

THE LEGISLATION OF THE THIRTY-SIXTH GENERAL ASSEMBLY OF IOWA

With the American people the berating of legislative bodies has become a habit which is the result of repeated disappointments. In legislation conflicting interests, which are always at work, lead to many compromises. Thus the legislative product often falls far short of clear-cut and effective enactments. Frequently none are more disappointed than the members themselves at the unsatisfactory outcome of months of labor. Moreover, it is the habit of newspapers to freely advise the legislative body as to what it ought to do and then roundly denounce it for not following the advice thus gratuitously offered. During the recent session of the Illinois legislature *The Chicago Daily Tribune* editorially made the following suggestions "for legislative consideration":

We suggest that the house of representatives of the Illinois general assembly round out its career by passing bills:

To prohibit the employment of children under 5 years of age.

To limit the hours of employment of women to ninety-eight in a week, no more than fourteen in any one day thereof.

To persuade each male citizen of the state of 18 years and over to drink at least three glasses of whisky and six bottles of beer daily. (Brands may be specified at the discretion and in the wisdom of the legislature.)

To require that intoxicating liquors shall be sold in dance halls.

To increase the salaries of members of the legislature to \$10,000 per annum, with mileage allowance of 25 cents a mile whenever and wherever the legislator may travel, inclusive of travel on street cars.

To prohibit the location of a church within two miles of a saloon except upon the written consent of three-fourths of the saloonkeepers within the ward or, in counties not containing a city of over

200,000 population, in the township in which it is proposed to locate such church.

To make it a misdemeanor to accept membership in any league or any association having for its purpose the prevention of the establishment of saloons.

To make it a criminal offense, punishable by imprisonment, for any grower of corn to feed corn to stock or otherwise dispose of it except upon the written consent of the secretary of the state board of agriculture, which consent shall be given only upon the condition that the requirements of the various distilleries in the state shall have been met.

To make it an offense punishable by fine and imprisonment to suggest the enactment of any laws by the legislature or to criticize any acts of the legislature or any legislator therein or thereof.

We further suggest that each bill so passed shall carry the clause: "Whereas, an emergency exists this act shall take effect upon and after its passage."¹

Such sarcasm is a fair indication of the esteem in which *The Tribune* held the work of the Illinois legislature. Moreover, from other neighboring States come charges of extravagant, hasty, ill-considered, and special legislation. It will be recalled that in this State the Thirty-fourth General Assembly was frequently designated as a "do-nothing legislature", while the Thirty-fifth General Assembly was as severely criticised for having done too much. And the numerous attempts made in the Thirty-sixth General Assembly to repeal the legislation of preceding sessions gained for it the reputation of being "reactionary".²

The Thirty-sixth General Assembly of Iowa was in actual session seventy-six days.³ During this legislative period

¹ *The Chicago Tribune*, May 28, 1915.

² The failure of the Senate to confirm the appointment of Mr. Gardner Cowles, publisher of *The Register and Leader*, for a position on the State Board of Education, was generally conceded to have been due to the fact that many members of the General Assembly resented the vigorous criticisms which appeared in the columns of his paper.

³ The session began on January 11, 1915, and ended on April 17, 1915.

1279 bills and 35 joint resolutions were introduced, of which 638 were House bills and 641 were Senate bills — there being 12 House resolutions and 23 Senate resolutions. Of these 1279 legislative propositions less than a fourth were enacted into law.⁴ And of the more than 300 enactments the Governor vetoed but one.⁵

In outlining the work of the Thirty-sixth General Assembly the writer has considered only those acts which in his opinion seemed to be of prime importance. While the legislation has been classified under general headings, no attempt has been made to make these headings correspond with the *Code* headings.

COMPILATION OF THE LAWS

It will be recalled that the Thirty-fifth General Assembly made provision for the compilation of the laws known as the *Supplement to the Code of Iowa, 1913*.⁶ The delay in issuing this *Supplement* (the Thirty-sixth General Assembly had been in session over a month before the volume appeared and then without an index) seems to have opened up the question of how to make the laws more available for public officers and attorneys. Heretofore the session laws have been issued by the Secretary of State, who published them in the language of the enrolled bills, each act being designated and numbered as a chapter; but the Thirty-sixth General Assembly repealed the act providing for the publication of the laws on this plan,⁷ and authorized the

⁴ *Numerical History and Classified Index of House and Senate Bills of the Thirty-Sixth General Assembly of Iowa, 1915*, published by the Law Department of the State Library, gives the total number of House bills passed as 154 and the total number of Senate bills passed as 178. The writer has been unable to count more than 152 House bills passed as given in the *Index* referred to.

⁵ This was Senate File No. 264 by Hilsinger and related to the area that may be placed under quarantine by the Commission of Animal Health.

⁶ *Laws of the Thirty-fifth General Assembly*, Ch. 1.

⁷ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 133, p. 4.

issue of a volume styled the *Supplemental Supplement to the Code of Iowa, 1915*. In this volume all laws of a general and permanent nature enacted by the Thirty-sixth General Assembly appear without their enacting clauses. The volume follows the plan of the *Code of 1897* and its *Supplements*; and wherever an act amends, repeals, or expands an existing section of the *Code of 1897* or the *Supplement to the Code of Iowa, 1913*, the chapter or section appears in full as the law now stands. The session laws are thus compiled and adjusted to their proper places in the general laws of the State. In the future we are promised but two volumes of statute law: (1) the *Code*, and (2) a biennial cumulative *Supplement* which shall also contain annotations of all decisions not appearing under the particular section in the then existing *Code* and *Supplement*.⁸ Under this new arrangement as to the publication of the laws the Supreme Court Reporter becomes ex officio editor of the *Code* and the *Supplement* thereto.⁹

PUBLIC PRINTING

Public printing is always a topic of interest in legislative bodies, and during the session of the Thirty-sixth General Assembly there was considerable discussion within the Assembly, as well as without, as to the cost of the public printing. A prominent Des Moines publisher made a proposition to the Assembly to do the public printing at a greatly reduced rate if he were given the job. The final outcome of the agitation was a revision of the schedules for State printing and binding without material change.¹⁰

Provision was made for the printing of the House and Senate journals and for their distribution by the Secretary

⁸ See explanatory note to *Supplemental Supplement to the Code of Iowa, 1915*, p. xi, also Sec. 224-i, p. 17.

⁹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 224-h, p. 17.

¹⁰ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 138, p. 5.

of State at the price of \$1.00 for each or \$1.50 for both journals. The Secretary of State was also directed to make application for the privilege of sending the journals as second class mail matter.¹¹

Chapter 4, Title III, of the *Supplement to the Code of Iowa, 1913* relative to the Supreme Court Reporter and the manner of issuing reports was repealed and a new chapter enacted with a view to putting the office on a better business basis.¹²

A more liberal provision was made for the printing of the proceedings of the Iowa Academy of Sciences.¹³

SUFFRAGE AND ELECTIONS

In the matter of suffrage and elections, the activities of the Thirty-sixth General Assembly were, with one important exception, concerned with proposed constitutional amendments which had been transmitted from the Thirty-fifth General Assembly. The woman's suffrage amendment was cordially endorsed in each house;¹⁴ and special provision was made for its submission to the voters at the primary election in June, 1916,¹⁵ so that if the amendment is adopted the women of the State will have an opportunity to vote at the presidential election in the following November.

The amendment proposed and adopted by the Thirty-fifth General Assembly providing for the holding of the general election in 1916 in the same month and on the same day as the presidential election, and thereafter permitting the General Assembly to prescribe the time of holding such

¹¹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 132-a, p. 3.

¹² *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 224-a to 224-n, pp. 15-19.

¹³ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 136, p. 4.

¹⁴ See *Numerical History and Classified Index of House and Senate Bills of the Thirty-Sixth General Assembly of Iowa, 1915*, p. 283.

¹⁵ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1106-a, p. 100.

election was also approved.¹⁶ But the initiative and referendum amendment after passing the House was killed in the Senate.¹⁷

The most important act of the Thirty-sixth General Assembly relative to suffrage and elections concerns the so-called absent voter's ballot. This is a long act of fourteen sections providing that any qualified elector of the State of Iowa, who is registered where registration is required and who on account of the nature of his business is absent or expects in the course of his business to be absent from the county in which he is qualified to vote, may vote at any election by making an application to the county auditor or to the city or town clerk for an official ballot. This application is made on a form prescribed by law, with proper safeguards against abuse or fraud. The absent voter must mark his ballot in the presence of an officer authorized by law to administer oaths, but with no other person present. The absent voter must first exhibit the ballot to the officer that he may testify that it was unmarked, then in the presence of such officer, but without his knowing how it is marked the absent voter marks his ballot, folds it, seals it, and sends it by registered mail to the county auditor of the county of his residence. On election day these ballots are cast by the judges of election in the regular ballot box.¹⁸

An act entitled "Of Offenses against the Rights of Suffrage" makes it a penal offence for any one to write, print, or distribute any literature or advertisement designed either to promote or defeat the nomination or election of any candidate for public office or to influence the voters on

¹⁶ *Appropriation Acts and Joint Resolutions Passed at the Regular Session of the Thirty-Sixth General Assembly of the State of Iowa*, 1915, p. 34.

¹⁷ *Numerical History and Classified Index of House and Senate Bills of the Thirty-Sixth General Assembly of Iowa*, 1915, pp. 22, 285.

¹⁸ *Supplemental Supplement to the Code of Iowa*, 1915, Secs. 1137-b to 1137-o, pp. 100-104.

any constitutional amendment, or to influence the vote of any member of the legislature, unless there appears upon the same in a conspicuous place "either the name of the chairman or secretary or of two officers of the organization issuing the same, or of the person who is responsible therefor with his name and address". Editorial or news advertisements in any magazine or newspaper, and cards, posters, lithographs, or circulars issued by a candidate advertising his own candidacy are exempt from the provisions of the act.¹⁹ This act may properly be classed as corrupt practices legislation.

Three acts were passed increasing the pay of registers and election officials.²⁰ A change was also made in the number of days prescribed for the filing of certificates of nomination papers.²¹

THE GOVERNOR AND THE EXECUTIVE DEPARTMENT

It will be recalled that the Thirty-fifth General Assembly authorized the Joint Committee on Retrenchment and Reform to employ expert accountants and efficiency engineers and to institute such changes in the administration of public affairs as would promote efficiency and economy in the administration of the affairs of the State in its various departments. Under this authority the committee employed the firm of Quail, Parker & Co. to make a survey of the offices and departments of the State government located at Des Moines. By this firm there was issued a lengthy report which dealt chiefly with the executive offices and in which a reorganization of the executive department of the State within the existing provisions of the Constitution was recommended. The chief responsibility in the proposed plan centered in the Governor.

¹⁹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 4931-a, p. 330.

²⁰ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 1076, 1087-a5, 1093, pp. 96-98.

²¹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1104, p. 99.

With some modifications the Committee on Retrenchment and Reform accepted the recommendations of the expert accountants and efficiency engineers and framed a bill with a view to enacting these recommendations into law. But the bill was not well received: it was indefinitely postponed in the Senate²² and soon afterwards was withdrawn from consideration in the House.²³ The committee was rewarded for its efforts to reorganize the executive department of the State government by the introduction of a bill to abolish the committee.²⁴

The work of the committee, however, was not altogether in vain; since an act was passed for the establishment of a budget system. This act provides that all departments, institutions, or undertakings which receive annual appropriations from the State treasury, must biennially on or before November 15th, prior to the convening of the General Assembly, submit to the Governor financial statements in detail of receipts and expenditures "with an explanation of the reason for any increased appropriation". The Governor is required to submit along with his official message "a budget which shall contain in detail general information and in general form his recommendations to the general assembly for appropriations for all the different departments and boards and state officials, together with such explanation thereof as he may desire to present."²⁵ There is nothing, however, in the act which requires the General Assembly to accept the recommendations of the Governor, and it is easy to believe that the legislature will feel free to

²² *Journal of the Senate of the Thirty-Sixth General Assembly*, pp. 1467, 1468.

²³ *Journal of the House of Representatives of the Thirty-Sixth General Assembly*, p. 1680.

²⁴ This bill failed of enactment. See *Journal of the Senate of the Thirty-Sixth General Assembly*, p. 1441.

²⁵ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 191-a, 191-b, pp. 13, 14.

increase or decrease the appropriation items recommended in the budget.

The Governor was given power to appoint not more than four special agents whose duty it shall be, under the direction of the Governor, to aid in the capture, detention, arrest and prosecution of persons committing crime or violating the laws of the State. Such agents are to have all the powers of peace officers and county attorneys anywhere within the State, but they in no way relieve such officers of any duty now or hereafter required by law.²⁶ This is one of the law enforcement measures which no doubt is intended to make effective the liquor legislation enacted.

STATE JUDICIARY

While there seems to have been no demand in this session for the recall of judges or the recall of judicial decisions, there was a very determined but unsuccessful attempt to repeal the non-partisan judiciary act passed by the Thirty-fifth General Assembly.

The juvenile court law was amended making more specific the provisions for the procedure to be followed in juvenile courts for the disposition of dependent, neglected, or delinquent children.²⁷

Provision was made for an additional district judge in the Johnson-Iowa county district, the first selection to take place at the general election in 1916. This will give the district two judges, who may not be residents of the same county. They are, however, directed to alternate as nearly as practicable at the places for holding terms of court, and terms may be held simultaneously at both places.²⁸

²⁶ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 65-a to 65-d, p. 3.

²⁷ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 254-a15 to 254-a16, pp. 23, 24.

²⁸ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 227-8ab and 227-8ac, p. 21.

The judges of the district courts and their shorthand reporters were given traveling expense allowances not to exceed \$200 per year.²⁹

STATE OFFICES AND OFFICERS

The chief acts affecting State officers relate, as two years ago, to increases in salaries, but this time the legislation affects only appointive officers. The Secretary of the Board of Control had his salary raised from \$2000 to \$2500 per year;³⁰ and the salary of the Secretary of the Board of Educational Examiners was increased from \$100 to \$125 per month.³¹ The compensation of the Chief Oil Inspector was placed at \$1800 and that of other inspectors at \$1200 per year, instead of being on a fee basis as heretofore.³² The bond of the Chief Oil Inspector was raised to twice that of other oil inspectors, being now fixed at \$10,000.³³

The Chief Oil Inspector will hereafter make his reports of all inspections, receipts, and expenditures to the Governor. Heretofore such reports were made to the Secretary of State.³⁴

The term of Mine Inspectors was reduced from six to four years;³⁵ and the Dairy and Food Commissioner was authorized to appoint two additional assistants at \$1400 each.³⁶

Hotels are now classified according to the number of rooms, and the fees which the Hotel Inspector may charge for inspection are thus classified.³⁷

²⁹ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 253 and 253-a2, p. 22.

³⁰ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2726-a3, p. 253.

³¹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2634-a, p. 244.

³² *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2507, p. 214.

³³ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2503, p. 212.

³⁴ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2509-a, p. 215.

³⁵ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2478, p. 210.

³⁶ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2515, p. 217.

³⁷ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2514-s, p. 216.

The custody of the public archives is now vested in the Curator of the Historical Department of Iowa, instead of jointly in the State Library and Historical Department as heretofore.³⁸

The office of Custodian of Public Buildings was abolished, and the duties of that office were assigned to the Adjutant General.³⁹ Heretofore the civil engineer member of the State Board of Health was ex-officio Hotel Inspector; but now the State Board of Health will appoint the Hotel Inspector who shall have no other official business.⁴⁰

NEW OFFICES CREATED

The Governor was authorized to appoint, on July 1, 1915, a Document Editor for a term of two years at a salary of \$2000 per year. Subsequent appointments must be confirmed by the Senate. The duties of this officer are to receive and receipt for all reports, documents, and publications received from the State Binder, and to certify all bills for the same to the Executive Council. All reports will be delivered to the Document Editor, and he is authorized "to edit, revise and prepare such manuscripts for the printers use". He is authorized to condense and eliminate when in his judgment such action will not lessen the value of the documents, reports, or publications. He has supervision of the printing and indexing of the House and Senate journals and files, and has charge of the distribution of all such reports, documents, and publications.⁴¹ The Document Editor relieves the Secretary of State of much work which formerly fell upon him.

³⁸ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2881-o to 2881-t, pp. 268, 269.

³⁹ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 145-147, p. 9.

⁴⁰ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2514-p, p. 216.

⁴¹ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 144-e to 144-p, pp. 7-9.

The Reporter of the Supreme Court was made ex-officio editor of the *Code* and the supplemental supplements. The printing, indexing, and binding of such publications is to be in charge of the Code Editor under the direction of the Supreme Court.⁴²

A State Board of Audit was created consisting of the Auditor of State, the Attorney General, or one of his assistants designated by him, and the Secretary of the Executive Council or his first assistant. This board will audit all claims, except salaries fixed by law, and must certify the same before warrants are drawn. The power heretofore vested in the Executive Council, the Board of Trustees of the State Library and Historical Department, and other officers, boards, and commissions to certify claims is now transferred to the State Board of Audit.⁴³

A Board of Accountancy was created, consisting of three persons appointed by the Governor. It is the duty of this board to hold examinations and issue certificates to successful candidates to be Certified Public Accountants, who are then entitled to use the abbreviation C. P. A. after their names under the provisions of the statutes and the rules adopted by the board.⁴⁴

COUNTY OFFICERS AND COUNTY GOVERNMENT

The terms of county supervisors will hereafter begin on the second secular day in January instead of the first Monday in January.⁴⁵ The procedure to be followed where the number of members of the board of supervisors has been reduced by a vote of the people is defined.⁴⁶

⁴² *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 224-h to 224-n, pp. 17-19.

⁴³ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 170-r to 170-w, pp. 10, 11.

⁴⁴ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2620-a to 2620-k, pp. 240-243.

⁴⁵ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 411, p. 34.

⁴⁶ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 410, p. 34.

The board of supervisors is now required to submit for bids any repairs or buildings the cost of which exceeds \$2000.⁴⁷ Nor may they erect a court house or jail, the probable cost of which exceeds \$10,000, without submitting the proposition to a vote of the people.⁴⁸ This board may now levy a tax of not to exceed one mill on the dollar for the erection or maintenance of monuments or memorial halls in cemeteries.⁴⁹

In cases where the county or State is a party the duties of the county attorney are made more specific.⁵⁰ Where the district court is held at two places in the county the board of supervisors may allow the county attorney \$500 additional compensation.⁵¹

The clerk of the district court may with the consent of the board of supervisors appoint one or more deputies not holding a county office.⁵² A new scale of compensation for county auditors was established, which will no doubt operate to increase the salaries of such officers in many counties. The sums remain as heretofore, but population limits were reduced.⁵³ In counties of 25,000 or over, and in those where the district court is held in two different places in the same county the salary of the first and second deputy auditors is placed at one-half that of the auditor.⁵⁴ The same provision was enacted relative to deputy county treasurers.⁵⁵

The compensation of sheriffs⁵⁶ and county treasurers⁵⁷

⁴⁷ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 422, Par. 5, p. 35.*

⁴⁸ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 423, p. 37.*

⁴⁹ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 430, p. 38.*

⁵⁰ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 301, p. 29.*

⁵¹ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 308, p. 30.*

⁵² *Supplemental Supplement to the Code of Iowa, 1915, Sec. 298, p. 28.*

⁵³ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 479, p. 40.*

⁵⁴ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 481, p. 41.*

⁵⁵ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 491, p. 42.*

⁵⁶ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 510-a, p. 43.*

⁵⁷ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 490, p. 41.*

was fixed at definite sums which depend upon the population of the county. It was also provided that the sheriff,⁵⁸ treasurer,⁵⁹ and auditor⁶⁰ should turn all official fees into the county treasury — the sheriff's mileage being excepted.

TOWNSHIP GOVERNMENT

That the township as a unit of local government is falling into decay is evidenced by the lack of legislation affecting it. One act relating to the duties of the township clerk was passed which requires that officer to post a statement of the receipts and disbursements of his office for the preceding two years instead of for the preceding year only as heretofore.⁶¹

MUNICIPAL LEGISLATION

Probably the most important municipal legislation enacted by the Thirty-sixth General Assembly was that providing for the adoption of the city manager plan. In fact two different manager plan acts were passed. The first provides that cities and towns, except those under the commission form of government and those of over 25,000 inhabitants, may by ordinance create the office of city manager and fix his duties, powers, and compensation. The manager is to be appointed by a majority vote of the council at a regular meeting and shall hold his office at the pleasure of the council. After the manager has been appointed the council may provide by ordinance that he "shall perform any or all of the duties incumbent upon the street commissioner, or manager of public utilities, cemetery sexton, city clerk and superintendent of markets, and that he shall superintend and inspect all improvements and work upon

⁵⁸ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 510-b, p. 44.*

⁵⁹ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 490-a, p. 42.*

⁶⁰ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 479-a, p. 40.*

⁶¹ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 578, p. 44.*

the streets, alleys, sewers, and public grounds of the city or town, and to perform such other and further duties as may be imposed upon him".⁶² This has sometimes been called the Clarinda plan.

The other city manager plan, which may be adopted by any city or town, has sometimes been designated as the Waterloo plan and is modelled more closely upon the manager plan as found in operation at Dayton, Ohio. Twenty-five percent of the voters of the city or town petition the council for an election to vote upon the adoption of the plan. If adopted in cities of 25,000 or more inhabitants, five councilmen are elected, and in cities and towns having less than 25,000 inhabitants three councilmen are elected; the terms of office are so arranged that all councilmen will not go out of office at the same time. The council when organized selects one of its own members as chairman, who is designated as mayor and recognized as the official head of the city or town, although he is limited in his activities. The members of the council, who serve without compensation, are required to meet at least once a month, and their meetings are open to the public. This council appoints a city manager, who must be a competent person and "who shall be the administrative head of the municipal government of the city or town in which he is appointed." Appointed without regard to political affiliations, the manager need not be a resident of the city or town at the time of his appointment. In the powers and duties of the manager there are found the essential provisions for a successful city manager plan.⁶³

Another important municipal act authorizes any city of 20,000 or over to establish a municipal court upon the petition of not less than fifteen percent of the qualified electors.

⁶² *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 679-1a to 679-4a, p. 46.

⁶³ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 1056-b to 1056-b26, pp. 86-95.

If adopted all minor courts, such as the police court, the mayor's court, the justice of the peace court, and the superior court in and for the territory within the municipal court district shall be abolished. There shall be one municipal judge for every 30,000 inhabitants or major fraction thereof; and the judge or judges as well as the clerk and bailiff are to be nominated at a non-partisan city primary and elected at a non-partisan city election for a term of four years. The judges of the municipal court must be qualified electors and residents of the municipal court district, and they must be practicing attorneys at law. The same person may act as judge and clerk of the municipal court; and a member of the police force may act as bailiff. Such courts will have no special term, but must be open for business the whole year round.

The jurisdiction of this municipal court is concurrent with the district court in all civil matters where the amount in controversy does not exceed \$1000, except in matters of probate, actions for divorce, alimony, separate maintenance, and those cases directly affecting the title to real estate and juvenile proceedings. But this court has no power to grant injunctions, except where the issuance of the writ is auxiliary to the other relief which is demanded and over which the court has jurisdiction. The criminal jurisdiction of the court is the same as that of the justice of the peace, mayor's, and police courts. It is a court of record. Appeals in civil actions may be taken directly to the Supreme Court; but in criminal actions the defendant has the right of appeal to the district courts the same as he would have from the justice of the peace and the police courts. This act contains fifty-one sections and occupies twelve printed pages in the *Supplemental Supplement*.⁶⁴

Commission-governed cities of the second class, where the

⁶⁴ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 694-c1 to 694-c51, pp. 47-58.

census enumerator's report to the county auditor shows a population of 15,000 or more, may proceed to elect a police judge the same as if the Executive Council had canvassed the census and certified the same as official.⁶⁵ Vacancies occurring in the council of cities under special charter can no longer be filled by the remaining members unless such vacancy occurs within sixty days of a regular election. In all other cases a special election must be held to fill the vacancy.⁶⁶

Again, cities of 15,000 or over acting under the commission plan *must* provide for civil service commissioners; while cities of over 2000 and less than 15,000 operating under this plan *may* provide for civil service commissioners.⁶⁷

Cities and towns were given authority to regulate and license jitney busses and all motor vehicles operating on the streets and carrying passengers for hire. The owners or operators of such jitneys may be required to file with the city a proper indemnity bond for the protection of the city or public against damages resulting from negligence in the operation of such vehicles.⁶⁸

Cities of 5000 or over, if traversed by a stream two hundred feet wide, are given full control of the bridge fund levied and collected by law. The city is made liable for the defective construction of such bridges, and the county is relieved from liability.⁶⁹

Towns are now given authority to issue bonds for the construction of a town hall.⁷⁰ Municipal bonds may be is-

⁶⁵ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1056-a26, p. 82.

⁶⁶ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 937 to 937-b, pp. 79, 80.

⁶⁷ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1056-a32, p. 83.

⁶⁸ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 754-a, p. 64.

⁶⁹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 758, p. 64.

⁷⁰ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 741-f, p. 62.

sued in sums of not less than \$20 nor more than \$1000. The minimum limitation has heretofore been \$100.⁷¹

The publication of the proceedings of the city or town council is now required. Heretofore the clerk published them only when ordered to do so by the council.⁷²

In addition to the municipal legislation mentioned above, numerous legalizing acts were passed for the benefit of particular cities; and there was considerable legislation couched in general terms that in fact applies to but one city.

PUBLIC UTILITIES

Public utility legislation fared no better in the Thirty-sixth General Assembly than at previous sessions. Numerous proposals for the regulation of public utilities were introduced, but most of them were defeated or lost in the sifting committee.

Towns were permitted to levy a tax of not over five mills in any one year for gas and electric light or power plants.⁷³ The limit of the indebtedness of companies manufacturing gas, heat, steam, or electricity, or constructing or operating interurban or street railways was placed at twice the paid-up capital.⁷⁴ Moreover, the power of the board of supervisors was extended in granting permission to lay water mains or pipes in the public highway to any source of water supply.⁷⁵

HIGHWAY COMMISSION AND GOOD ROADS LEGISLATION

Iowa is still struggling for good roads, and the belief is growing that permanent good roads will be built only under the supervision of the State government. In 1913 the

⁷¹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 726, p. 61.

⁷² *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 687-a, p. 47.

⁷³ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 894, Par. 8, p. 77.

⁷⁴ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1611, p. 133.

⁷⁵ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1527-b, p. 115.

Thirty-fifth General Assembly reorganized the State Highway Commission, gave it important powers, and supplied it with adequate funds. The activities of this Commission aroused considerable opposition among county and township officers, who objected to being told by a State authority what to do and how to do it. The result was that when the Thirty-sixth General Assembly met in January, 1915, there developed a strong movement to abolish the State Highway Commission, led by Representative James F. Johnston of Lucas County.⁷⁶ The Johnston Bill passed the House by a vote of 64 to 43, but was indefinitely postponed in the Senate.⁷⁷ The friends of the State Highway Commission were not only able to save the legislation of 1913, but they insisted that they had put more "teeth" into it before the close of the session of 1915.

The members of the State Highway Commission were each put under \$5000 bond, and in addition to the compensation allowed them by law they will now be given their necessary traveling expenses — but they shall not incur any expense to the State by sending out road lecturers.

Additional power was given this Commission to make plans for and estimates of the cost of the elimination of danger at railroad crossings and to assist the county board of supervisors and the Attorney General in the defense of patent suits relative to road and bridge construction.

The powers of the Commission to remove county engineers was amended so that this officer may now be removed by the board of supervisors for cause and by the State Highway Commission for incompetency only. The term of the county engineer is now fixed at one year.

The State Highway Commission is made the final arbiter

⁷⁶ See House File No. 282.

⁷⁷ See *Journal of the House of Representatives of the Thirty-Sixth General Assembly*, pp. 982, 985, 986; also *Journal of the Senate of the Thirty-Sixth General Assembly*, p. 1414.

between the city and the county where they can not agree upon the improvement of roads located on the corporate line.

The board of supervisors may make application to the Highway Commission for changes in the established county road system when such changes are proposed for the purpose of eliminating dangerous crossings or curves or where such changes would decrease the cost of maintenance. Moreover, the board of supervisors is required to construct and maintain permanent culverts as well as bridges, all of which will now be paid for out of the county bridge fund. The same authority may add to the county road system from the township road system such roads as will materially shorten the direct lines of travel between market towns. Nor are the supervisors any longer required to publish a resolution of necessity in order to build bridges or culverts the cost of which exceeds \$300.

Township trustees in designating the township roads to be dragged are now required to include all roads in consolidated school districts and all mail routes.

The State Highway Commission can not refuse to approve plans and specifications for cuts and fills if such plans propose to decrease the hills or inclines at least twenty percent of the existing incline.⁷⁸

The right of the board of supervisors to purchase or condemn land where necessary to prevent streams from encroaching upon a public highway was repealed;⁷⁹ but the supervisors may provide for the drainage of public highways,⁸⁰ and on the petition of ten freeholders of any county or the recommendation of the county engineer they may

⁷⁸ *Supplemental Supplement to the Code of Iowa, 1915, Secs. 1527-s to 1527-s16, pp. 118-125.*

⁷⁹ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 1527-a, p. 115.*

⁸⁰ *Supplemental Supplement to the Code of Iowa, 1915, Secs. 1989-b to 1989-b13, pp. 171-174.*

change the course of any part of any road or stream within the county in order to avoid unnecessarily expensive bridges, grades, or railroad crossings or to cut off dangerous corners.⁸¹

Cities of 2000 or more population may pave such streets as in the judgment of the council constitute main traveled ways into and out of such cities.⁸² Cities and towns of less than 8000 inhabitants may levy a tax of not more than one mill on the dollar to be used for dragging the roads or streets of such city or town and for no other purpose.⁸³

Weeds along the highways and in other places are now required to be cut two weeks earlier than heretofore.⁸⁴ They will probably be allowed to go to seed as usual.

MOTOR VEHICLES

The general use of motor vehicles is largely responsible for good roads legislation; and so the motor vehicle legislation and good roads legislation may well be considered under the same heading. Registration of motor vehicles seems to be a universal practice, and State legislatures have been obliged to enact considerable legislation that will prevent evasion and at the same time inconvenience the owner as little as possible. In Iowa the application for the registration of motor vehicles will no longer need to be verified, and when a car has once been registered future applications only need to contain the name of the owner, with postoffice address and residence, former registration number, factory number, and number of the car.⁸⁵

⁸¹ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 1527-r1 to 1527-r7, pp. 115-118.

⁸² *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 840-h to 840-i, pp. 69, 70.

⁸³ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 887-a, p. 75.

⁸⁴ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1565-a, p. 125.

⁸⁵ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1571-m2, p. 126.

Unpaid fees for registering a motor vehicle are made a lien against the motor vehicle until paid with accrued penalties. On May 1st of each year the Secretary of State is directed to send to the county attorney of each county a list of delinquent fees in his county; and it is made the duty of the county attorney to collect the same and all penalties provided by law. The county attorney is entitled to keep ten percent of the fees and penalties so collected. The sheriff is also given power to seize cars not properly registered and for which the fees have not been paid for the purpose of enforcing the lien against such cars.⁸⁶

The Executive Council is required to buy automobile number plates under contract let to the lowest bidder or have them made at a State institution under the Board of Control;⁸⁷ but after January 1, 1916, all motor vehicles are to have permanent number plates for a period of three years.⁸⁸

In order that no one should escape registration, the auto dealers are required to notify the Secretary of State of each car sold, giving the name and address of the purchaser, date when sold, make of the car, and factory number.⁸⁹

Ninety percent of the motor vehicle license money will now be apportioned among the several counties of the State in the same ratio as the number of townships in the several counties bears to the total number of the townships of the State. The county treasurer must pay a portion of the county's share of this motor vehicle money to the cities within the county, but not exceeding ten percent, for improving the unimproved streets and roads connecting di-

⁸⁶ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1571-m7, pp. 127, 128.

⁸⁷ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1571-m5, pp. 126, 127.

⁸⁸ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1571-m12, p. 129.

⁸⁹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1571-m14, pp. 129, 130.

rectly with the county or township road systems. The State Highway Commission will hereafter receive but five instead of eight percent of the motor vehicle tax for its purposes.⁹⁰

PUBLIC HEALTH

The Bacteriological Laboratory of the College of Medicine at the State University of Iowa is required to make all analyses of water, when so requested, without charge except for transportation and actual cost of examination, not to exceed two dollars. The laboratory is also authorized to determine the source of epidemics of disease and to suggest methods of overcoming such epidemics and report thereon to the Secretary of the State Board of Health.⁹¹ The appropriation of \$5000 for the "Epidemiology Laboratory" was transferred to the Bacteriological Laboratory, and all the laboratory work of the State Board of Health must now be done at or through the Bacteriological Laboratory at Iowa City.⁹²

Whooping cough, measles, mumps, and chickenpox must now be reported to the local board of health, and a warning card bearing the name of the disease must be placed on the house of the patient. This is declared not to be a quarantine but only a warning.⁹³

Cities and towns are allowed to levy an extra two mills for sewer outlets and purification plants;⁹⁴ they are also given the right to control streams and surface waters flowing into sewers.⁹⁵ They may likewise provide for the estab-

⁹⁰ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1571-m32, pp. 131, 132.

⁹¹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2575-a7, p. 235.

⁹² *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2575-a9, p. 235.

⁹³ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2571-1a to 2571-3a, p. 234.

⁹⁴ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 840-g, p. 69.

⁹⁵ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 881, p. 75.

lishment of sanitary districts for the collection and disposal of garbage, for oiling and sprinkling, and for flushing and cleaning streets.⁹⁶

PUBLIC SAFETY

A number of provisions in addition to and intended to strengthen the law relative to protection against fire were enacted providing a schedule of fire escapes based on the average number of persons occupying or using the building and on the character of the construction of the building. Fire escapes are classified, and the construction and location of each class is prescribed according to the construction of the building. The doors of practically all buildings where people assemble are required to open outward and must not be fastened against exit or so they can not be easily opened from within. The chief of the fire department, the mayor, and the chairman of the board of supervisors are required to inspect the fire escapes within their jurisdiction, except such buildings as hotels and factories which are especially inspected.⁹⁷

Fire escapes must now be placed on all hotels even if less than three stories in height,⁹⁸ and additional fire escapes must be provided for on hotels of three or more stories hereafter constructed.⁹⁹ Additional fire escapes are likewise provided for in hotels having rooms opening into a court or light-well.¹⁰⁰

PUBLIC PARKS

The park and playground movement is rapidly invading even the rural communities. Townships are now authorized

⁹⁶ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 696-b, p. 59.

⁹⁷ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 4999-a6 to 4999-all, pp. 336-341.

⁹⁸ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2514-i, p. 215.

⁹⁹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2514-o, p. 216.

¹⁰⁰ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2514-n, pp. 215, 216.

to levy a tax for the necessary improvement and maintenance of public parks acquired by gift, devise, or bequest.¹⁰¹

Cities and towns may permit soldiers' monuments or memorial halls to be erected in any public park or public ground of the city or town;¹⁰² or such monuments or halls may be erected upon grounds held in trust by a river front improvement commission.¹⁰³

Public squares or plats of ground may be given over to school purposes in towns which have discontinued organization or failed to exercise their municipal powers for a period of more than ten years.¹⁰⁴

An act intended no doubt for the benefit of Davenport, as the bill was introduced by a representative from that city, provides that cities under special charter now or hereafter having a population of 25,000 or over (there are but two such in the State) shall have power to place by ordinance the exclusive charge, custody, and control of all property outside the lot or property lines and inside the curb lines in the hands of park commissioners. Power may also be conferred upon the park commissioners in such cities to determine the location of permanent sidewalks outside of the property lines. The park commissioners in such cities may also be given charge and control of all trees, shrubbery, flowers, and grass outside the property lines and they may plant, cut, prune, remove, transplant, spray, and care for the same.¹⁰⁵

PLAYGROUNDS

All cities in Iowa are authorized to provide one or more playgrounds and may issue bonds for the purchase of such

¹⁰¹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 586, p. 44.

¹⁰² *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 850-o, p. 72.

¹⁰³ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 879-o1, p. 73.

¹⁰⁴ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 932, pp. 78, 79.

¹⁰⁵ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 997-a to 997-c, p. 81.

grounds; and the city council shall appoint a woman peculiarly fitted for such work, who shall be known as "Playground Superintendent", and who shall have charge of the playgrounds and control over the children playing thereon. The council may also adopt rules and regulations for such playgrounds.¹⁰⁶

Another important playground act reads as follows:

The school board in cities including cities under special charters and commission form, having a population of twenty thousand or more, is hereby empowered to purchase or lease for educational purposes a tract of land outside of the boundaries of such city, for a school garden or school farm in like manner and under the same restrictions as in the case of school property in the said city and to erect suitable buildings thereon, and to furnish the same, and to appoint managers in a suitable manner. The said tract of land to be maintained for the purpose of providing a summer home for pupils of the city who may desire to continue their study all the year round, and for supplying to them an opportunity to perform productive work in such vocational lines as agronomy, olericulture, viticulture, apiculture, pomology, agriculture, and the auxiliary arts, carpentry, masonry, and any other wholesome and voluntary employment, and to diversify such work with open air exercises and recreations of both physical and intellectual character; also for enabling the pupils of the elementary schools and of the high school opportunities for visitation and observational study at all seasons in connection with their school work; it being the intent and purpose of this statute to develop in the state of Iowa the educational principle and work commonly comprised in the name "Park Life", as exemplified experimentally and discussed educationally and sociologically in this state.

Where such school garden or school farm is maintained, the said school board shall seek to correlate its functions with the regular work of the schools in the most practical and efficient manner.¹⁰⁷

An act which seems to have been passed for the benefit of Council Bluffs states that any city which prior to July 1,

¹⁰⁶ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 879-r to 879-w, pp. 73, 74.

¹⁰⁷ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2823-u7, p. 267.

1880, received from the United States a grant to the title of a meandered lake within its corporate limits for recreation and park purposes and has devoted the lake to such uses for more than twenty years, may by so certifying to the county auditor cause to be collected for the ensuing five years an additional tax not exceeding one-half mill on the dollar for the purpose of improving such lake.¹⁰⁸ Another act relating to meandered lakes with a view to retaining them for recreation purposes is of more importance. It provides for a survey of such lakes by the State Highway Commission and for the classification of those which should be preserved, drained, and retained by the State, and those which should be drained and sold.¹⁰⁹

CEMETERIES

Cities and towns are authorized to levy a tax of not over one mill on the dollar in any one year for the purchase of land for cemetery purposes.¹¹⁰ For the purpose of permanently marking and designating certain graves for memorial purposes, the soldiers' relief commission in any county may furnish appropriate metal markers to be placed on the grave of each soldier, sailor, or marine buried within the county, who served with honor in the forces of the United States.¹¹¹

Again, the record-keeping officer of any cemetery within the State is required to make and keep a permanent record of all interments made in such cemetery, which record is to be open to public inspection at all times. The record kept must consist of a copy of the certificate of death and a

¹⁰⁸ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 850, p. 72.

¹⁰⁹ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2900-b to 2900-e, pp. 272, 273.

¹¹⁰ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 880, p. 75.

¹¹¹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 434-a, p. 38.

record of the exact location of each grave on the cemetery lot.¹¹²

CHILD WELFARE

The conservation movement has rather tardily taken in the children. Considerable legislation relating to child labor was enacted by the Thirty-sixth General Assembly, but the so-called child welfare bill which proposed to maintain a child welfare station at the State University failed to pass.

Children under fourteen years of age are prohibited from working in a livery stable, garage, place of amusement, or in the distribution or transmission of merchandise or messages, unless such establishment or occupation is owned or operated by their parents.¹¹³

No person under sixteen years of age can be employed at any of the places or in any of the occupations in which children under fourteen years of age are forbidden to work, before seven A. M. nor after six P. M. nor for more than eight hours in any one day, nor for more than forty-eight hours in any one week. The exemption in favor of canning factories, provided for in Sec. 2477-c of the *Supplement to the Code of Iowa, 1913*, is now withdrawn.¹¹⁴ Nor shall any person under the age of eighteen years be employed in the transmission, distribution, or delivery of goods or messages between the hours of ten P. M. and five A. M. in any city of 10,000 or more inhabitants.¹¹⁵

In addition to the occupations prohibited to persons under sixteen years of age, such persons are not allowed to work "in or about any mine during the school term, hotel,

¹¹² *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 587 to 587-b, p. 45.

¹¹³ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2477-a, p. 206.

¹¹⁴ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2477-c, p. 207.

¹¹⁵ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2477-c, p. 207.

bowling alley, pool or billiard room, or in occupations dangerous to life or limb''. Women under twenty-one years of age can not now be employed where they must remain constantly standing.¹¹⁶

No boy under eleven nor girl under eighteen shall be employed, permitted, or suffered to work at any time in any city of 10,000 or more inhabitants in or in connection with the street occupations of peddling, boot-blackening, the distribution or sale of newspapers, magazines, periodicals, or circulars, nor in any other occupation in any street or public place. Upon recommendation of the superintendent of public schools, the judge of the superior or municipal court may grant a work permit under certain conditions, and one having such work permit must wear a badge showing that he is licensed.¹¹⁷

No one is permitted to be employed who is under sixteen years of age, unless the employer keeps on file a work permit and two complete lists of the names and ages of such children under sixteen years of age, one of which lists shall be conspicuously posted near the principal entrance of the place where such children are employed.¹¹⁸

As a part of the legislation dealing with the juvenile court an act was passed which should perhaps be considered under child welfare. It provides for a hearing where it is alleged that a child under sixteen years is afflicted with some deformity or suffering from some malady that can probably be remedied; and if the parents or guardian are unable to provide the proper surgical and medical treatment and hospital care, then the judge may enter an order with the consent of the parents or guardian directing that the child be taken or sent to the hospital of the Medical

¹¹⁶ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2477-b, p. 207.*

¹¹⁷ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2477-a1, pp. 206, 207.*

¹¹⁸ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2477-d, p. 207.*

College of the State University for free medical and surgical treatment and hospital care. The Board of Control may send any inmate of any institution under its care to the hospital without a court order. Children so sent can not be treated for any ailment except such as is described in the order of the court without the parents' consent.¹¹⁹

LABOR LEGISLATION

The most important piece of labor legislation enacted by the Thirty-fifth General Assembly was the so-called Employer's Liability and Workmen's Compensation Act,¹²⁰ which overthrew the doctrine of contributory negligence if the employer refused to accept the provisions of the statute; while he is entitled to plead contributory negligence on the part of the employee if the employee rejects the provisions of the act.

An act of the Thirty-sixth General Assembly declares "that in all actions brought in the courts of this state to recover damages caused by the negligence of the defendant, the burden of proving contributory negligence shall rest upon the defendant." The act applies only to actions brought by an employee against his or her employer, or by a passenger against a common carrier in which cases of contributory negligence may be pleaded in mitigation of damages.¹²¹

A State Free Employment Bureau was established and placed under the Commissioner of the Bureau of Labor Statistics. It is the duty of this bureau to send classified lists of applicants for work as well as those desiring to employ labor to the auditors of the several counties and to the clerks of all cities or towns having a population of over

¹¹⁹ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 254-b to 254-l, pp. 24-28.

¹²⁰ *Laws of the Thirty-Fifth General Assembly*, Ch. 147.

¹²¹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 3593-a, p. 306.

five hundred. Such lists are to be sent out at least once each month and must be posted in an accessible and conspicuous place.¹²²

The Commissioner of Labor is also authorized, with the consent of the Executive Council, to issue bulletins containing information of importance to the industry of the State and to the safety of wage-earners.¹²³

After November 1, 1916, all motor cars used for the transportation of passengers must be equipped with vestibules enclosing front and rear platforms on all sides, between November 1st and April 1st. Such vestibules must be heated and provided with seats for the use of the motor-men and conductors.¹²⁴

Railways are required to pay their employees at least semi-monthly.¹²⁵

The law relative to safety appliances in factories was strengthened.¹²⁶

DEPENDENTS

The act of the Thirty-fifth General Assembly relative to the care of patients in advanced stages of tuberculosis was repealed and a new law enacted by which the approval of the State Board of Control is necessary before the county supervisors can provide for the care and treatment of such persons.¹²⁷

The per capita support for each child in the Soldiers' Orphans' Home was raised from twelve to fourteen dollars per month;¹²⁸ and the counties are now made liable to the

¹²² *Supplemental Supplement to the Code of Iowa, 1915, Secs. 2477-g1 to 2477-g3, pp. 209, 210.*

¹²³ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2470, pp. 205, 206.*

¹²⁴ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 768-h, p. 65.*

¹²⁵ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2110-b1, p. 182.*

¹²⁶ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 4999-a5, p. 336.*

¹²⁷ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 409-t3, p. 33.*

¹²⁸ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2691, p. 246.*

extent of seven dollars per month, instead of six, for each child, except the children of soldiers, supported in the Soldiers' Orphans' Home.¹²⁹

The so-called omnibus appropriation bill sets aside the sum of \$5000 for the purpose of defraying the expenses incurred for medical attention and treatment of friendless girls in maternity cases when such girls are patients in certain homes for friendless women in Iowa.¹³⁰ Four instead of three State agents are now authorized to find suitable homes, positions, and employers for inmates of the Soldiers' Orphans' Home, the Industrial School, and the Iowa Industrial Reformatory for Females. The appropriation for the salaries and expenses of these agents was increased to \$7000.¹³¹ Finally, a chaplain was provided for the Soldiers' Home.¹³²

DEFECTIVES

The act of the Thirty-fifth General Assembly providing for a State colony for epileptics was expanded, and further provision was made for the regulation, management, and discipline of the patients at this institution, which will hereafter be known as "The State Hospital and Colony for Epileptics".¹³³

The board of supervisors is authorized to pay \$150 per year to blind male persons twenty-one years of age and to blind females eighteen years of age, except charges of any charitable institution of this State or of any county or city thereof, or those whose income is more than \$300 per an-

¹²⁹ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2692, p. 246.*

¹³⁰ *Appropriation Acts and Joint Resolutions Passed at the Regular Session of the Thirty-Sixth General Assembly of the State of Iowa, p. 31, Sec. 20.*

¹³¹ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2692-a, pp. 246, 247.*

¹³² *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2604, p. 239.*

¹³³ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2727-a96, pp. 255-257.*

num, or persons who have not resided within the State of Iowa continuously for five consecutive years and in their respective counties one year before applying for such aid.¹³⁴

The Board of Control or its secretary is given full power to examine all parts of the insane hospitals of the State, and to examine the food served. Each patient in such hospitals is guaranteed the right to talk to the hospital visitor alone. The Board of Control may appoint a woman to visit the insane hospitals at a per diem compensation of four dollars and necessary traveling expenses.¹³⁵

The inmates of the hospital for inebriates will now receive one dollar per day for their labor instead of seventy cents, of which fifty cents instead of twenty cents is to be sent to those dependent upon them for support or saved for the individual and paid to him at his release.¹³⁶

The act of the Thirty-fifth General Assembly which provided for the sterilization of inmates of the institutions under the Board of Control, under certain prescribed conditions, was declared to be unconstitutional by the Federal District Court in the case of *Davis vs. Berry* (216 Federal Reporter 413). Accordingly a law was enacted which applies only to inmates of the State hospitals for the insane, and can be administered only upon the consent of wife or husband, parent, guardian, or next of kin.¹³⁷

Provision is made for the transference of insane convicts from the penitentiary at Fort Madison and the reformatory at Anamosa to the department for the criminally insane in the reformatory at Anamosa.¹³⁸

¹³⁴ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2722-i to 2722-p, pp. 252, 253.

¹³⁵ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2727-a11, pp. 253, 254.

¹³⁶ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2310-a37, p. 191.

¹³⁷ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2600-s1 to 2600-s5, pp. 238, 239.

¹³⁸ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 5709-a to 5709-c, p. 355.

DELINQUENTS

The industrial reformatory for women at Anamosa was abolished, and provision was made for the establishment of such an institution elsewhere — the location to be determined by the Board of Control. The institution will be under the Board of Control, but the immediate management thereof is vested in a woman superintendent appointed by the board at a salary of not to exceed \$2000 per year. In addition to those sentenced by the judges of the district and superior courts, justices of the peace may commit all women sentenced to thirty days to this reformatory as long as they can be accommodated. When the reformatory is ready for occupancy all women now confined at the Anamosa reformatory are to be removed to it. The reformatory is chiefly intended for girls and women over sixteen years of age who have been sentenced to imprisonment, but those under sixteen and over twelve years of age may be placed in the industrial school for girls or in the reformatory for females as the court may see fit.¹³⁹

The contract system of labor in the penal institutions of the State was abolished, and the inmates of such institutions may now be employed only for State use and on public works; but no service shall be rendered by the inmates of such institutions for any person, firm, or corporation at a less wage than is paid to free labor for a like service. The Board of Control may make rules for the disposition of money earned by the inmates. Additional provisions for "good time" were made for inmates employed outside the walls of the institution to which they have been sentenced.¹⁴⁰

The per capita allowance for boys in the industrial school was increased to fourteen dollars per month.¹⁴¹

¹³⁹ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2713-n1 to 2713-n19, pp. 248-252.

¹⁴⁰ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 5718-a11, 5718-a11a to 5718-a11c, pp. 357, 358.

¹⁴¹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2713, p. 248.

The warden of the reformatory at Anamosa was authorized to employ two or more competent persons to hold religious services and give spiritual counsel and advice to the inmates of the institution. The cost of such services and advice is not to exceed \$1440 per year.¹⁴²

LIQUOR LEGISLATION

For some years a growing hostility towards the liquor business has been manifest in the General Assembly of Iowa. This anti-liquor sentiment seems to have culminated in the Thirty-sixth General Assembly in the passage of a number of acts designed to wholly abolish the liquor business in Iowa. In the first place the so-called Mule Law, under which the liquor business has been conducted in Iowa for many years, was repealed to take effect January 1, 1916.¹⁴³ The effect of this repeal is to revive statutory prohibition throughout the State. Moreover, by joint resolution of the two houses a prohibitory amendment to the Constitution of the State is proposed.¹⁴⁴ Like all proposed constitutional amendments, this proposition must be adopted by the next succeeding General Assembly before being submitted to the people. In the meantime statutory prohibition will be in force.

In order to make statutory prohibition effective, a number of so-called "law enforcement" acts were passed, the most important of which may be briefly mentioned. Judges of the district and superior courts of the State are authorized to issue search warrants for the seizure of liquor,¹⁴⁵ and are given jurisdiction in the matter of serving notices,

¹⁴² *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 5716, p. 356.

¹⁴³ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2448-a, p. 201.

¹⁴⁴ *Appropriation Acts and Joint Resolutions Passed at the Regular Session of the Thirty-Sixth General Assembly of the State of Iowa*, Senate Joint Resolution No. 6, p. 38.

¹⁴⁵ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2413, pp. 196, 197.

trial, and judgment in liquor cases.¹⁴⁶ When a person has been enjoined against selling liquor the injunction is effective throughout the State, instead of only in the judicial district as heretofore.¹⁴⁷ Those who violate an injunction of the court against the selling of liquor a second time are more severely punished than are first offenders.¹⁴⁸ Indeed, anyone convicted a second time for violation of the liquor laws of the State is deemed a persistent violator of such laws and sentence for each subsequent violation of the law shall be imprisonment in the State penitentiary or State reformatory for not more than one year.¹⁴⁹

It is made unlawful for any railroad, express company, or other common carrier, or for any person, corporation, steamboat, or steamboat line to carry intoxicating liquor into the State or from one point to another within the State for the purpose of delivering the same to any person, company, or corporation within the State except for lawful purposes.¹⁵⁰ All common carriers must keep a detailed record of all liquor handled and must not deliver any liquor to any person but the consignee and then only after he has receipted for it in ink, in legible writing, in a book kept for that purpose, giving his full name and complete address and certified that such liquor is for his own lawful purposes or private consumption.¹⁵¹ This record must be kept open for the inspection of any peace or law enforcing officer.

In addition to the definition of bootlegger given in the *Supplement to the Code of Iowa, 1913*, anyone who accepts

¹⁴⁶ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2415, pp. 197, 198.

¹⁴⁷ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2405, p. 195.

¹⁴⁸ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2407, p. 196.

¹⁴⁹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2461-m, p. 205.

¹⁵⁰ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2421-a, p. 198.

¹⁵¹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2421-b, p. 198.

any order for the sale, shipment, or delivery of intoxicating liquor in violation of law shall be considered a bootlegger.¹⁵² Carrying intoxicating liquor upon one's person or in any hand baggage, suit case, or otherwise upon any railroad, street railway, or interurban car for unlawful purposes is declared to be a misdemeanor.¹⁵³

The permission extended to traveling salesmen by the *Supplement to the Code of Iowa, 1913*, Sec. 2382, to solicit orders from persons legally authorized to sell or dispense intoxicating liquors is now withdrawn.¹⁵⁴ Moreover, the collection of payment for liquor sold or shipped within the State to be used for illegal purposes is prohibited.¹⁵⁵ All existing resolutions of consent expire January 1, 1916.¹⁵⁶ And finally, to insure the enforcement of these laws, despite the opposition or indifference of local authorities, the four special agents appointed by the Governor will have full power and authority to make arrests, file information, and otherwise enforce the laws of the State. In addition the so-called Cosson Law will subject local officers to removal for failure or neglect to perform their duties in the enforcement of law. Thus the anti-liquor forces have endeavored to make statutory prohibition effective in the State of Iowa.

EDUCATION

Under this heading legislation affecting the public school system of the State only is considered. Legislation affecting the institutions of higher learning relates chiefly to appropriations and is separately considered.

Probably the most welcome piece of legislation, at least

¹⁵² *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2461-a, p. 203.

¹⁵³ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2461-g1, p. 203.

¹⁵⁴ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2382, p. 194.

¹⁵⁵ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2423-a, p. 199.

¹⁵⁶ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2461-i, p. 204.

to the school men of the State, is the act authorizing the board of directors of any independent school district of any city or town to elect a superintendent of schools for a term not to exceed three years, after he has served in such a position for one year.¹⁵⁷ The provision of the *Code of 1897* which permitted county superintendents to hold their office without possessing a five-year State certificate or life diploma up to September 1, 1918, was repealed.¹⁵⁸

Additional provisions relative to the consolidation of independent districts were made,¹⁵⁹ and the total State aid to consolidated schools was increased from \$30,000 to \$100,000 annually.¹⁶⁰ The law relative to the attendance of pupils at high schools outside of their home districts was amended as to the amount of tuition to be paid under certain circumstances.¹⁶¹

Candidates for a certificate of graduation from high school normal courses who fail are permitted to re-take the examinations by paying an additional fee of one dollar;¹⁶² and those attending a twelve-weeks normal training summer school are permitted to take their examination for the teachers' certificate on the last Friday of August and the Wednesday and Thursday preceding, instead of at the times regularly prescribed by law.¹⁶³

PUBLIC LIBRARIES

Very little legislation relative to public libraries was passed by the Thirty-sixth General Assembly. Indeed, the

¹⁵⁷ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2778, pp. 261, 262.

¹⁵⁸ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2734-b, p. 259.

¹⁵⁹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2794-a, p. 262.

¹⁶⁰ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2794-g, pp. 265, 266.

¹⁶¹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2733-1a, pp. 257-259.

¹⁶² *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2634-b6, p. 244.

¹⁶³ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2734-c, p. 260.

only acts of importance increase the annual appropriations for the State Library Commission from \$11,000 to \$15,000,¹⁶⁴ and grant permission to cities and towns to determine for themselves whether the board of library trustees shall consist of five, seven, or nine members.¹⁶⁵ Heretofore all except commission-governed cities had nine trustees.

ENCOURAGEMENT OF AGRICULTURE

The State accepted the provisions of the Federal Act of May 8, 1914, providing for coöperative agricultural extension work between the agricultural colleges and the United States Department of Agriculture, and the State Board of Education was authorized to accept any grants of money under the act and to organize and conduct agricultural and home economics extension work which shall be carried on in connection with the Iowa State College of Agriculture and Mechanic Arts.¹⁶⁶

Domestic science is included in the purposes for which county agricultural, animal husbandry, and horticultural societies may be organized. Such corporations shall have power to establish and maintain a permanent agricultural school in which the science of agriculture, horticulture, animal husbandry, and domestic economy shall be taught.¹⁶⁷ The amount of State aid to county agricultural societies or county fairs was increased.¹⁶⁸

Several additional acts and minor amendments to the chapters of the *Code* relating to levees, ditches, and drainage were passed by the Thirty-sixth General Assembly.¹⁶⁹

¹⁶⁴ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2888-h, p. 270.

¹⁶⁵ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 728, p. 61.

¹⁶⁶ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2682-y1, pp. 245, 246.

¹⁶⁷ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 1683-a to 1683-c, pp. 138, 139.

¹⁶⁸ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1661-a, p. 138.

¹⁶⁹ *Supplemental Supplement to the Code of Iowa, 1915*, Chs. 2-A, 2-B, pp. 161-174.

ANIMAL AND PLANT HUSBANDRY

For the purpose of encouraging the dairy and beef-cattle industries in Iowa, provision was made for the official recognition of the Iowa State Dairy Association and the Iowa Beef Cattle Breeders Association, both of which are authorized to employ two or more competent persons who are to devote their entire time to making inspections and giving instruction for the benefit of these industries. Such inspectors receive a salary of not to exceed \$1800 per year. An appropriation of \$7500 was made to each association.¹⁷⁰

The State Hog Cholera Laboratory at Ames is directed to furnish serum to any practicing veterinarian at the approximate cost of manufacture.¹⁷¹ The director of said laboratory is vested with power to declare the standard degree of potency of hog cholera serum and no such serum can be offered for sale within the State without first obtaining a permit from the director of the laboratory and paying a fee of twenty-five dollars.¹⁷²

The law relative to the disqualifications of stallions and jacks was made more lenient.¹⁷³

The appropriation for the destruction of San Jose scale was increased from \$2000 to \$4500.¹⁷⁴

FISH AND GAME LEGISLATION

Considerable fish and game legislation was enacted by the Thirty-third General Assembly in 1909, but in compiling the laws for the *Supplement to the Code of Iowa, 1913*, it was discovered that the enrolled bill did not bear the signature

¹⁷⁰ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2528-f4 to 2528-f14, pp. 220, 222.

¹⁷¹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2538-w1, p. 223.

¹⁷² *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2538-w3, pp. 224, 225.

¹⁷³ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2341-h, p. 192.

¹⁷⁴ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2575-a52, p. 236.

of the Speaker of the House. According to the decision of the Supreme Court of Iowa in the so-called "Red Light Case" such legislation could no longer be enforced. By the Thirty-sixth General Assembly the law was reënacted with some changes and modifications. It was made lawful to spear carp, sucker, red horse, or buffalo at any time in the lakes, sloughs, bayous, and waters on the bottom lands and islands of the Mississippi River.¹⁷⁵ The State Fish and Game Warden or his deputies are authorized to seize, without warrant, and dispose of all fish-traps or seines wherever found.¹⁷⁶ Heretofore the legal length of all fish taken from the waters of the State was six inches; but now the legal lengths have been increased to eight, ten, and twelve inches according to the kind of fish.¹⁷⁷ No dam can be built across any of the waters of this State without having a fish-way constructed in accordance with plans and specifications prepared and furnished by the State Fish and Game Warden.¹⁷⁸

The game license law was reënacted and its provisions now require a license to trap fur-bearing animals or game,¹⁷⁹ and the season for taking protected fur-bearing animals was postponed one month;¹⁸⁰ but the attempt to require a license for fishing failed to pass. Resident aliens are now required to pay a license fee of ten dollars to hunt game within the State the same as non-residents, whereas the citizens of the State pay but one dollar.¹⁸¹

An entirely new feature of the fish and game laws of Iowa, and one which will need to be carefully guarded to

¹⁷⁵ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2540, p. 227.*

¹⁷⁶ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2540, p. 228.*

¹⁷⁷ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2540, p. 228.*

¹⁷⁸ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2548, p. 229.*

¹⁷⁹ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2563-a1, p. 234.*

¹⁸⁰ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2553, p. 230.*

¹⁸¹ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2563-a4, p. 234.*

prevent abuse, is a provision which permits persons, by taking out a two-dollar license from the State Fish and Game Warden, to breed and raise in captivity any game birds and to sell the same at any time alive or for food.¹⁸² Provisions similar to this in other States have resulted in the holders of such breeders' licenses becoming the vendors of a great amount of illegally taken game.

Iowa was one of the first States to put a limit upon the number of game birds which could be legally shot in any one day in the open season; but the limit fixed at twenty-five, back in the seventies still represented a fairly plentiful supply of game. It is evident that the bag limits on all game birds should be materially reduced, and the Thirty-sixth General Assembly made a noteworthy step in this direction by reducing the number of prairie chickens which may be shot by any one person in one day to eight and the number of quail to fifteen.¹⁸³ Pheasants, Hungarian partridges, and other imported game birds are protected until October 1, 1917.¹⁸⁴

PRACTICE OF THE PROFESSIONS

Chiropractors are said to have maintained a strong lobby during the session of the Thirty-sixth General Assembly in an attempt to gain legal recognition for their profession, but their efforts were in vain. Osteopathic physicians, however, were authorized to make medical examinations for life insurance policies.¹⁸⁵

Provision was made for the division of the State into three districts for the purpose of enabling the Commission of Pharmacy to better enforce the laws relating to the practice of pharmacy. One commissioner is to reside in each

¹⁸² *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2562-b, p. 233.

¹⁸³ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2552, p. 230.

¹⁸⁴ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2563-u, p. 234.

¹⁸⁵ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1783-b, p. 144.

district and see that the laws are enforced in his district.¹⁸⁶ Moreover, the Commissioners of Pharmacy are now to be paid \$1500 per year and necessary expenses like other State officers, instead of being on a per diem basis as heretofore.¹⁸⁷

PURE FOOD LEGISLATION

The appropriation for the Dairy and Food Commission was increased from \$21,000 to \$34,000 annually.¹⁸⁸ The law relative to the misbranding¹⁸⁹ and adulteration¹⁹⁰ of foods was strengthened, and vinegar was re-defined¹⁹¹ in the interest of the consumer.

TRADE AND COMMERCE

Provision was made for the adoption of a trade mark for Iowa butter.¹⁹² The Board of Control was directed to give preference to Iowa producers in the purchase of supplies when such preference can be given without loss to the State.¹⁹³

Scales were classified according to their maximum weights, and the fees for the inspection of scales were fixed accordingly. Products weighed upon scales bearing the inspection card of the Dairy and Food Commissioner may not be required to be reweighed by the ordinance of any city or

¹⁸⁶ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2584, p. 236.*

¹⁸⁷ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2587, p. 237.*

¹⁸⁸ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 4999-a31f, p. 346.*

¹⁸⁹ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 4999-a31c, pp. 344, 345.*

¹⁹⁰ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 4999-a31e, pp. 345, 346.*

¹⁹¹ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 4999-a31, pp. 343, 344.*

¹⁹² *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2515-f, pp. 219, 220.*

¹⁹³ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2727-a50, p. 254.*

town council, nor can the sale of products weighed on such scales at the weights so ascertained be prohibited or restricted.¹⁹⁴

The Chief Oil Inspector was directed to adjust from time to time the cost of the inspection of oils so that in addition to the cost of inspection it shall yield the sum of \$4,000, but in no case should the cost of inspection exceed seven cents per barrel. Gasoline containers must be painted red and plainly marked "gasoline" in such manner as the State Board of Health may prescribe.¹⁹⁵

BANKS AND BANKING

Every State bank, savings bank, or trust company organized under the laws of this State is authorized to become a member of the Federal Reserve Bank system;¹⁹⁶ and National banks when authorized by federal law may exercise the same powers and perform the same duties as are conferred upon trust companies and State and savings banks.¹⁹⁷

Savings banks "located in towns having a population of less than three thousand inhabitants"¹⁹⁸ must keep a cash reserve fund equal to fifteen percent of their sight and demand deposits, and eight percent of their savings deposits and time certificates having a fixed and definite time of maturity; and such banks operating in cities and towns of over three thousand inhabitants must keep a reserve fund

¹⁹⁴ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 3009-m to 3009-n, pp. 280, 281.

¹⁹⁵ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2505, pp. 212, 213.

¹⁹⁶ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1889-o, pp. 150, 151.

¹⁹⁷ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1889-d, pp. 149, 150.

¹⁹⁸ There are no towns of 3000 inhabitants according to the classification of municipal corporations in the *Code of 1897*. All incorporated communities of over 2000 inhabitants are cities of the second class.

equal to twenty percent of their sight and demand deposits and eight percent of their savings deposits and time certificates.¹⁹⁹ Savings or State banks are permitted to include their surplus as well as their actual paid-up capital in estimating the limit of their liability.²⁰⁰

Three additional bank examiners were authorized, making nine in all; and these examiners are now required to have had at least five years experience in the business of banking.²⁰¹

The so-called loan shark bill prohibits any one from charging a greater interest rate than two percent a month, but does not authorize a higher rate of interest than is now provided by law.²⁰²

INSURANCE

Two acts comprising fifteen sections in the *Supplemental Supplement to the Code of Iowa, 1915*, relate to the issuance of policies of fire insurance. One prohibits false or misleading representations by advertisements. The other prohibits the giving either directly or indirectly of any rebate, discount, or reduction of the premium.²⁰³

Fraternal beneficiary societies were permitted to re-incorporate into legal reserve or level premium companies;²⁰⁴ but no application for the appointment of a receiver for any fraternal beneficiary society or branch thereof shall be entertained by any court in this State unless the same is made by the Attorney General; nor can the At-

¹⁹⁹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1860, p. 148.

²⁰⁰ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1870, p. 148.

²⁰¹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1875, pp. 148, 149.

²⁰² *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 3041-a, p. 283.

²⁰³ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 1758-e to 1758-s, pp. 141-144.

²⁰⁴ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1798-b, pp. 144, 145.

torney General act until the Commissioner of Insurance has made an examination of such society.²⁰⁵

CORPORATIONS

The so-called "Blue Sky Law" enacted by the Thirty-fifth General Assembly was declared unconstitutional because it imposed a direct burden on interstate commerce, and denied privileges to citizens of other States which were granted to citizens of Iowa.²⁰⁶ This act was therefore repealed by the Thirty-sixth General Assembly and a new law was enacted which attempts to meet the objections of the courts to the old law.²⁰⁷

Any five persons may now organize themselves as a co-operative association, society, company, or exchange for the purpose of conducting any agricultural, dairy, mercantile, mining, manufacturing, or mechanical business. The provisions of this act are liberal for those transacting business on the coöperative plan.²⁰⁸

LEGISLATION AFFECTING RAILROADS

The determined attempt of the railroads to increase passenger rates in Iowa failed. At the same time an act was passed requiring railroads to pay their employees semi-monthly.²⁰⁹

Interurban railways are now empowered to acquire by condemnation the right of access to all necessary streams or

²⁰⁵ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 1839-m to 1839-o, p. 147.

²⁰⁶ *William R. Compton vs. Allen*, 216 Fed. 537.

²⁰⁷ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 1920-u1 to 1920-u22, pp. 151-160.

²⁰⁸ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 1641-r1 to 1641-r20, pp. 134-137.

²⁰⁹ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2110-b1 to 2110-b2, pp. 182, 183.

other sources for the purpose of supplying their power-houses with water.²¹⁰

An additional clause to Section 2125 of the *Code of 1897* defines the switching service of common carriers.²¹¹

An act which can apply only to Cedar Rapids provides that "any city of this state having not less than thirty thousand nor more than thirty-five thousand inhabitants according to the federal census of A. D. 1910" (Cedar Rapids is the only city which meets these provisions) may permit interurban railways to extend, construct, and operate their lines upon streets where railroad tracks are located; and such cities may compel the railroads to relocate their tracks so that the interurban railway may also use such streets, or require the railroad to permit the interurban railway to use such tracks and make such alterations in attachments to and connections with such railroad tracks so that the tracks may be used in common by electric and steam cars.²¹²

The Railroad Commissioners are required to devote their whole time to the duties of their office and their salaries were raised from \$2200 to \$3000 per year.²¹³

CRIMINAL LEGISLATION

No important additions appear to have been made to the criminal laws of the State by enactments of the Thirty-sixth General Assembly. The so-called "Red Light Law" was declared not to have been legally adopted, in the case of *State vs. Lynch* (151, N. W. 81), because of the failure of the Speaker of the House to sign the enrolled bill. The law was therefore reënacted with additions making the owner

²¹⁰ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2033-l to 2033-m, pp. 179, 180.

²¹¹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2125, pp. 183, 184.

²¹² *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2033-g to 2033-k, pp. 175-179.

²¹³ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 2121, p. 183.

or lessee of any building used for purposes of prostitution guilty of maintaining a public nuisance.²¹⁴

According to a new law newspapers will be liable only for actual damages in libel suits if the defendant can show that the matter charged to be libelous was published through mis-information or mistake — unless a retraction be demanded and refused, then the plaintiff may recover both actual, special, and exemplary damages if his cause of action be maintained.²¹⁵

The anti-tipping law which has frequently been characterized as a piece of freak legislation provides that those who accept, solicit, or give a tip are made liable to fine or imprisonment.²¹⁶

THE STATE MILITIA

Considerable additions were made to the military code of the State. The guard was reduced from four to three regiments. The term of office of the Adjutant-general and the Assistant Adjutant-general was made four years beginning July 4, 1915, and the Assistant Adjutant-general was given the rank of major instead of colonel. The salary of the Adjutant-general was raised from \$2200 to \$2700 per year, but when serving the United States under the call of the President he shall receive no compensation from the State.

The commissions of division, brigade, and regimental staff officers shall hereafter run for a period of eight years instead of being subject to revocation at any time by the appointing authority.

Each division, brigade, regimental, separate battalion, or separate squadron commander is now allowed the sum of

²¹⁴ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 4944-h1 to 4944-h11, pp. 331-335.

²¹⁵ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 3592-a, p. 305.

²¹⁶ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 5028-u to 5028-w, p. 347.

\$300 annually in lieu of all other expenses or charges. Increased allowances for armory rent and for expenses for drill were made; and the annual appropriation for the State militia was fixed at \$65,000, an increase of \$15,000.

Fines imposed upon members of the guard for absences from drill are to be collected by the county attorney; and when the Governor has ordered out the guard or any portion thereof, the sheriff or any peace officer may arrest any enlisted man who fails to report for duty and deliver him to his commanding officer wherever that officer may direct.

The Governor is given power to change the ranks of officers or terminate the enlistments of enlisted men or transfer such officers or enlisted men to any organizations of the guard when necessary to conform to the regulations of the war department governing the organized militia of the United States.²¹⁷

TAXATION

The movement begun a few years ago looking toward the revision of the tax system of the State has not yet borne much fruit. At the same time a few statutes of minor importance relating to taxation were enacted. To the already long list of exemptions the bonds or certificates issued by any municipality, school district, drainage district, or county are added.

The soldiers' exemption which has been rapidly increased in the last few years has now been raised from \$1200 to \$1500,²¹⁸ but in order to secure the benefit of the exemption the applicant must file with the assessor a statement, under oath, that he is the owner of the real property on which exemption is claimed.²¹⁹

²¹⁷ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 2215-f4, 2215-f14 to 2215-f17, 2215-f24, 2215-f25, 2215-f27, 2215-f31, 2215-f36, 2215-f42, 2215-f43, pp. 185-189.

²¹⁸ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1304, Pars. 1 and 7, pp. 107, 108.

²¹⁹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1304-1a, p. 108.

Electric transmission lines located wholly within the State and wholly or partly outside of cities or towns are to be taxed at a valuation fixed by the Executive Council; and such lines are not to be otherwise assessed except as to the part of their property which is located within a city or town.²²⁰

No penalty or interest, except for the first four years, shall be collected upon taxes remaining unpaid for four years or more from the thirty-first day of December of the year in which the tax-books containing the same were placed in the hands of the county treasurer.²²¹

Another act provides for the certification of delinquent taxes by the treasurer of one county to the treasurer of another county into which a delinquent has disposed of or removed property upon which taxes are due.²²²

In counties of less than 40,000 inhabitants the board of supervisors may levy a tax for ordinary county revenue of not more than six mills on the dollar.²²³

APPROPRIATIONS

The appropriation acts and joint resolutions passed by the Thirty-sixth General Assembly have been printed separately and are not included in the volume with the general laws. Nevertheless, an examination of the statutes reveals the fact that some of the general laws — such as the acts relative to the State militia and the Library Commission — carried appropriations which, in turn, are not to be found in the separate publication containing the appropriation acts.

²²⁰ *Supplemental Supplement to the Code of Iowa, 1915*, Secs. 1346-k to 1346-t, pp. 108-111.

²²¹ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1391, pp. 111, 112.

²²² *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1409, p. 113.

²²³ *Supplemental Supplement to the Code of Iowa, 1915*, Sec. 1303, p. 106.

Twelve different appropriation acts aggregating \$16,170 were passed to indemnify persons for injuries or death for which the State was declared to be responsible.

The bills for the educational institutions under the State Board of Education, for the institutions under the State Board of Control, and the bill for the payment of "state and judicial officers, state and other expenses" (the so-called omnibus bill) carry the largest appropriations. The educational institutions fared unusually well at this session of the General Assembly. Three appropriation acts relative to these institutions were passed. One act (H. F. No. 248) repeals the old millage tax and appropriates outright for two consecutive years, commencing July 1, 1915, the sum of \$150,000 annually for the State University and a like sum for the State Agricultural College, and \$75,000 for the State Teachers College, for the erection, repair, improvement, and equipment of buildings. Another act (S. F. No. 242) makes special appropriations for the several institutions for the ensuing biennium for the purchase of land, equipment and improvements as follows: to the State University, \$133,000; to the Agricultural College, \$180,000; to the State Teachers College, \$16,600; and to the College for the Blind, \$23,500.

The third act making appropriations to the educational institutions (S. F. No. 288) is a noteworthy measure. The funds of these institutions had come to represent many separate acts, each of which had to be kept as a separate account on the books of the several institutions. In the course of time it became almost impossible for anyone not connected with the fiscal administration of these institutions to know exactly what the income of any institution was at any given time. Now, by the act of the Thirty-sixth General Assembly just referred to, all of the appropriations for each institution under the Board of Education were funded, in-

cluding the increases for annual support granted by the Thirty-sixth General Assembly, into one appropriation act. By this act the State University now appears to have a permanent annual support of \$700,000, the Agricultural College of \$940,000, the State Teachers College \$285,000, and the College for the Blind \$41,600. These amounts do not include the sums given for buildings, land, equipment, and improvements.

The appropriations for the penal and charitable institutions under the Board of Control were also funded and made into a definite appropriation in lieu of the millage tax. Thus \$350,170 is divided among these institutions "for the construction, repair, furniture, improvement and contingent funds", and \$675,000 is likewise divided among these institutions "for the erection, repair and improvement of buildings, for appurtenances and connections thereto, for furniture, fixtures and furnishings, for the purchase of land, for the purchase of live stock, farm machinery and equipment, for establishing and maintaining industries, and for improvements, equipment and appliances needed in any or all the institutions" named. Both of these acts are for the biennial period 1915-1917 only.

Over \$150,000 was appropriated to compensate persons for stock killed by order of the federal and State authorities on account of the foot and mouth disease and to provide a fund for future indemnifications for the same purpose.

A sum of \$75,000 was appropriated "to provide a creditable exhibit of resources of the state of Iowa in the Panama-Pacific international exposition".

The sum of \$39,000 was appropriated for a sewer system and sheep barns at the State Fair Grounds. This appropriation met with considerable opposition from those who had urged in vain an appropriation for child welfare. They declared that Iowa always had millions for hogs but not a cent for humanity.

Two appropriations were made to the State Railroad Commission, in addition to the increase in the salaries of its members already noted. One of these acts appropriates the sum of \$15,000 for the prosecution of the western railroad rate cases and the other appropriates \$50,000 for the investigation of rates and the prosecution of future cases.

The so-called "Omnibus Bill", which makes appropriations for State and judicial officers, State and other expenses, appropriates, in addition to the salaries of State officers fixed by law, the sum of \$726,332.51 for the ensuing biennium. The total appropriations granted by the Thirty-sixth General Assembly are said to exceed three millions of dollars.

An act to simplify the bookkeeping of the State and make available unexpended balances in various appropriation acts heretofore passed, provides for the return of unexpended balances in seventeen such appropriation acts to the general State revenue fund.²²⁴

MISCELLANEOUS ACTS

Pawnbrokers, junk dealers, or dealers in second-hand goods in cities of 10,000 or more inhabitants must report the receipt or purchase of tools to the police, giving the name of the person from whom they are purchased or received. Such tools can not be sold or disposed of for forty-eight hours after such notice.²²⁵

The maximum amount which a woman may recover for personal injury was raised from \$6000 to \$15,000.²²⁶

The Bulk Sales Bill was amended by including the fixtures as well as the stock of merchandise.²²⁷

²²⁴ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 170-q, p. 10; Appropriation Acts and Joint Resolutions Passed at the Regular Session of the Thirty-Sixth General Assembly of the State of Iowa, No. 19, p. 40.*

²²⁵ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 701-a, p. 59.*

²²⁶ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 3477-a, p. 300.*

²²⁷ *Supplemental Supplement to the Code of Iowa, 1915, Sec. 2911-a, pp. 273, 274.*

A number of new rules of law and procedure were established; and provisions relative to the taking of the State census for 1915 were passed.

In conclusion it may be said that the session of the Thirty-sixth General Assembly is notable mostly for what it seemed likely to do but failed to accomplish. Of the more than three hundred laws passed, fifty-five were legalizing or enabling acts (which have not been published); thirty-five were strictly appropriation acts; and fifteen acts correct the misuse of words or other defects in the language of the statutes. Thus a third of the legislation enacted is accounted for. Of the rest, with the exception of the few really important new laws enacted, the bulk of the enactments of the Thirty-sixth General Assembly consists of acts amendatory or explanatory of existing laws.

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