge of said county.

The proper authority having directed that _____ a patient from the county in Insane Hospital at Mount Pleasant, be removed from said hospital, you are commanded to forthwith remove said patient, and return him to _____ township, in _____ county, of which he is an inhabitant. Witness my hand and official seal this _____ day of _____, A. D. _____.

Manner and warrant for discharge.

A. B. Probate Judge.

Upon the receipt of such warrant it shall be the duty

of the person to whom it is directed to forthwith execute the same and return it to the Probate Judge by whom it was issued.

Money given to patients.

Sec. 29. When a patient is discharged or cured, the Superintendent may furnish such patient with suitable clothing and such sum of money as he shall deem fit, not in any case exceeding twenty dollars.

Order of preference if Hospital is crowded.

Sec. 30. That if at any time it may become necessary for want of room or other cause, to discriminate in the general reception of patients into the hospital, a selection shall be made as follows: *First*—Recent cases, i. e. cases of less than one year's duration shall have the preference over all others. *Second*—Chronic cases, i. e., where the disease is of more than one year's duration, presenting the most favorable prospects of recovery shall be next preferred. *Third*—Those for whom application has been longer on file, other things being equal, shall be next preferred, and *Fourth*—Where cases are equally meritorious, in all other respects, the indigent shall have preference.

Number of patients from each county.

Sec. 31. Each county shall be entitled to send patients to the hospital in proportion to the number of insane persons in the county, and in case that all the insane who may apply for admission, cannot for some cause be accommodated, then in the selection of patients, the provisions of this section shall be regarded in selecting such as may be admitted, subject to the provisions of section thirty of this act.

Recurrence of insanity provided for.

Sec. 32. When any patient discharged from a hospital as cured, shall become insane, and any respectable physician shall file with the Probate Judge of the county, of which said insane person shall be an inhabitant, an affidavit setting forth the fact of the recurrence of the disease, and such other facts relating thereto as he may deem proper, the Probate Judge shall forthwith transmit a copy of such affidavit, authenticated by his official seal, to the Superintendent of the hospital, and thereupon the same proceeding shall be had as provided in this act for persons found to be insane, upon inquest held for that purpose.

Sec. 33. 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, and 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.

Writ of Habeas
Corpus allowed.

Sec. 34. Pauper idiots and lunatics, not within the meaning of this act, and those discharged from the hospital, shall be provided for in the same manner as other poor.

Idiots supported
by county.

Sec. 35. In all cases of inquest held under the provisions of this act, the Probate Judge shall file and carefully preserve all papers filed with him, and shall make such entries upon his docket as will, together with the papers filed as aforesaid, preserve a perfect record of each case tried by him.

Record made &
papers filed.

Sec. 36. In all cases in which any patient shall die in the hospital, it shall be the duty of the Superintendent to immediately give notice to the relations of such deceased patient, if known to him, and if not so known, he shall immediately notify the Probate Judge of the county from which such patient was sent, who shall forthwith cause a notice of the death of such patient to be published in the two leading newspapers of his county, or if there be no newspaper published in said county, a written notice shall be posted in two public places, one of which shall be at the court house in said county.

Proceeding in
case of death.

Sec. 37. If any patient shall escape from the hospital, and return to the county from whence he was committed, it shall be the duty of the sheriff of said county, when notified by the Superintendent, to forthwith arrest such patient and return him to the hospital, for which service the sheriff shall be allowed and paid such fees as shall be allowed by law for the commitment of insane persons to the hospital, which fees shall be paid out of the State Treasury on the certificate of the Superintendent, and warrant of the Auditor of State.

Proceeding in
case of escape.

Sec. 38. If the friends of any patient shall ask the discharge of such patient from the Hospital, the Super-

intendent may in his discretion require a bond to be executed to the State of Iowa, in such sum and such sureties as he may deem proper, conditioned for the safe keeping of such patient, *Provided*, that no patient who may be under the charge of or conviction of homicide, shall be discharged without the consent of the Superintendent and the Board of Trustees having the charge of the Hospital.

Friends may procure discharge.

Actions at law.

Sec. 39. For all debts due the Hospital, an action may be maintained in the name of the Superintendent of the Hospital to which such debt may be due, and in such action the plaintiff shall be styled the Superintendent of the Iowa Insane Hospital, and all suits against the Hospital shall be brought against him as defendant.

Counsel employed.

Sec. 40. He shall employ an Attorney who shall attend to any suit instituted in behalf of or against the Hospital, who shall be entitled to a compensation of five per cent on all sums collected for the Hospital, and such fees as may be agreed upon for defending any suits brought against the Hospital.

Fees allowed.

Sec. 41. The taxable costs and expenses to be paid under the provisions of this act, shall be as follows. To the Probate Judge, with whom the affidavit was filed, the sum of two dollars for holding an inquest under the provisions of this act. To the Medical Witness who shall make out the certificate required in the twenty-third section of this act, two dollars and witness fees such as are allowed by law in other cases. To the witnesses and Constable the same as are allowed by law for like services in other cases. To each person employed by the Probate Judge to commit a lunatic to the county Poor House, seventy-five cents per day. To the Sheriff or other person than an assistant, for taking an insane person to the Hospital, or removing one therefrom upon the warrant of the Probate Judge, mileage at the rate of five cents per mile, going and returning, and one dollar per day for the support of each patient on his journey to or from the Hospital, and to each assistant, five cents per mile, and nothing more, the number of miles to be

computed in all cases by the nearest route traveled, and costs specified in this section, to be paid out of the County Treasury upon the certificate of the Probate Judge and the order of the County Auditor.

Sec. 42. The Probate Judge upon satisfactory proof that any person who is an inhabitant of the county in which he may be found, is an idiot or lunatic, and that it is necessary in order to preserve the property of such idiot or lunatic, shall appoint a guardian, which guardian shall by virtue of such appointment be the guardian of the minor children of his ward, unless the court shall appoint some other person their guardian.

Guardians appointed for Idiots.

Sec. 43. That when any person having a wife shall be declared to be an idiot or lunatic, it shall be lawful for the Probate Judge to appoint the wife of such person his guardian, if it be made to appear to the satisfaction of the Judge that she is competent to perform the duties of such appointment, and any married woman appointed such guardian, shall in her said capacity, have power to enter into official bonds, and her sureties thereon shall be liable in the same manner and to the same extent as though said bond was executed by a sale.

Wife of Idiot appointed Guardian.

Sec. 44. All laws relating to guardians for minors and their wards, and all laws pointing out the duties, rights and liabilities of such guardians and their sureties in force for the time being, shall be applicable to guardians for idiots and lunatics and their children, so far as the same are in conformity with the provisions of this act.

Laws governing Guardians

Sec. 45. Such guardian may sue in his own name describing himself as guardian of the ward for whom he sues, and when his guardianship shall cease by his death or removal otherwise, or by the decease of his ward, any suit, action or proceeding then pending shall not abate, but his successor or guardian, or such idiot or lunatic, if he be restored to his reason, or the executor or administrator of such idiot or lunatic as the case may require, and shall be made party to the suit or other proceedings, in like manner as is or may be provided by law for making an executor or administrator party to a

Power of Guardian in law.

proceeding of a like kind, when the plaintiff dies during its pendency.

Idiot's real estate may be sold.

Sec. 46. Whenever the sale of the real estate of such ward is necessary for his support, or the support of his family, or the payment of his debts, or such sale will be for the interest of the estate of such idiot or lunatic or his children, the guardian may sell the same under like proceedings as is or may be required by law to authorize the sale of real estate by the guardian of a minor.

Guardian completes idiot's contracts.

Sec. 47. The guardian of any idiot or lunatic, whether appointed by a court in this State or elsewhere, may complete the real contracts of his ward, or any authorized contracts of a guardian who has died or been removed, in like manner, and by like proceeding as the real contract of a decedent may under an order of court, be specially performed by his executor or administrator.

Insolvent estate of idiots settled.

Sec. 48. If the estate of the idiot or lunatic is insolvent, or will probably be insolvent, the same shall be settled by the guardian in like manner, and like proceedings may be had as is or may be required by law for the settlement of the insolvent estate of a deceased person.

The conditions on which foreign guardians may act in this State.

Sec. 49. The foreign guardian of a foreign idiot or lunatic appointed in any other State of the United States or the territories thereof, may possess, manage or dispose of the real and personal estate of his ward, situated in this State in like manner and with like authority as guardians of idiots or lunatics appointed by the courts of this State, after complying with the following requisitions:

1st. An authenticated copy of the foreign commission of idiocy or lunacy proved, allowed and recorded in the county where such estate is situated, in like manner as is or may be provided by law for the admission to record of an authenticated copy of a will made in any other of the United States.

2d. Evidence satisfactory to the court here, before whom such foreign commission is approved, that such idiocy or lunacy still continues.

3d. The foregoing guardian shall file his bond with sureties residing in this State or elsewhere to the acceptance of the court, conditioned for the faithful administration of his guardianship.

Sec. 50. Whenever the Probate Judge shall be satisfied that a lunatic is restored to reason, or that letters of guardianship have been improperly issued under this act, he shall make an entry upon the records of his court that said guardianship terminate, and the guardianship shall thereupon cease, and the accounts of the guardian shall be settled by the court.

Restored lunatics freed from guardianship.

Sec. 51. If any person in prison charged with a crime of misdemeanor, whether in needy circumstances or not, shall at any time before indictment is found against him, at the request of any citizen be brought before an examining court in the manner provided by law, and if it shall be found by the court that such person was an idiot or insane when he committed the offence, the said court at their discretion shall proceed and the prisoner shall be dealt with in like manner as other idiots and lunatics are required to be after inquest.

Insane criminals provided for.

Sec. 52. If any person in prison shall, after the commission of an offence, and before conviction become insane, whether he be in needy circumstances or not, and whether indicted or not, at the request of any citizen, an inquest may be instituted as provided for in this act, and if such court shall find that such person became insane after the commission of the crime or misdemeanor of which he stands charged, or indicted, and is still insane, the said court shall proceed, and the prisoner shall for the time being and until restored to reason, be dealt with in like manner as other lunatics are required to be after inquest had. *Provided, however,* that if such lunatic be discharged, the bond given for his support and safe keeping shall also be conditioned that said lunatic shall when restored to reason, answer to said crime or misdemeanor, and abide the order of the court in the premises, and any such lunatic may, when restored to reason, be prosecuted for any offence committed by him previous to such insanity.

Indicted criminals becoming insane, provided for

Restored criminals answer for crime.

Restored criminal if changed from hospital to jail. Sec. 53. If the lunatic mentioned in the preceding section shall be confined in the Hospital, the Superintendent in whose charge he may be, shall as soon as such lunatic is restored to his reason, give notice thereof to the District Attorney of the proper county, and retain such lunatic in custody for such reasonable time thereafter as may be necessary for said Attorney to cause a *capias* to issue and to be served, and no longer, and such *capias* may be issued upon precept filed by said Attorney with the Clerk of the District Court, by virtue whereof the said person so restored to reason, shall be again returned to the jail of the proper county, to answer to the offence alleged against him.

Acquittal for insanity. Sec. 54. When a person upon indictment for any crime or misdemeanor shall be acquitted on the sole ground that he was insane, the fact shall be found by jury in their verdict, and the prisoner shall be dealt with as provided in the two following sections.

Insane prisoner provided for. Sec. 55. If the prisoner is not in needy circumstances, and the Court is satisfied from the nature of the offence or otherwise that it would be unsafe to permit the prisoner to go at large, such prisoner shall be dealt with in the manner provided in the twenty-fifth section of this Act.

Poor prisoner provided for. Sec. 56. If the prisoner is a poor person, the Probate Judge shall proceed, and the prisoner shall be dealt with in like manner as other insane persons are required to be after inquest had, as provided in the twenty-first section of this Act.

Convicted criminal becoming insane removed to hospital. Sec. 57. If any person, after being convicted of any crime or misdemeanor, and before the execution in whole or part of the sentence of the Court, becomes insane, it shall be the duty of the Governor of the State to inquire into the facts, and he may pardon such lunatic, or commute or suspend for the time being the execution in such manner and for such a period as he may think proper, and may by his warrant to the Sheriff of the proper county or Warden of the Iowa Penitentiary, order such lunatic to be conveyed to the Hospital and there kept until restored to reason. If the sentence of any such

lunatic be suspended by the Governor, the sentence of the Court shall be executed upon him after such period of suspension hath expired, unless otherwise directed by the Governor.

Sec. 58. When any other person than those described in the seven preceding sections shall be confined in jail and shall be insane, they may be proceeded against by the Probate Judge and sent to the Hospital, poor-house or jail, or discharged upon bond being given for their safe keeping and support, or otherwise as in other cases.

Oth'r insane convicts provide d for.

Sec. 59. If the Probate Judge, Sheriff or any other person charged with duties under this Act, shall refuse or neglect to perform any such duties, he shall forfeit a sum not exceeding fifty dollars, to be recovered with cost by an action in any Court of competent jurisdiction in the name of the Superintendent of the Hospital, or shall be removed from office in the same manner as for any other neglect of duty. And if any insane person shall be conveyed to the Hospital before the Superintendent shall have given notice that he can be received as hereinbefore provided, no fees or compensation whatever shall be paid to those by whom he was so conveyed.

Neglect of duty punished.

Sec. 60. The County Judge may allow any sum not exceeding fifty dollars per year, to be paid out of the county treasury for the support of any idiot or lunatic living or inhabitant of said county, who is not supported by the county in the jail or poor-house.

Allowance for support of idiot

Sec. 61. The term insane as used in this Act includes every species of insanity or mental derangement. The term idiot is restricted to persons foolish from birth, one supposed to be naturally without a mind. A person with a family is one who has a wife and child or either. The words poor person, wherever it occurs in this Act, it is understood, when applied to a person without a family, shall mean one whose estate after payment of his debts and excluding from the estimate such part of the estate as is exempt from execution, is worth less in cash than five hundred dollars; and the same words, when applied to a person having a family, shall mean one whose estate estimated as aforesaid, is worth less in cash, after pay-

Insanity.

Idiocy.

Family.

Poor single person.

Poor married person.

ment of his debts, than one thousand dollars. *Provided,* That when the said words are applied to a married woman, her estate, and that of her husband, shall be estimated as aforesaid, and the amount shall determine the question as aforesaid, whether she be in needy circumstances or not, within the meaning of the Act.

Notice of op'ning Sec. 62. The Trustees shall so soon as the Hospital is ready for the reception of patients, prepare and transmit a copy to each County Judge in the State, a circular announcing said readiness.

Salaries of officers. Sec. 63. The salaries of the present officers of the Hospital named in section fourth of this Act, shall be as follows:

Of the Superintendent.....	\$1500.00
and residence in the Hospital.	
Of the Assistant Physician.....	\$400.00
and residence in the Hospital.	
Of the Stewart.....	\$500.00
and residence in the Hospital.	
Of the Matron.....	\$250.00
and residence in the Hospital.	

These salaries to be paid quarterly by draft upon the Treasurer of State upon the Auditor's warrant.

Consolidating acts repealed. Sec. 64. That Chapter 50 of the Code and all Acts and parts of Acts in regard to the care of the insane and idiots, which are inconsistent with the provisions of this Act, be and are hereby repealed.

Approved March 23d, 1858.

CHAPTER 142.

JUDGE OF POTTAWATTAMIE.

AN ACT legalizing the acts of the County Judge of Pottawattamie County in purchasing real estate for a Poor House Farm, and in drawing drafts on the Treasury of said County for the purchase money.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That the purchase of real estate by