

BY McCOY BY REQUEST.]

[SENATE FILE, No. 103—JUDICIARY.]

A BILL

FOR AN ACT AMENDING CHAPTER THREE, TITLE FIFTEEN, OF THE CODE OF IOWA, PROVIDING THAT INCURABLE INSANITY SHALL BE A GROUND FOR DIVORCE.

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

SECTION 1. That chapter three, title fifteen, of the Code of Iowa, be amended by adding thereto as section —, the following:

3 Sec. —. Divorces from the bonds of matrimony may be decreed against either the
4 husband or wife, whenever it shall be made to appear to the satisfaction of the court
5 that more than five years prior to the filing of the application for divorce, the other
6 party had been judicially determined to be of unsound mind; *providing* that no divorce
7 shall be decreed upon this ground without the testimony of the superintendent of the
8 hospital where such party is confined, to the effect that said party is still insane, and in
9 the judgment of such superintendent is hopelessly incurable. And in case said party
10 is not confined in a hospital at the time of the hearing of such application, then the
11 court shall not decree a divorce until he shall be satisfied from the testimony of at least
12 three respectable practicing physicians, appointed by the court to make personal exam-
13 ination of said party, that he or she is insane, and hopelessly incurable; *providing, fur-*
14 *ther*, that the court in granting a decree under this section shall make such provision
15 for the care and support of such insane person during his or her lifetime as he may
16 think proper.