

CHAPTER 47.

SUPPRESSION OF INTEMPERANCE.

AN ACT supplementary to an Act entitled an Act for the suppression of intemperance passed January 22d, 1855, and the Act entitled an Act supplementary and amendatory to an Act entitled an Act for the suppression of intemperance, passed January 28, 1857.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa,* That any person or persons who shall by the manufacture or sale of intoxicating liquors, contrary to the provisions of the Act entitled an Act for the suppression of intemperance, passed January 22d, 1855, or under the Act entitled an Act supplementary and amendatory to an Act entitled an Act for the suppression of intemperance, passed January 28th, 1857, cause the intoxication of any other person, such person or persons shall be liable for and compelled to pay a reasonable compensation to any person or persons who may take charge of and provide for such intoxicated person or persons, and one dollar per day in addition thereto for every day such intoxicated person shall be kept in consequence of such intoxication, which sums may be recovered in a civil action before any court having jurisdiction thereof.

Persons injured by the effect of intoxication in others shall have a right of action against the drunkard maker.

SEC. 2. That every wife, child, parent, guardian, employer or other person who shall be injured in person or property, or means of support, by any intoxicated person, or in consequence of the intoxication, habitual or otherwise, of any person, such wife, child, parent, guardian, or other person shall have a right of action, in his or her own name, against any person or persons who shall by selling intoxicating liquors as in this Act set forth, cause the intoxication of such person, for all damages actually sustained as well as exemplary damages; and a married woman shall have the same right to bring suits, prosecute and control the same and the amount recovered, the same as if a *feme sole*; and all damages recovered by a minor under this Act, shall be paid either to such minor, or his or her parent, guardian or next friend, as the court shall direct, and all suits for damages under this Act shall be by civil action in any of the courts of this State having jurisdiction thereof.

Property liable for damages.

SEC. 3. That for all fines and costs assessed, or judgments rendered of any kind against any person or persons for any violation of the provisions of this Act or the Acts to which this Act is supplementary, the personal and real property (except the homestead as now provided

by law) of such person or persons as well as the premises and property, personal or real, occupied and used for that purpose with the consent or knowledge of the owner thereof or his agent by the person or persons manufacturing or selling intoxicating liquors contrary to the provisions of this Act, or the Acts to which this Act is supplemental shall be liable for the payment thereof, and all such fines, costs or judgments shall be a lien on such real estate until paid; and where any person or persons who are required by Sections 1575 and 1576 of the Revision of 1860, to give a bond with sureties, the principal and sureties in the bond mentioned, shall be jointly and severally liable for all civil damages, costs and judgments that may be adjudged against the principal in any civil action, authorized to be brought against him for any violation of the provisions of this Act, or the Act to which this Act is supplemental; *Provided*, there shall be exempt such personal effects as may be necessary for the support of the family of defendant for six months to be determined by the Township Trustees.

Security on
bonds liable
for damages.

SEC. 4. That all Acts and parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Approved, March 20th, 1862.

CHAPTER 48.

PENITENTIARY PHYSICIAN.

AN ACT to define the duties of the Physician of the Penitentiary, and to fix his salary.

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it shall be the duty of the physician of the Penitentiary to visit the prison once every day, and oftener if necessary; examine personally all sick or complaining prisoners reported to him, and prescribe such treatment as in his judgment their cases require.

Duty of Physician.

SEC. 2. He shall keep a book to be called the Hospital Record, in which he shall accurately record the name of the patient, the age, occupation, symptoms, disease and treatment.

Shall keep a hospital record.

SEC. 3. He shall examine every prisoner upon his reception, and make a record of his condition, as to age, constitution, habits, health, ability or disability.

Examine prisoner upon his reception.

SEC. 4. When a prisoner dies, the Physician may