

## THE LEGISLATION OF THE THIRTY-EIGHTH GENERAL ASSEMBLY OF IOWA

[The following review of the legislation of the Thirty-eighth General Assembly was compiled under the direction of The State Historical Society of Iowa. An acknowledgment of helpful assistance is due the many members of the House and Senate and other public officials who responded to our requests for statements regarding the purposes of the statutes.—EDITOR.]

The Thirty-eighth General Assembly of Iowa convened at Des Moines in regular session on January 13, 1919, and adjourned ninety-seven days later on April 19th.<sup>1</sup> Both houses were in actual session seventy-eight working days, during which time there were introduced 1118 bills and 16 joint resolutions — of which 545 bills and 11 joint resolutions originated in the Senate, and 573 bills and 5 joint resolutions in the House of Representatives. Of the 1134 measures considered, it appears that 406 acts and 7 joint resolutions passed both houses and were approved by the Governor — no less than 142 receiving the executive signature after the date of adjournment. Moreover, 201 of the measures that gained enactment originated in the Senate, and 212 in the House. Ninety-four Senate bills failed to pass the House, while only 58 House bills failed to pass the Senate. The Senate acted upon 626 measures, and the House upon 589.

<sup>1</sup> The regular session of the Thirty-fifth, Thirty-sixth, and Thirty-seventh General Assemblies also lasted ninety-seven days. Since the compensation of members of the General Assembly was fixed at \$1000 in 1911 the length of the regular session has never exceeded one hundred days, so that the salary amounts to about \$10 a day. The maximum compensation of \$10 a day for extra sessions was established in 1913; but the pay of Senators and House managers in the trial of an impeachment case remains \$6 a day as established in 1886 — a bill to increase the compensation to \$15 a day having failed to pass the House in 1919.— *Laws of Iowa*, 1886, p. 113, 1911, p. 1, 1913, p. 4; *House Journal*, 1919, p. 1667.

Thus it will be seen that approximately thirty-six per cent of the bills introduced in either house gained enactment, though the House passed more than forty-six per cent of its own measures and the Senate passed more than fifty-three per cent of the Senate bills. From these figures it would appear that bills introduced in either house of the legislature have about equal chances of enactment; but bills introduced in the smaller branch have a better chance of passing one house. The Senate seems to be able to dispose of business with more expedition than the House.

The record of bills enacted shows that 116 acts, being deemed of immediate importance, were declared to be in effect upon publication in designated newspapers; while the remaining 297 measures became effective on July 4, 1919, unless otherwise indicated.<sup>2</sup>

While the size of the legislative body seems to bear little relation to the total number of measures introduced, the number of bills presented by the individual member is, roughly speaking, inversely proportional to the size of the house. For example, the average number of bills per member introduced in the Senate of the Thirty-eighth General Assembly was approximately seven and one-fifth, while the average number per member introduced in the House was four and four-fifths. Likewise the largest number of bills introduced in the Senate by any one member was 38, while in the House the largest number was 26. There were three members of the Senate and twelve of the House who did not present a single bill. While it was proposed in the Thirty-seventh General Assembly to limit the number of bills any one member might introduce, no measures of that character appear to have come before the Thirty-eighth General Assembly.

Most of the legislation of the Thirty-eighth General As-

<sup>2</sup> *Index and History of Senate and House Bills, 1919, p. 3.*

sembly, unlike that of other recent Assemblies, was passed before the last week of the session. Before April 14th, action up to the stage of enrollment had been taken by both houses on 280 measures. While a total of 133 measures were passed during the last week of the session, only 32 of these acts passed both houses during that time. Moreover, of the 133 measures upon which one or both houses took final action during the last week of the session, 10 were introduced in January, 48 in February, 39 in March, 32 between April 1st and April 14th, and only four during the last week of the session. Although it appears that one or both houses took final action upon approximately one-third of the legislation of the Thirty-eighth General Assembly during the last week of the session, it is obvious that the vast majority of these measures had been under consideration for periods varying from seven to twelve weeks. Sifting committees were appointed in both houses on April 4th.<sup>3</sup>

In general the legislation of the Thirty-eighth General Assembly differs little from the usual output. The number of legalizing acts amounted to only 39 — which is in striking contrast to the 102 enacted by the Thirty-seventh General Assembly. Only 152 enactments consist of entirely new legislation, while 261 are repealing or amendatory acts. The Thirty-eighth General Assembly repealed or amended seventy-three sections of the *Code of 1897*, two hundred and twenty sections of the *Supplement to the Code of Iowa, 1913*, sixty-eight sections of the *Supplemental Supplement to the Code of Iowa, 1915*, sixty-three sections of the *Acts of the Thirty-seventh General Assembly*, and one section each of the acts of the Sixteenth and Thirty-sixth General Assemblies — making a total of four hundred and twenty-six sections. Furthermore, it is an interesting fact that

<sup>3</sup> *Senate Journal*, 1919, p. 1602; *House Journal*, 1919, p. 1647.

the Thirty-eighth General Assembly repealed or amended, entirely or in part, ten of its own enactments.

#### CODIFICATION AND PRINTING OF THE LAWS

The second bill introduced in both the House and the Senate provided for the codification of the laws of the State. Neither of these bills gained enactment, but a substitute measure introduced by the Senate Judiciary Committee No. 2 was finally agreed to by both houses. This act provides for the creation of a Code Commission consisting of the Supreme Court Reporter and two other persons to be appointed by the Governor.<sup>4</sup> Employment of additional assistance by the Commission was authorized; and the commissioners were allowed \$25 a day and traveling expenses. The work of compiling and codifying the laws of the State was to begin on or before April 1, 1919, and be completed by December 1, 1919. By January 1, 1920, the Commission is required to submit a report to the General Assembly calling attention to all repealed laws and to "such portions of the laws as may be found to be conflicting, or redundant or ambiguous or such as otherwise require legislative action to make clear". Comments and recommendations of the Commission were also to be included in their report to the General Assembly. Owing to the "great necessity for the adoption" of a revised code the Governor is requested to call an extra session of the General Assembly in January, 1920, or soon after.

According to the interpretation of the act by the Commissioners they are first to prepare a compilation of the laws of the State, omitting all acts of a local or temporary character, all repealed legislation, and all annotations and court decisions. The report to the General Assembly is

<sup>4</sup>The Code Commission consists of J. H. Trewin, J. C. Mabry, and U. G. Whitney.

interpreted to mean a codification of the law, prepared in the form of bills as substitutes for the sections or chapters codified. A separate report will include such amendments to the compiled laws as the commissioners deem necessary.<sup>5</sup>

The compiled code is to be supplied with a thorough index, the lines of each section are to be numbered, and the sections themselves renumbered.<sup>6</sup> Annotations on all cases construed by the Supreme Court of Iowa and the Federal courts are to be edited by the Supreme Court Reporter and published in a separate volume. The linotype slugs for the code and the book of annotations are to be preserved, and the code editor "shall continue the editing of the code and book of annotations after each General Assembly" so that at any future time the code and annotations may be readily printed in up-to-date form. Twenty-five hundred copies of the code are to be printed. All necessary funds for carrying on the work were appropriated, and the Board of Public Printing and Binding was authorized to make contracts for printing and binding.<sup>7</sup>

Only one other act of the Thirty-eighth General Assembly relates to the publications of the statutes: the number of copies of session laws to be printed is increased from four to six thousand.<sup>8</sup>

#### SUFFRAGE AND ELECTIONS

Advocates of woman suffrage were very active in the Thirty-eighth General Assembly. A joint resolution pro-

<sup>5</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 50; *Senate Journal*, 1919, pp. 1116, 1117.

<sup>6</sup> The day before the legislature adjourned the Senate Sifting Committee introduced a bill to abandon the plan of renumbering the sections of the Code. Although this bill passed both houses, the process of enactment was not concluded before final adjournment.—*Senate Journal*, 1919, pp. 2167, 2317, 2323; *House Journal*, 1919, p. 2225.

<sup>7</sup> *Acts of the Thirty-eighth General Assembly*, Chs. 50, 297.

<sup>8</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 14.

posing an amendment to the State Constitution, extending the right of suffrage to women, was passed with only one dissenting vote in each house.<sup>9</sup> In this connection it may be observed that if the Secretary of State had not failed to publish a similar resolution passed by the Thirty-seventh General Assembly the proposition would now be ready for submission to the voters. A bill to allow women to participate in primary elections passed the House, but was indefinitely postponed in the Senate.<sup>10</sup> Later in the session provision was made allowing women to vote for presidential electors and prescribing the form of ballot to be used, the method of registration, and the place of voting.<sup>11</sup>

In accordance with a proclamation of the Governor the Assembly convened in extra session on July 2nd and ratified the equal suffrage amendment to the Federal Constitution — Iowa being the tenth State to take favorable action.<sup>12</sup>

As in the Thirty-seventh General Assembly, there was a determined effort to modify the system of primary elections, repeal the non-partisan judiciary election law, and change the form of the ballot. The attempt to modify radically the primary election law failed, but the party circle was restored to the ballot and the nomination of judges thus placed upon a party basis. Hereafter judges of the Supreme Court are to be nominated in party State judicial conventions and elected in the same manner as the Governor; district judges are to be nominated in district judicial conventions and elected in the same manner as State senators; and superior court judges are to be nominated and elected in the same manner as other elective city officers.<sup>13</sup>

<sup>9</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 110; *Senate Journal*, 1919, p. 886; *House Journal*, 1919, p. 1264.

<sup>10</sup> *Senate Journal*, 1919, pp. 885, 888; *House Journal*, 1919, p. 754.

<sup>11</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 353.

<sup>12</sup> *The Des Moines Register*, July 3, 1919.

<sup>13</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 63.

For the past thirteen years the only means of voting a straight party ticket in Iowa has been to mark a cross before the name of each candidate on the party ticket.<sup>14</sup> Now the party circle has been restored; and while the voter may still indicate his choice by marking the names of individual candidates, the incentive for independent voting, or at least a glance at the names of the candidates, has been lessened. Moreover, the voter is likely to go wrong should he undertake to scratch the ticket in the case of an office to which more than one candidate may be elected, because the mark in the circle does not apply to any candidates for that office if the voter indicates a choice of one candidate on another ticket.<sup>15</sup>

The same act contains an innovation in the form of the ballot, in that it requires the removal of the names of presidential electors. By making a cross in the single square that will appear before a bracket enclosing the names of party candidates for President and Vice President, the voter will thereby cast a ballot for all the presidential electoral candidates of that party (whoever they may be). Thus, in an effort to make it appear that the voter is voting directly for President and Vice President, the election of presidential electors has been made indirect. This arrangement, moreover, precludes the possibility of a split in the electoral vote from Iowa.<sup>16</sup>

The primary election law was amended to the effect that, in order to be nominated, a candidate whose name is not printed on the ballot must receive at least ten per cent of the votes cast in the State or district for the candidate of his party for Governor at the last general election.<sup>17</sup> A

<sup>14</sup> *Acts of the Thirty-first General Assembly*, Ch. 44. Where voting machines have been used, however, the voter has been compelled to vote a straight party ticket before he could begin to scratch his ballot.

<sup>15</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 86.

<sup>16</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 86.

<sup>17</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 253.

technical change was made in the time allowed a nominee to withdraw before an election.<sup>18</sup> Voting precincts may hereafter be consolidated for registration purposes;<sup>19</sup> and in precincts using only one voting machine the election board shall consist of three judges, two of whom shall also act as clerks.<sup>20</sup>

#### COMPENSATION OF PUBLIC OFFICIALS

A noticeable effect of the high cost of living upon legislation is seen in the readjustment of the compensation of public officers and in the support allowed to the State institutions. In order that the previous and present pay of a particular officer may be compared more readily and the percentage of increase observed, the writers have compiled a table of compensations. Only the more important State officers have been included — as a rule those whose salaries may be \$2000 or more a year. Most of the minor employees of the State will receive increases of pay; but there are a few whose salaries remain the same, and some whose salaries were reduced. In general, stenographers were raised from \$900 to between \$960 and \$1200. Of the principal State officers it may be noted particularly that the salaries of the Secretary of State, State Auditor, and State Treasurer were increased from \$3600 to \$4000; while the compensation of the Governor, Attorney General, Lieutenant Governor, and members of the General Assembly remains unchanged.

The general act relating to the compensation of State officers contains a provision substituting the salaries named therein for all statutory salaries, including those contained in acts passed by the Thirty-eighth General Assembly.<sup>21</sup> In most cases the salaries provided for in the general act

<sup>18</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 100.

<sup>19</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 180.

<sup>20</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 69.

<sup>21</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 272.



are the same as those named in particular acts, but there are some exceptions to this rule. For example, the sole purpose of chapter 183 was to add traveling expenses to the compensation of the secretary and treasurer of the Pharmacy Commission, but the general act does not mention traveling expenses in connection with the salary of that officer. Again, chapter 74 allows members of the State Board of Education three instead of two cents a mile for traveling expenses, while the general act provides for the payment of all "actual expenses"; and chapter 284, an act approved subsequent to the passage of the general compensation act, places the salaries of inspectors appointed by the Dairy and Food Commissioner on a sliding scale which ranges from \$1800 to \$2200 a year according to the length of service, although the general compensation act had fixed the maximum at \$2100 a year. Finally, in chapter 287, another act approved subsequent to the passage of the general compensation law, the Commission of Animal Health is authorized to fix the salary of the State Veterinarian at any sum not exceeding \$3600; whereas the general compensation act had definitely prescribed the sum of \$3000.<sup>22</sup>

The compensation of all the county officers (except the coroner) and most of the deputy county officers was revised upward, though in particular instances there is no increase. This new scale of salaries (except in the case of the county supervisors, the county attorney, and the deputy county superintendent) will not apply, however, after June 30, 1921 — which means that the Thirty-ninth General Assembly will be compelled to legislate on the subject if the increases are to be continued. The avowed purpose of this particular provision was two-fold: in the first place it was thought that if county salaries were uncertain the character of candidates for county offices might

<sup>22</sup> *Acts of the Thirty-eighth General Assembly, Chs. 183, 74, 284, 287.*

be improved and the number reduced; secondly, while the present increases are proper at this time the General Assembly two years hence might find it necessary to grant further increases or advisable to make reductions owing to fluctuations in the cost of living.<sup>23</sup>

The salary of the county superintendent of schools was put upon a population basis like that of most of the other county officers. In the case of second deputy county clerks, auditors, and treasurers, in counties with a population exceeding 50,000, there seems to be a mistake in the statute fixing the maximum and minimum compensation. The least salary that any of these officers may be paid is fifty per cent of the salary of the clerk, auditor, or treasurer, as the case may be — which amounts in all instances to a sum between \$1525 and \$1700, while the law stipulates that the highest amount any of them may be paid is \$1500. This inconsistency applies to Black Hawk, Dubuque, Linn, Pottawattamie, and Scott counties. In Dubuque County the second deputy county clerk and auditor are paid the \$1500, though fifty per cent of the salary of the clerk and auditor amounts to \$1650 in each instance, which according to the law and in practice is paid to the third deputy clerk and auditor. The State Auditor has interpreted the law to mean that the salary of the second deputy in counties with a population exceeding 50,000 should be fifty per cent of that of the principal, the \$1500 maximum being applicable only in cases where fifty per cent is less than that amount — a condition that can not exist.<sup>24</sup>

The legislation of the Thirty-eighth General Assembly relating to the compensation of municipal officers is almost negligible, and what little there is appears to be special in character.

<sup>23</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 293.

<sup>24</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 278.

COMPENSATION OF PUBLIC OFFICIALS			
STATE OFFICERS			
CHAPTER	OFFICERS	FORMER COMPENSATION <sup>25</sup>	PRESENT COMPENSATION
272	Adjutant General	\$3000 annually	\$3000 annually
272	Assistant Adjutant General	\$1500 annually	Not over \$2200 annually
272	Attorney General	\$5000 annually	\$5000 annually
272	Assistant Attorney General	\$3500 annually	Not over \$4000 annually
272	Assistant Attorney General	\$3000 annually	Not over \$3500 annually
272	Assistant Attorney General	\$3000 annually	Not over \$3000 annually
272	Assistant Attorney General	\$2500 annually	Not over \$3000 annually
272	Auditor of State	\$3600 annually	\$4000 annually
272	Deputy Auditor	\$1800 annually	Not over \$2400 annually
272	Chief Clerk of revenue department	\$1800 annually	Not over \$2400 annually
272	Chief Clerk of county ac- counting department	\$2000 annually	Not over \$2400 annually
272	Chief Clerk of municipal accounting department	\$1700 annually	Not over \$2400 annually
272	Assistant County Accountant	\$1800 annually	Not over \$2000 annually
272	Board of Control, members, each	\$3000 annually	\$4000 annually
272	Secretary of Board of Control	\$2500 annually	Not over \$3000 annually
272	Architect for Board of Control	\$3000 annually	Not over \$3000 annually

<sup>25</sup> In most instances the previous salaries indicated in the table were taken from chapter 294 of the *Acts of the Thirty-seventh General Assembly*, and from the *Iowa Expense Report*, 1918.

CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
272	Accountant for Board of Control	\$1800 annually	Not over \$2100 annually
272	Purchasing Agent for Board of Control	\$1500 annually	Not over \$2000 annually
272	Lecturer on Tuberculosis	\$2400 annually	Not over \$2400 annually
272	Board of Parole, members, each	\$10 per day plus expenses	\$10 per day plus expenses
272	Secretary to Board of Parole	\$2000 annually	Not over \$2700 annually
272	Parole Agent	\$1800 annually	Not over \$2000 annually
272	Parole Agent	\$1500 annually	Not over \$2000 annually
272	Clerk of Supreme Court	\$2700 annually	\$3000 annually
272	Deputy Clerk of Supreme Court	\$1800 annually	Not over \$2000 annually
272	Assistant Custodian	\$1800 annually	Not over \$2200 annually
272	Document Editor	\$2000 annually	\$3000 annually
272	Dairy and Food Commissioner	\$2700 annually	\$3300 annually
272	Deputy Dairy and Food Commissioner	\$1800 annually	Not over \$2600 annually
272	Chemist to Dairy and Food Commissioner	\$2400 annually	Not over \$2700 annually
272	Chief Inspector of Weights and Measures	\$1800 annually	Not over \$2400 annually
272	Assistant Chemist and Bacteriologist	\$2000 annually	Not over \$2100 annually
272	Inspectors	\$1600 to \$1800 annually	\$1800 to \$2100 annually
272	Secretary of Executive Council	\$2400 annually	Not over \$2700 annually

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CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
272	Assistant Secretary of Executive Council	\$2000 annually	Not over \$2400 annually
272	Accountant for Executive Council	\$2000 annually	Not over \$2400 annually
272	Governor	\$5000 annually	\$5000 annually
272	Secretary to Governor	\$1800 annually	Not over \$2400 annually
272	Curator, Historical Department	\$2400 annually	\$3000 annually
272	Two Assistant Curators, Historical Department, each	\$1800 annually	Not over \$2100 annually
272	Insurance Commissioner	\$3000 annually	\$3600 annually
272	Deputy Insurance Commissioner	\$1800 annually	Not over \$2400 annually
272	Actuary to Insurance Commissioner	\$3000 annually	Not over \$5000 annually
272	Security Clerk to Insurance Commissioner	\$1600 annually	Not over \$2100 annually
272	Chief Examiner	\$2000 annually	Not over \$2600 annually
272	Labor Commissioner	\$1800 annually	\$3000 annually
272	Three Mine Inspectors, each	\$1800 annually	Not over \$2700 annually
272	Secretary to Mine Inspectors	\$1500 annually	Not over \$2000 annually
272	Chief Oil Inspector	\$1800 annually	\$2200 annually
272	Pharmacy Commission, members, each	\$1500 annually	\$1500 annually
272	Secretary-Treasurer to Pharmacy Commission	\$1800 annually	Not over \$2100 annually
272 ✓	Secretary of State	\$3600 annually	\$4000 annually
272	Deputy to Secretary of State	\$1800 annually	Not over \$2200 annually

CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
272	Chief Clerk to Secretary of State	\$1600 annually	Not over \$2000 annually
272	Superintendent Bond and Investment Department	\$2400 annually	Not over \$2400 annually
272	Board of Education, members, each	\$7 per day plus mileage	\$10 per day and expenses
272	Finance Committee, Board of Education, each	\$3500 annually	\$3600 annually
272	Auditor of Board of Education	\$1800 annually	Not over \$2000 annually
272	Superintendent of Public Instruction	\$4000 annually	\$4000 annually
272	Deputy to Superintendent of Public Instruction	\$2500 annually	Not over \$2700 annually
272	School Inspectors, each	\$2000 annually	Not over \$2400 annually
272	Treasurer of State	\$3600 annually	\$4000 annually
272	Deputy Treasurer of State	\$2400 annually	Not over \$2400 annually
272	Supreme Court Judges, each	\$6000 annually	\$6000 annually
272	State Veterinarian	\$1800 annually	\$3000 annually
272	Industrial Commissioner	\$3000 annually	\$3300 annually
272	Deputy Industrial Commissioner	\$2000 annually	Not over \$2400 annually
272	Fish and Game Warden	\$2200 annually	\$2400 annually
272	State Board of Health, members, each	\$900 annually	\$900 annually
272	Secretary to State Board of Health	\$2400 annually	Not over \$3000 annually
272	Sanitary Engineer to State Board of Health	\$2500 annually	Not over \$2500 annually
272	State Fire Marshal	\$2500 annually	\$2500 annually

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CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
272	Deputy Fire Marshal	\$1800 annually	Not over \$2000 annually
272	Railroad Commissioners, each	\$3000 annually	\$3600 annually
272	Secretary to Railroad Commissioners	\$2200 annually	Not over \$2700 annually
272	Chief Rate Clerk	\$2100 annually	Not over \$2400 annually
272	Reporter for Railroad Commissioners	\$1800 annually	Not over \$2000 annually
272	Signal Engineer	\$2100 annually	Not over \$2400 annually
272	Electrical Engineer	\$2500 annually	Not over \$2700 annually
272	Commerce Counsel	\$5000 annually	\$5000 annually
272	Assistant Commerce Counsel	\$1800 annually	Not over \$2400 annually
272	State Librarian	\$2400 annually	\$3000 annually
272	Law Librarian	\$2000 annually	\$3000 annually
272	Supreme Court Reporter	\$3500 annually	\$3500 annually
272	Deputy Supreme Court Reporter	—————	Not over \$2000 annually
335	Bank Examiners	Not over \$2200 annually	Not over \$3000 annually
365	Secretary State Board of Agriculture	Not over \$3500 annually	Not over \$4000 annually
365	Treasurer State Board of Agriculture	Not over \$100 annually	Not over \$250 annually and expenses
365	Elective Members of Board of Agriculture	\$4 per day and 5c per mile	\$10 per day, traveling and hotel expenses
207	Wardens at Penitentiary and Men's Reformatory	Not over \$210 per month	Not over \$250 per month
75	Superintendent Institu- tion for Feeble-minded Children	\$2400 annually	\$3000 annually

CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
390	Superintendent Training School for Boys (Eldora)	\$1800 annually	\$2500 annually
390	Superintendent Training School for Girls (Mitchellville)	\$1800 annually	\$2000 annually
390	Superintendent Iowa Soldiers' Orphans' Home	\$1800 annually	\$2400 annually
307	Commandant of Soldiers Home	Not over \$2000 annually	Not over \$2800 annually
182	Hotel Inspector	\$1500 annually	\$2400 annually and expenses
182	Deputy Hotel Inspectors	\$5 per day	\$1800 annually and expenses
361	State Highway Commis- sion, members, each	\$10 per day — not over \$1000 annually	\$10 per day — not over \$2000 annually
128	Superintendent of School for the Deaf	\$1500 annually	Determined by the State Board of Education
COUNTY OFFICERS			
CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
232	County Attorney	\$900 to \$2500 annual- ly according to population <sup>26</sup>	\$1100 to \$3000 annually according to population <sup>27</sup>
293	County Auditor	\$1400 to \$3300 annually according to population	\$1700 to \$3400 annually according to population
293	County Treasurer	annually according \$1400 to \$3300 to population	\$1700 to \$3400 annually according to population
293	County Recorder	\$1200 to \$3000 annually according to population	\$1600 to \$3100 annually according to population <sup>28</sup>

<sup>26</sup> Paid quarterly.<sup>27</sup> Paid monthly.<sup>28</sup> Five hundred dollars additional in counties where a recorder's office is kept in two different places.



CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
293	County Sheriff	\$1400 to \$2600 annually according to population	\$1700 to \$2800 annually according to population <sup>29</sup>
293	Clerk of District Court	\$1400 to \$3300 annually according to population	\$1700 to \$3400 annually according to population
293	County Superintendent of Schools	\$1500 minimum annually	\$1600 to \$2500 annually according to population <sup>30</sup>
104	Members of Board of Supervisors	\$4 per day and 5c per mile	\$5 per day and 10c per mile
278	Deputy Clerks of District Court	Not less than 50% of principal. Not more than \$1200, except in counties over 40,000 population, where 50% of principal is allowed	Counties under 50,000 from 50% of principal to \$1500. Counties over 50,000: 1st deputy, from 50% of principal to \$1750; 2d deputy, from 50% of principal to \$1500; 3d deputy, 50% of principal. Counties with city over 60,000: 1st and 2d deputies, 65% of principal; 3d and 4th deputies, 50% of principal
278	Deputy County Auditors	Counties under 40,000 population: from 50% of principal to \$1200 Counties over 40,000 population: 50% of principal	Counties under 50,000 from 50% of principal to \$1500. Counties over 50,000: first deputy, from 50% of principal to \$1750; 2d deputy, from 50% of principal to \$1500; 3d deputy, 50% of principal. Counties with city over 60,000: 1st and 2d deputies, 65% of principal; 3d and 4th deputies, 50% of principal

<sup>29</sup> Three hundred dollars additional in counties where a residence is not furnished by the county.

<sup>30</sup> Existing salaries in excess of amounts provided by this act may be continued.

CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
278	Deputy County Treasurers	Counties under 40,000 population: from 50% of principal to \$1200 Counties over 40,000 population: 50% of the principal	Counties under 50,000 population from 50% of principal to \$1500. Counties over 50,000 population: first depu- ty, from 50% of prin- cipal to \$1750; second deputy, from 50% of principal to \$1500; third deputy, 50% of the principal. Counties with city over 60,000 population: first and second deputies, 65% of principal; third and fourth depu- ties, 50% of the principal
278	Deputy County Recorders	Counties under 90,000 population: from 50% of principal to \$1200 Counties over 90,000 population: 50% of the principal	Counties under 50,000 population from 50% of principal to \$1500. Counties over 50,000 population: first depu- ty, from 50% of prin- cipal to \$1750; second deputy, from 50% of principal to \$1500; third deputy, 50% of the principal. Counties with city of 60,000 population: first and second deputies, 65% of principal; third and fourth depu- ties, 50% of principal
278	Deputy County Sheriffs	Determined by Board of Supervisors Counties with district court in two places, 50% of the principal	Chief deputy from 65% of principal to \$1800. Counties with district court in two places, 65% of the principal
311	Deputy County Superintendents	Determined by the convention of representatives from each school district	Determined by the Board of Supervisors at not less than \$750

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CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
254	Clerk of Grand Jury	Counties with population between 50,000 and 75,000: not more than \$4 a day Counties with population over 75,000: \$1500 annually	Counties with population between 50,000 and 75,000, not more than \$4 a day Counties with population between 75,000 and 120,000, not more than \$1500 Counties with population over 120,000, \$2200 annually
TOWNSHIP OFFICERS			
CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
216	Justice of the Peace	\$600 to \$2000 annually in fees according to population	\$600 to \$2300 annually in fees according to population
216	Constable	\$500 to \$1700 annually in fees according to population	\$500 to \$2000 annually in fees according to population
MUNICIPAL OFFICERS			
CHAPTER	OFFICERS	FORMER COMPENSATION	PRESENT COMPENSATION
103	City and Town Assessors	Not over \$1800 annually	Not over \$1800 annually nor less than \$5 per day in first class cities including commission cities. In commission cities over 100,000, not over \$2500
177	Alderman in Special Charter Cities	"Not in excess of three hundred dollars"	"Not in excess of six hundred dollars"
178	Mayor in Special Charter Cities	"Not exceeding one thousand five hundred dollars per annum"	"Not exceeding two thousand five hundred dollars per annum"

## THE GOVERNOR

No activity of the Thirty-eighth General Assembly attracted more attention during the session than the investigation of the Rathbun pardon case and the proposed impeachment of Governor Harding. The affair ended on April 16th when the House of Representatives by a vote of seventy to thirty-four substituted the minority report of the judiciary committee, which recommended censure, for the majority report which recommended impeachment.<sup>31</sup> Probably the most important piece of legislation that resulted from the investigation was an act requiring the Governor to obtain the advice of the Board of Parole before pardoning any person convicted of a felony. Formerly this was necessary only in cases of murder of the first degree. Only in cases of felonies, the punishment for which is death or life imprisonment, is the Governor required to publish reasons for granting a pardon.<sup>32</sup>

The important legislation of the Thirty-seventh General Assembly relating to law enforcement by the Governor and Attorney General was strengthened by increasing the annual appropriation to pay for the services of peace officers and special agents from \$25,000 to \$37,000. Furthermore, persons employed under the provisions of this act, other than peace officers under bond, are required to give a bond in the sum of \$5000.<sup>33</sup> Another act excludes State agents from obtaining free transportation within a city.<sup>34</sup>

Agents appointed by the Governor to secure fugitives from justice in other States or foreign countries will have their expenses paid by the county instead of by the State, and expenses are not limited to ten cents a mile as before.<sup>35</sup>

<sup>31</sup> *House Journal*, 1919, pp. 2043-2046, 2105, 2106.

<sup>32</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 173.

<sup>33</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 327.

<sup>34</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 174.

<sup>35</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 131.

Another act affecting the powers of the Governor authorizes him to fill temporarily a vacancy in the office of United States Senator in case the Senate (instead of Congress, as in the previous law) is in session or will convene before the next general election.<sup>36</sup>

## STATE OFFICES AND OFFICERS

Overshadowed by the Rathbun pardon case, but scarcely less important, was the investigation of the office of the Secretary of State, particularly in connection with the administration of the motor vehicle department. The Secretary tendered his resignation, although it did not take effect until July 1st. The General Assembly, on March 14th, transferred the motor vehicle department to the office of the State Treasurer.<sup>37</sup> According to the provisions of the revised motor vehicle law, however, the administration of motor vehicle registration was transferred back to the department of the Secretary of State on July 1, 1919.<sup>38</sup>

By the provisions of chapter 413 — the last act to be approved by the Governor — the term of the State Document Editor is changed from two to four years.<sup>39</sup>

To the duties of the Superintendent of Public Instruction is added that of assisting in the placement of teachers in the public schools. In reality, provision is made for the establishment and maintenance of a State teachers' agency for the purpose of helping school authorities to find teachers as well as helping teachers to find positions. An annual appropriation of \$2500 was made to defray the expenses of carrying on this work.<sup>40</sup>

<sup>36</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 215.

<sup>37</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 51.

<sup>38</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 275.

<sup>39</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 413.

<sup>40</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 298.

The State Entomologist was authorized to purchase supplies and equipment, including an automobile costing not more than \$800.<sup>41</sup>

Although the official title of the Dairy and Food Commissioner was specifically designated by law in 1911, he is still referred to in some of the legislation by his former title of Food and Dairy Commissioner.<sup>42</sup> By the legislation of 1919 his term is changed from two to four years; his assistants will hereafter be on full time duty and enjoy an increase of salary; and his appointment of a State chemist is made optional to conform with the language of the remainder of the statute. This change will make no practical difference, however, as the work of the State chemist is an essential part of the work of the department. The bacteriological work under the Dairy and Food Commissioner has become so important and so extensive that it was thought advisable to establish the position of bacteriologist and assistant chemist, although several times in the past bacteriologists have been employed under the title of assistant chemists to take care of the bacteriological work. An assistant chemist and bacteriologist was mentioned in the act providing for the compensation of State employees in 1917.<sup>43</sup> The Dairy and Food Commissioner was empowered to determine food standards, not already fixed by law, in conformity with the standards proclaimed by the United States Secretary of Agriculture.<sup>44</sup>

Chapter 238 enlarges the membership of the Commission of Animal Health by increasing the number of stock raisers from two to four.<sup>45</sup>

<sup>41</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 305.

<sup>42</sup> *Acts of the Thirty-fourth General Assembly*, p. 129.

<sup>43</sup> *Acts of the Thirty-seventh General Assembly*, p. 330.

<sup>44</sup> *Acts of the Thirty-eighth General Assembly*, Chs. 206, 284.

<sup>45</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 238.

The number of State agents in connection with the Soldiers' Orphans' Home, the Training Schools for boys and girls, and the Women's Reformatory is increased from five to six and the appropriation to cover the salaries and expenses of the State agents is increased from \$9000 to \$14,000 annually.<sup>46</sup> Moreover, the State Board of Education is authorized to employ one State agent to aid in enforcing the compulsory education law in reference to deaf and blind children.<sup>47</sup>

The law relating to the employment by the Executive Council of an expert accountant to examine the books and methods of accounting of State officers was rewritten, allowing him more than one assistant and widening his usefulness in suggesting reforms in the methods of accounting. Institutions under the Board of Control and the Board of Education are specifically excepted from interference with "the system of taking care, and management of the institutions" under their control.<sup>48</sup>

A board of shorthand reporter examiners was created — principally for the purpose of certifying to the qualifications of shorthand court reporters. The board is composed of two official shorthand reporters of the district court and a practicing attorney in Iowa, to be appointed by the Chief Justice of the Supreme Court for a term of three years. The examiners receive ten dollars a day and expenses, to be paid out of the fund accruing from the fees of the applicants. Examinations are held at stated times.<sup>49</sup>

<sup>46</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 105.

A legislative error of the Thirty-seventh General Assembly was corrected by repealing a section of an act increasing the appropriation for State agents from \$7000 to \$7300 annually because another act of the same Assembly increased the appropriation for the same purpose from \$7000 to \$9000 annually.— *Acts of the Thirty-seventh General Assembly*, Chs. 349, 370.

<sup>47</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 120.

<sup>48</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 409.

<sup>49</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 258.

## THE STATE LEGISLATURE

The most progressive measure relating to the legislative branch of the State government is an act authorizing the Executive Council to install before January 1, 1920, an electrical and mechanical system for the instantaneous registration of the votes of the members of the House of Representatives on all questions requiring a roll call.<sup>50</sup>

An act which was passed in anticipation of difficulties to be encountered in the Rathbun pardon investigation provides that witnesses appearing before a legislative committee conducting an investigation are not excused from giving testimony that might render them criminally liable or expose them to public ignominy. Such testimony, however, can not be used against the witness.<sup>51</sup>

The compensation of employees of the General Assembly, which hitherto had been fixed by law, will now be determined by joint action of the House and Senate soon after the opening of the session. Several additional employees were authorized by the Thirty-eighth General Assembly; and in some cases the increase in compensation of employees amounted to as much as four dollars a day. The Secretary of the Senate and Chief Clerk of the House were paid ten dollars a day; and the other clerks, sergeants-at-arms, post-mistresses, door-keepers, and janitors received from four to seven dollars a day.<sup>52</sup>

## THE STATE JUDICIARY

The erection of a judiciary building to be known as "The Temple of Justice" was finally authorized, after having been under consideration by several General Assemblies. Two members of the Senate, two members of the House of

<sup>50</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 322.

<sup>51</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 79.

<sup>52</sup> *Acts of the Thirty-eighth General Assembly*, Chs. 1, 4, 5.



Representatives, the Executive Council, and the Chief Justice of the Supreme Court constitute a building committee with authority to spend approximately \$750,000, but not more than \$1,000,000, for the building. The law passed in 1913 authorizing a millage tax for capitol extension purposes was amended so that some of the funds which have been accumulating under its provisions may be used for this building, within which may be housed the State law library, the State general library, the Supreme Court of Iowa, the Clerk of the Supreme Court, the Reporter of the Supreme Court, the Attorney General, the Railroad Commission, the Commerce Counsel, and the Board of Parole. Furthermore, the unexpended portion of the million dollar war appropriation of 1917, including such reimbursements as may be made by the Federal government, was made available for the same purpose. It was suggested on several occasions that this building be made a memorial to the soldiers, sailors, and marines of the World War, but the idea failed to secure the support of the General Assembly. The Temple of Justice will be the first building authorized and constructed according to the plans of the Allison Memorial Commission.<sup>53</sup>

When a district court judge or a district court shorthand reporter is compelled to leave his place of residence in the performance of his duty he is still allowed three dollars a day for expenses, but is not limited to \$200 a year as formerly.<sup>54</sup>

The business of shorthand court reporting is raised to the rank of a profession by making it a misdemeanor to appoint any except certified shorthand reporters to a position in a district, superior, or municipal court. The board of shorthand reporter examiners (discussed above under

<sup>53</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 349.

<sup>54</sup> *Acts of the Thirty-eighth General Assembly*, Chs. 70, 268.

“State Offices and Officers”) is created for the purpose of examining candidates, and none but citizens of Iowa who have been approved by this board may be styled or known as certified shorthand reporters. Each applicant must pay an examination fee of five dollars to the Clerk of the Supreme Court.<sup>55</sup> The compensation of shorthand court reporters is raised from eight to ten dollars a day, and the total annual allowance for the compensation of court reporters, to be apportioned among the counties of the district in proportion to the number of days court is held in each, is increased from \$1600 to \$2400.<sup>56</sup>

It appears that the object of one of the acts relating to the judiciary is to clarify the law in regard to jurors for superior courts. The Thirty-seventh General Assembly passed a law creating a jury commission to replace the county auditor, clerk, and recorder in the selection of district court jurors in counties with a population exceeding 20,000 in which there is a city having a population of more than 15,000. Since that law went into effect it has been a serious question whether superior court jurors selected by a jury commission constitute a legal jury; and so the Thirty-eighth General Assembly made this method of selecting jurors specifically applicable to superior court jurors in counties with 20,000 population containing a city with 15,000 population (that is, Pottawattamie, Linn, and Lee counties).<sup>57</sup>

A piece of special legislation for the benefit of the superior court in Cedar Rapids was amended without changing the effect of the law in the least. Since 1911 it has been unnecessary to demand trial by jury in a superior

<sup>55</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 258.

<sup>56</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 268.

<sup>57</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 267; *Acts of the Thirty-eighth General Assembly*, Ch. 251.

court located in a city with a population of 25,000 or more and not a county seat. Cedar Rapids and Council Bluffs are the only cities with superior courts which have a population exceeding 25,000, but the law applied only to Cedar Rapids because Council Bluffs is a county seat. The amendment by the Thirty-eighth General Assembly struck out the county seat disqualification, but raised the population minimum to 40,000 so that the superior court of Cedar Rapids is still the only one to qualify. This change was made in anticipation of Cedar Rapids becoming the county seat of Linn County (where an election on that proposition will be held in November, 1919). Whatever the result of the election may be, the superior court in Cedar Rapids will continue to be the only one capable of handling cases of equal importance with those tried in district courts.<sup>58</sup>

In providing jurors for the superior court in Cedar Rapids the jury commission law was made applicable; the names of sixty persons, instead of thirty as heretofore, are drawn in the same manner as jurors for the district court; and the submission of the list to the proper city officer and the summoning of the jurors are described.

The compensation of clerks of the grand jury is changed as indicated in the table of compensations of county officers. Furthermore, in counties with a population exceeding 120,000 an assistant clerk of the grand jury may be appointed.<sup>59</sup>

#### THE STATE INSTITUTIONS

*Support.*— Since any extensive rise in prices is bound to affect the cost of maintenance of State institutions, it was to be expected that the monthly support allowed for each inmate of the institutions under the Board of Control would be increased by the Thirty-eighth General Assembly.

<sup>58</sup> *Acts of the Thirty-eighth General Assembly, Ch. 245.*

<sup>59</sup> *Acts of the Thirty-eighth General Assembly, Ch. 254.*

The maximum monthly sum allowed for the board and care of each patient in the hospitals for the insane at Mount Pleasant and Clarinda has been increased from \$14 in 1911 to \$16 in 1917 and to \$24 in 1919; while in the hospitals at Independence and Cherokee the amount has been increased from \$15 to \$17 in 1917 and to \$24 in 1919.<sup>60</sup>

At the Soldiers' Home the support was fixed at \$15 per inmate in 1907, and in 1913 the provision was added that if there should be an average of fewer than 850 inmates any month a lump sum of \$12,750 should be available for support. In 1917 the support was increased to \$16 or \$13,600, and in 1919 to \$22 per inmate or a minimum of \$18,700.

The support of the Institution for Feeble-minded Children was \$12 a month per inmate from 1898 until 1917 when it was raised to \$13. In 1919 it was further increased to \$17.

The monthly support of the Penitentiary was fixed at \$11 a prisoner in 1913, raised to \$13 in 1917, and increased to \$17 in 1919 with a minimum of \$10,625 if the average number of prisoners any month is less than 625; while the monthly support of the Men's Reformatory was fixed at \$11.50 a prisoner in 1913, raised to \$13.50 in 1917, and increased to \$17 in 1919 with a minimum of \$11,050 if the average number of prisoners any month is less than 650.

Twelve dollars a month for each child with a minimum of \$6600 for fewer than 550 children was the support fixed in 1913 for the Soldiers' Orphans' Home. The amount was

<sup>60</sup> *Acts of the Thirty-fourth General Assembly*, Ch. 97; *Acts of the Thirty-seventh General Assembly*, Ch. 266; *Acts of the Thirty-eighth General Assembly*, Ch. 37.

An unusual method of amendment was used in this instance. Instead of amending the act of the Thirty-seventh General Assembly (except in one instance) or amending the sections in the *Supplement to the Code of Iowa, 1913*, and the *Supplemental Supplement* as amended by the act of the Thirty-seventh General Assembly, various sections of the act of the Thirty-seventh General Assembly were first repealed and then the sections in the *Supplement* and *Supplemental Supplement* were repealed and new provisions enacted in lieu thereof.

increased to \$14 per child in 1915 and a minimum of \$7000 for fewer than 500 children, \$15 a child in 1917 and a minimum of \$7500 for fewer than 500 children, and \$25 a child in 1919 and a minimum of \$9000 for fewer than 360 children.

The monthly support of the Training School for Boys was fixed at \$13 per inmate in 1913, \$14 in 1915, \$16 in 1917, and \$24 in 1919 while the minimum total allowance based on 480 inmates has increased correspondingly from \$6240 to \$11,520.

For the Training School for Girls the monthly support was placed at \$16 per inmate in 1913, increased to \$18 in 1917, and made \$24 in 1919; while the minimum total allowance based on 235 inmates has increased correspondingly from \$3760 to \$5520.

The per capita monthly allowance for the support of the Sanatorium for Tuberculosis was increased from \$45, established in 1913, to \$50.

Fifteen dollars a month for each inmate and a minimum of \$2000 for less than an average of 125 prisoners, was the support established for the Women's Reformatory in 1915. The minimum support was increased to \$3375 for an average number of persons less than 225 in 1917, and in 1919 the per capita support was raised to \$24 a month and the minimum support to \$3960 for less than an average of 165 prisoners.

The per capita monthly allowance for the support of the Colony for Epileptics as established in 1915 was \$15 a month. Until there should be actually 300 patients in the institution, however, the monthly support was to be \$4000. The legislation of 1919 changed the monthly per capita support to \$24 and the minimum total support to \$7000.

The monthly support of the newly established Psychopathic Hospital will be \$9000 until there are 100 patients.<sup>61</sup>

<sup>61</sup> *Acts of the Thirty-eighth General Assembly, Ch. 235.*

*Buildings.*— Plans were approved for the following buildings at State educational institutions, and the State Board of Education is authorized to erect them out of the proceeds from the millage tax provided for in 1911.<sup>62</sup>

Steam laboratory (S. U. I.), not to exceed....	\$ 50,000
Children's hospital (S. U. I.), completion, not to exceed .....	22,000
Dormitory for men (S. U. I.), completion, not to exceed .....	125,000
Mechanical shops (Ames), not to exceed.....	25,000
Foundry (Ames), not to exceed.....	25,000
Dormitory for women (Ames), not to exceed.	90,000
Poultry laboratory (Ames), not to exceed....	30,000

Moreover, \$30,000 additional was appropriated for the completion of the dormitory for men and \$150,000 for a nurses' home at the State University; while \$300,000 was appropriated for a library at the State College of Agriculture and Mechanic Arts.<sup>63</sup>

*Medical Institutions.*— A State Psychopathic Hospital for the observation and treatment of persons afflicted with abnormal mental conditions was established at Iowa City in connection with the college of medicine of the State University and under the direction of the State Board of Education. The director of the hospital will serve as professor of psychiatry in the medical college. Both private and public patients will be cared for — the latter at the expense of the State, and the former without expense to the State. One hundred and seventy-five thousand dollars was appropriated to erect a suitable building.<sup>64</sup>

<sup>62</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 411.

<sup>63</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 403.

<sup>64</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 235.

The college of homeopathic medicine at the State University was abolished, and a department of homeopathic materia medica and therapeutics in the college of medicine substituted therefor.<sup>65</sup>

Provision is made for the establishment of a medical department of the State Library at Des Moines with a librarian trained in medicine and surgery in charge.<sup>66</sup>

Since the State Sanatorium at Oakdale was established the treatment of persons afflicted with tuberculosis has undergone considerable change. While the treatment of incipient cases is important on account of their curability, it has been found that the hospitalization and segregation of advanced cases are of far greater importance. The law relating to the admission of patients to the State Sanatorium was therefore rewritten by the Thirty-eighth General Assembly so as to include advanced as well as incipient cases. Early diagnosis of pulmonary tuberculosis is difficult, and so originally it was thought wise to have specially appointed persons in each county to serve as preliminary examiners of all persons seeking admission to the Sanatorium. But this arrangement did not work well. Many physicians were as competent to diagnose incipient tuberculosis as were the examining physicians. Moreover, patients frequently refused to be examined by the regularly appointed examiners, which hindered the program for controlling the disease. And after all, the final authority to admit or reject patients rested with the Superintendent of the Sanatorium. This situation led the General Assembly to repeal the provisions of the law relating to examining physicians, and now any physician may send his patients directly to Oakdale.<sup>67</sup> Twenty-eight thousand dollars was

<sup>65</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 109.

<sup>66</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 367.

<sup>67</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 171.

appropriated to pay for equipment and the completion of the laboratory building at the Sanatorium.<sup>68</sup>

*Institutions for Defectives.*—When the Thirty-seventh General Assembly transferred the School for the Deaf to the control of the State Board of Education, the provision in the law fixing the salary of the Superintendent at \$1500 a year was not repealed.<sup>69</sup> That oversight was corrected by the Thirty-eighth General Assembly, and the Board of Education may now use its discretion as to the salary of this officer; but another provision in the same section, requiring the Superintendent to be “proficient in the use of the sign language”, was left unchanged.<sup>70</sup> It seems that there has been a professional dispute as to the use of the sign or the oral method of teaching deaf mutes, so that it was not thought wise to strike out the requirement that the Superintendent be proficient in the sign method. A special appropriation of \$22,500 is made for repairs and contingent expenses at the School for the Deaf,<sup>71</sup> and the appropriation for paving is increased. Furthermore, this pavement need not be concrete as formerly specified and the work may be done by contractors rather than by prisoners from the Men’s Reformatory or the Penitentiary.<sup>72</sup>

The annual appropriation for inspecting private and county institutions where insane persons are kept and societies or homes for the care of friendless children is increased from two to three thousand dollars.<sup>73</sup> For the

<sup>68</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 191.

<sup>69</sup> The State Board of Education fixes the salaries of all employees in the institutions under its jurisdiction.

<sup>70</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 128; *Supplement to the Code of Iowa, 1913*, Sec. 2727-3a.

<sup>71</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 264.

<sup>72</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 401.

<sup>73</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 308.



purpose of completing improvements in the water works at the Cherokee Hospital for the Insane, \$23,000 is appropriated,<sup>74</sup> and the Board of Control is authorized to construct some paving at the same institution for which \$37,000 is appropriated.<sup>75</sup>

The Board of Control is authorized to abolish the Hospital for Inebriates at Knoxville; and provision is made for the transfer to other State institutions of patients addicted to the use of narcotic drugs, and for the discharge of all others. The Board of Control and Board of Education are authorized to confer and report to the Thirty-ninth General Assembly what disposition should be made of the State property at Knoxville.<sup>76</sup>

A law relating to the custody of feeble-minded persons makes all inmates of the Institution for Feeble-minded Children wards of the State and provides for the apprehension and return of any who leave the Institution without a written order from the Board of Control.<sup>77</sup> Many morons and high grade imbeciles are delinquents and a menace to the community. The purpose of the act, therefore, is to make permanent segregation possible and prevent injudicious friends from obtaining the removal of inmates.

*Institutions for Delinquents.*—The name of the reformatory at Anamosa was officially changed to "The Men's Reformatory", to distinguish it from "The Women's Reformatory" at Rockwell City.<sup>78</sup> The Executive Council is authorized to sell a part of a farm used in connection with the Men's Reformatory and purchase with the accruing

<sup>74</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 119.

<sup>75</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 226.

<sup>76</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 366.

<sup>77</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 281.

<sup>78</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 27.

funds some land for the Training School for Boys.<sup>79</sup> Forty thousand dollars was appropriated to build a cottage at the Training School for Girls.<sup>80</sup>

*Institutions for Dependents.*—Henceforth women who married honorably discharged soldiers, sailors, or marines prior to 1905 (the former date was 1895) may be admitted to the Iowa Soldiers' Home.<sup>81</sup> The sum of \$23,000 was appropriated for the construction of a spur railroad track to the grounds of the Soldiers' Home.<sup>82</sup>

Probably the most important legislation relating to State institutions is an act authorizing the Board of Control to establish a State Juvenile Home for the "care and education of dependent, neglected, delinquent, or destitute children" under fifteen years of age. Proper school instruction, including manual training and military tactics, is to be provided. The per capita monthly support of the Home is fixed at \$25, half of which is payable by the county in which the child has a settlement. If the average number of children is less than 360 any month the minimum support is fixed at \$9000. The sum of \$108,700 was appropriated to cover the cost of buildings and equipment.<sup>83</sup>

#### COUNTY OFFICERS AND GOVERNMENT

The record of the board of supervisors relating to the allowance of money for claims will hereafter be kept in a "claim register" rather than in the "minute book",<sup>84</sup> and the county auditor is empowered to adjourn a regular or

<sup>79</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 17.

<sup>80</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 186.

<sup>81</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 196.

<sup>82</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 294.

<sup>83</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 165.

<sup>84</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 317.

an adjourned meeting of the board of supervisors from day to day until a quorum is present.<sup>85</sup>

To furnish legal advice free of charge to all school boards and township officers was made a duty of county attorneys.<sup>86</sup>

The compensation of the sheriff for boarding prisoners was increased from fifteen to twenty cents a meal.<sup>87</sup>

County recorders are required to pay all fees collected by them into the county treasury quarterly instead of annually, but they will continue to make settlements with the board of supervisors annually.<sup>88</sup>

The county superintendent is now charged with the duty of enforcing the law relating to the compulsory attendance of pupils and the exclusive use of the English language in the schools;<sup>89</sup> and his allowance for expenses was increased from \$250 a year to \$400.<sup>90</sup>

If the county coroner is a physician he may make a scientific investigation at an inquest instead of calling a physician or surgeon. Members of coroners' juries will now be paid two dollars a day and ten cents a mile traveling expenses. The section of the Code relating to coroners' fees was rewritten, materially increasing the amount of the fees in most cases and adding entirely new fees for docketing each case, for writing the evidence of witnesses when no stenographer is employed, and for returning a verdict to the State mine inspector in case of an accidental death in a mine. Finally, the Thirty-eighth General Assembly authorized the coroner to serve subpœnas, or deputize some

<sup>85</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 26.

<sup>86</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 232.

<sup>87</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 256.

<sup>88</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 23.

<sup>89</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 340.

<sup>90</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 303.

person to do it, in the absence of any officer ordinarily possessing that power.<sup>91</sup>

The legislation in regard to the compensation of county officers and their deputies will be found in connection with the table of compensations of public officers given above.

An amendment of section 423 of the *Supplemental Supplement* makes it possible for the board of supervisors to erect a county home at a cost of \$10,000 without submitting the proposition to a vote of the people. Formerly the limit of expenditure for this purpose without a vote of the people was \$5000.<sup>92</sup> Another enactment increases the amount of money that the board of supervisors may expend for real estate from \$5000 to \$10,000 without the approval of the voters.<sup>93</sup> These enactments reflect the increase in real estate values.

The wide-spread antipathy for hyphenated Americanism as exemplified by foreign language publications caused the passage of a bill prohibiting the publication, after 1919, of official county and municipal notices and proceedings in any newspapers except those printed wholly in the English language. A technical change was made in the selection of two or more official county newspapers that enter into an agreement to publish the official proceedings.<sup>94</sup> The compensation for publishing the delinquent tax list in each county was doubled — forty cents for each description instead of twenty cents. The original bill provided for publication of tax lists in the official county papers, rather than in "some newspaper" in the county, at the same rates as are paid for the publication of board proceedings, which would have assured better publicity, but these features

<sup>91</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 122.

<sup>92</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 71.

<sup>93</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 73.

<sup>94</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 82.

were killed in the Senate on a motion to reconsider. The bill as finally passed, however, will enable the larger newspapers to print delinquent tax lists for compensation approximating commercial rates.<sup>95</sup> Several bills relating to public printing were so stringent in their regulations or detrimental to the interests of publicity that they were promptly killed.<sup>96</sup>

All duplicate tax receipts, saloon consent petitions and remonstrances, liquor requests, poll tax receipts, and hunting license applications which have been on file in the office of county treasurer or auditor more than five years may be destroyed.<sup>97</sup>

#### TOWNSHIP OFFICERS

The small amount of legislation relating to township government is a conspicuous indication of the relative unimportance of the township in Iowa. During the session under consideration the principal enactment relative to the township makes it the duty of the township clerk to deposit in a bank the funds he receives, such deposits to bear interest which shall accrue monthly to the benefit of the road fund.<sup>98</sup> By another act it is made the duty of township trustees to control, appoint trustees for, or sell township cemeteries.<sup>99</sup> The traveling fees which constables are entitled to receive were increased from five to ten cents a mile.<sup>100</sup>

<sup>95</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 389; Senate File No. 390; *Senate Journal*, 1919, pp. 1199, 1200.

<sup>96</sup> House Files No. 328, 329, 330.

<sup>97</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 387.

<sup>98</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 261.

<sup>99</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 218.

<sup>100</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 48.

## MUNICIPAL LEGISLATION

While no new forms of municipal government were established in 1919 the bulk of the legislation relating to cities and towns is larger than that on any other subject.

*City Officials.*—In special charter cities having a population of twenty thousand or more—that is, Davenport and Dubuque—the mayor will no longer be a member of the council. He will, however, preside over the council with the right to vote in case of a tie. This law was intended to benefit Davenport where paving contracts require a two-thirds vote of the council, which formerly consisted of eight aldermen and the mayor—nine members with eight votes. Thus three aldermen could obstruct the paving program. It is doubtful, however, whether the amendment will alter the situation. A two-thirds vote is still six, with no possibility of a tie to make the mayor the deciding factor: three aldermen can still defeat a paving contract.<sup>101</sup>

In any city or town not a special charter city or a city of the first class, except commission governed cities of the first class with less than 35,000 population, the management and control of municipal owned water works, heating plants, gas works, or electric plants may be placed in the hands of a board of three trustees if the people so decide at an election on the proposition. The trustees will be appointed by the mayor, hold office six years, and receive a salary of not more than \$100 a year and in commission governed cities not over \$300 a year. Their powers are the same as those of municipal water works trustees.<sup>102</sup>

The possibility of a conflict of authority was removed by making the action of river front improvement commis-

<sup>101</sup> *Acts of the Thirty-eighth General Assembly, Ch. 185.*

<sup>102</sup> *Acts of the Thirty-eighth General Assembly, Ch. 85.*

sions, in so far as it affects city parks under the jurisdiction of park commissioners, subject to the approval of the board of park commissioners.<sup>103</sup>

In cities of the second class it has been permissible for the council to establish by ordinance the office of city engineer, to be filled by appointment by the mayor. An amendment by the Thirty-eighth General Assembly states that the council in such cities may at the first meeting appoint a city engineer. Inasmuch as the council has supervision over the work of the engineer it seems proper that he should be appointed by that body.<sup>104</sup>

Not only policemen but all peace officers (except State agents) wearing the insignia of their office are now entitled to free transportation within the city. Deputy sheriffs, constables, bailiffs, and other peace officers who have many legal papers to serve and whose salaries are small found that their street car fare amounted to a considerable sum in a year. The law remedies this injustice.<sup>105</sup>

*Ordinances.*— Since 1858 there has been a provision in the law of Iowa that no city ordinance may be revised or amended except by being repealed and an entire new ordinance or section enacted in lieu thereof. The Thirty-eighth General Assembly added that a complete revision of the ordinances of a city or town by rearrangement and grouping in a sort of code would meet the requirements of the old statute.<sup>106</sup>

Before 1907 a town council consisted of a mayor and six councilmen, and a vote of four councilmen or three councilmen and the mayor was required for the passage of or-

<sup>103</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 97.

<sup>104</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 147.

<sup>105</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 174.

<sup>106</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 21.

ordinances. Since 1907, however, a town council has consisted of five councilmen, so that the passage of an ordinance has required an eighty per cent vote of the council and if one member were absent a unanimous vote was necessary. Moreover, in both cities and towns ordinances relating to street improvements required a two-thirds vote of the council — which meant three out of four, four out of five, four out of six, or five out of seven councilmen — making much improvement well nigh impossible. The result was that needed public improvements and beneficial ordinances were often obstructed or the statutory requirements ignored and the proceedings of municipal councils filled with illegal measures. This condition of affairs was remedied by the Thirty-eighth General Assembly in a statute making a simple majority sufficient to secure the passage of any ordinance in any city or town governed under the general municipal incorporation law.<sup>107</sup>

*Municipal Courts.*— Any city in Iowa having a population of five thousand or more may now establish a municipal court.<sup>108</sup> Formerly this provision applied to cities having a population of twenty thousand or more. A few technical amendments were made in the law relating to the time when the process of establishing a municipal court shall have been completed and to the selection of municipal court officers.<sup>109</sup> Heretofore there has been one municipal court judge for every thirty thousand population or major fraction thereof. Now there will be one judge in cities with less than 30,000 population, two in cities between 30,000 and 50,000 population, and in cities above 50,000 one for each 30,000 population or major fraction thereof. This change was made for the special benefit of Waterloo where the population is not

<sup>107</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 255.

<sup>108</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 142.

<sup>109</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 16.



sufficient to have secured two municipal court judges under the former provisions.<sup>110</sup> The bailiff of a municipal court may hereafter retain fees to the extent of covering his mileage and necessary expenses.<sup>111</sup>

Instead of two dollars a day municipal court jurors will now receive the same compensation as jurors in the district court (\$2.50), except that they will be allowed no mileage.<sup>112</sup>

The Thirty-seventh General Assembly authorized cities with a population exceeding 50,000 to erect a municipal court building. Under the provisions of that act Des Moines held the required election and began the construction of a building. On account of increased costs, however, it became impossible to complete the building at the maximum cost stipulated in the question submitted at the election, so the Thirty-eighth General Assembly authorized the issue of sufficient bonds, without another election, to cover the additional cost.<sup>113</sup>

*Street Improvements.*—The Thirty-eighth General Assembly authorized cities to use salvaged material from old paving in the construction of new paving — an important privilege in the light of the extensive use of concrete paving. Hitherto cities were empowered only to dispose of waste material, not to use it.<sup>114</sup>

Contractors are now required to keep street improvements or sewers in repair four years after they have been accepted by the city.<sup>115</sup>

The law empowering the city council to require the in-

<sup>110</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 163.

<sup>111</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 42.

<sup>112</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 161.

<sup>113</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 17; *Acts of the Thirty-eighth General Assembly*, Ch. 155.

<sup>114</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 25.

<sup>115</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 234.

stallation of all sewer, electric, gas, water, and steam heating connections before permanent street improvements are made was amended to take account of the authority of the board of water works trustees in cities in which the water works are owned by the municipality.<sup>116</sup> In order that this law may be entirely in harmony with municipal organization it would seem that the same provision should apply to the recently created board of public utilities trustees.

The maximum limit of the cost of temporary sidewalks was raised from forty to sixty cents per linear foot.<sup>117</sup>

A change was made in the method of publishing notices of hearings on and bids for street improvements. If there is no newspaper or post office in the town such notices may be posted in whatever public place the council may designate.<sup>118</sup> This amendment was made necessary on account of the abandonment of small post offices due to the development of rural free delivery.

*Sewers.*—The sewer fund tax was increased from two to five mills and made available for the maintenance and operation of sewage disposal plants. This act was also made specifically applicable to commission governed and special charter cities.<sup>119</sup>

In addition to the power already existing, cities and towns are authorized to contract indebtedness to the extent of five per cent of the value of the taxable property and issue twenty year five per cent bonds for the purpose of constructing sewers.<sup>120</sup>

The board of health in all cities and towns is given the

<sup>116</sup> *Acts of the Thirty-eighth General Assembly, Ch. 92.*

<sup>117</sup> *Acts of the Thirty-eighth General Assembly, Ch. 150.*

<sup>118</sup> *Acts of the Thirty-eighth General Assembly, Chs. 383, 384.*

<sup>119</sup> *Acts of the Thirty-eighth General Assembly, Ch. 394.*

<sup>120</sup> *Acts of the Thirty-eighth General Assembly, Ch. 243.*

important power of compelling the installation of sanitary toilet facilities wherever there is a sewer.<sup>121</sup>

When the provisions of the law in the Code relating to sewers were made applicable to towns in 1906 the expression "sanitary sewers" was used. This difference in terminology was rectified by the legislation of 1919.<sup>122</sup>

*Fire Department.*—The tax levy for the maintenance of a fire department in cities with a population exceeding nine thousand, except in commission governed cities with more than ninety thousand population (Des Moines), is increased from six to seven mills.<sup>123</sup> Cities with less than three thousand inhabitants, as well as towns, may now use these funds to purchase fire equipment.<sup>124</sup> Moreover, the law authorizing a special tax of one and a half mills for the purpose of acquiring property for the use and equipment of the fire department is made applicable to towns and cities under 3000 population. This privilege had been enjoyed only by cities of 3000 or over.<sup>125</sup>

*Finance.*—Probably the most forward looking measure relating to municipalities is an act providing that cities and towns may adopt a budget system of finance. According to the terms of this law the separate annual tax levies for general expenses, the grading fund, the improvement fund, the sewer fund, the water tax, and the light or power tax may be consolidated into a single tax levy and spent only for the same purposes as the separate levies. Annually before the first of April the council must prepare a budget based on estimated expenses of the several depart-

<sup>121</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 316.

<sup>122</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 59.

<sup>123</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 148.

<sup>124</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 159.

<sup>125</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 259.

ments. The budget must show all of the purposes for which all tax levies will be used and must be published two weeks before final adoption.<sup>126</sup>

The compulsory examination of municipal accounts was extended to include all cities having a population exceeding three instead of five thousand.<sup>127</sup>

The law relating to the issue of bonds for a city or town hall was rewritten. The amount of indebtedness allowed for that purpose in cities and towns including commission governed cities was increased to an amount which, added to all other indebtedness, will not exceed five per cent of the actual value of the taxable property in the city. Formerly the limit of total indebtedness was two per cent except in special chartered cities where it was and is still five per cent. This amendment places indebtedness for a city hall on the same basis as that for water works, gas, electric, and heating plants.<sup>128</sup> The Thirty-eighth General Assembly struck out sewers as one of the public improvements for which indebtedness could be incurred to an amount which, added to all other indebtedness of a city or town, would not exceed five per cent of the property value of the municipality. Inasmuch as sewers are regarded as an absolute necessity the purpose of this measure was doubtless to remove a possible restriction upon sewer construction if the municipality were already in debt to the limit.<sup>129</sup>

The amount for which a warrant may be drawn in a special charter city was increased from \$500 to \$1000.<sup>130</sup>

*Miscellaneous Powers.*—The law empowering cities with a population exceeding 7000 to require railroads to main-

<sup>126</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 112.

<sup>127</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 301.

<sup>128</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 247.

<sup>129</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 250.

<sup>130</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 339.

tain viaducts under or over the tracks was extended so that it now applies to cities whose population is more than 5000.<sup>131</sup>

The law authorizing cities to protect property from floods by "deepening, widening, straightening, altering, changing, diverting, or otherwise improving water courses" was rewritten in more specific language. According to the terms of the new act the city council may of its own motion (not necessarily as the result of a petition) propose such an improvement. Only fourteen days' notice instead of twenty need be given before the hearing on the proposition before the council, and the provisions for the publication of the notice are simplified. It will no longer be necessary to submit the question to a vote of the people. The manner of letting contracts for the work and the terms of such contracts are made more stringent. An elaborate procedure is provided in case the improvement crosses the right of way of a railroad or street railway company — probably with the idea of meeting conditions in Sioux City. Formerly cities with a population exceeding 24,000 could issue twenty year bonds: now only cities whose population exceeds 50,000 may incur indebtedness for the above purpose, and the term of the bonds is changed to twenty-five years.<sup>132</sup>

Failure of the ice crop in Iowa in 1919 is responsible for an act granting to cities with a population of less than 10,000 which own their own water works, the right to utilize steam and excess power and install the necessary equipment for the manufacture of artificial ice.<sup>133</sup>

A progressive measure for the promotion of "public health, safety, order and general welfare" authorizes all

<sup>131</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 106.

<sup>132</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 285.

<sup>133</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 326.

cities of the first or second class to establish building lines along the streets over which no structure may extend.<sup>134</sup>

An amendment is added to the law relating to the requirements for plats of additions to cities and towns. Before the council need approve of such a plat the owner may be required to bring all streets to an acceptable grade.<sup>135</sup>

*Special Legislation.*—Four acts of the Thirty-eighth General Assembly contain special legislation for particular cities. While the provisions are couched in general terms the language is so specific that in each case there can be only one city to which the law can possibly apply. Such legislation is perhaps unconstitutional, but in each instance peculiar circumstances doubtless justify the measure.

In 1915 all cities, except special charter cities, were authorized to pave main traveled highways through the city — the major part of the cost to be assessed to property within the paving district. The city of Ottumwa desired to pave such a street, but for more than 1500 feet the property fronting on the street consisted of a cemetery operated not for pecuniary profit and therefore not assessable. The original act was amended to allow “cities under the commission plan having a population of more than twenty thousand (20,000), and in which is situated no city cemetery but contain within their confines a cemetery established for more than twenty years and is conducted by a cemetery association or corporation operated not for pecuniary profit, and which cemetery contains more than forty acres and is so situated as to for a distance of more than fifteen hundred (1500) feet bar access to the city”, to levy a tax to cover the cost not justly assessable to other abutting property.<sup>136</sup>

<sup>134</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 145.

<sup>135</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 241.

<sup>136</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 101.

The city of Cedar Rapids in the expectation of becoming the county seat of Linn County has obtained all the needed legislation for that purpose. Among the acts of the Thirty-eighth General Assembly is one giving any commission governed city, with a population between 35,000 and 50,000 according to the State census of 1915 and divided by a river in which there is an island owned by the city, the power to donate a part of the island to the county for a court house site.<sup>137</sup>

An act which at the present time applies only to Des Moines confers upon cities with a population exceeding 100,000 the power to "own, construct, erect, establish, acquire, purchase, maintain and operate" water works within and not more than ten miles beyond the corporate limits. Such water works can not be leased for longer than twenty-five years. Before the water works can be purchased, constructed, leased, or sold, the action must be approved by a majority of those voting thereon. The act also sets out in considerable detail the regulations in regard to the tax levy, bond issue, sinking fund, organization and duties of the board of water works trustees, determination of rates, exertion of political influence, and punishment for embezzlement.<sup>138</sup>

Another act that applies only to Des Moines empowers a commission governed city having a population exceeding 100,000 through which a stream flows that furnishes drainage for a municipality further up the stream whose boundary lines join to "construct, repair and maintain the necessary drains and sewers to preserve and protect the health of such cities." The drainage from Valley Junction would ordinarily go into the Raccoon River, from the valley of which river the city of Des Moines obtains its water supply.

<sup>137</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 111.

<sup>138</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 288.

The new law will permit Des Moines to build a big sewer to take the Valley Junction drainage and assess property in all parts of the city on the ground that the entire city would be benefited by thus safeguarding the water supply.<sup>139</sup>

A number of other acts, special in character, are discussed in other parts of this review and therefore require no mention in this connection.

#### HIGHWAY LEGISLATION

By far the most important piece of road legislation and the most widely discussed of all the laws enacted by the Thirty-eighth General Assembly is the act which divides the highways of the State into primary and secondary systems, provides for the "substantial and durable" improvement of the primary roads, authorizes the payment of such improvements to be made from Federal aid funds, motor vehicle registration fees, and from the proceeds of special assessments on benefited property, permits each county to anticipate such funds by bond issues, and allows the diversion of other existing highway funds to the construction, maintenance, and improvement of the secondary road system.

This legislation provides a means whereby more than 6000 miles of the principal highways of the State can be hard surfaced within ten or twelve years on a pay-as-you-go plan. The primary road system, comprising approximately 6278 miles of the most important highways in the State, connects every city or town of 1000 inhabitants or over. Probably 85 or 90 per cent of the population of the State lives in these towns or on this system of roads. The division of the highways into primary and secondary road systems does not interfere with the former classification of

<sup>139</sup> *Acts of the Thirty-eighth General Assembly, Ch. 407.*



county and township roads. Doubtless the primary roads were formerly county roads. Approximately 10,382 miles of county roads are in the secondary road system under the same regulations as formerly; while the township roads constitute about 87,421 miles of the secondary system.

For the purpose of building and maintaining the primary road system a primary road fund is provided. This fund will consist of money appropriated by Congress for highway improvement and an equal amount provided by the State to be derived from motor vehicle license fees. Iowa's share of the Federal aid funds will amount to \$5,035,560.65 in 1919 and \$2,886,102.41 in 1920 — a total of \$7,921,663.06 for the biennium. It is estimated that the income from automobile fees for the two year period will be at least \$7,279,347.50. Thus the total amount available for 1919 and 1920 will be approximately \$15,000,000 — the price paid by the United States for the Louisiana Purchase in 1803. The primary road fund will be apportioned among the several counties in the ratio that the area of the county bears to the area of the State. It may be used for grading, draining, oiling, graveling, hard surfacing, and maintenance of the primary road system. None of the money is available, however, until a county applies for it, and application must be made before July 1, 1920, or the money will be apportioned among the counties that do apply. After July 1, 1920, the cost of maintenance of the primary system must be paid out of the primary road fund.

There are three options in expending county allotments: grading and drainage of the primary system may be completed before hard surfacing is begun; portions may be hard surfaced and other portions graded and drained; or hard surfacing may be hastened by bond issue. Before any hard surfacing can be undertaken the voters must sanction that policy of road improvement at an election. If the

proposition is voted down, it cannot be submitted again for two years. Graveling is not considered hard surfacing, and the Federal authorities will not approve of gravel roads on main thoroughfares like the Lincoln Highway. The question of issuing bonds to proceed with the hard surfacing faster than by annual allotments must be approved by the voters in the county, but the board of supervisors may anticipate allotments for two years without an election by issuing certificates on the estimated allotments and unpaid property assessments. The so-called "Florida plan" is another alternative by which the supervisors may let tentative contracts for hard surfacing and arrange for a bond issue to meet the expense and have their plans validated by a popular vote. Bonds are limited to \$500 and \$1000 denominations, are payable in fifteen years, and bear five per cent interest.

Seventy-five per cent of the cost of hard surfacing is paid out of the primary road fund and twenty-five per cent from the proceeds of assessments against benefited property. The benefited property must lie within a zone a mile and a half wide on each side of the road; and assessments, apportioned according to the benefit conferred, may in no instance exceed four per cent of the market value of the property. The assessment may be paid in cash or ten annual installments. Towns, but not cities, may be included in the paving district, and town property is assessed the same as rural property.

All former county road funds and township road funds are now available for the maintenance and improvement of the secondary road system. The township road tax levy was materially increased, the mileage of the county road system reduced about one-third, and the county road tax increased in scope so that considerable more money will be available than in the past. It may be used for grading,

drainage, graveling, oiling, or for other suitable surfacing. The approval of the voters is not required for improving the secondary road system. On the county road system seventy-five per cent of the cost of oiling, graveling, or paving is paid from the county road fund, and twenty-five per cent from assessments on benefited land; while on the township road system fifty per cent of such cost is paid from the township road fund, twenty-five per cent from the county road fund, and twenty-five per cent from assessments. A township road so improved may become part of the county road system.<sup>140</sup>

Another highway paving law which applies to the city of Des Moines and Polk County provides that in all counties in which there is a permanent Federal or State institution within five miles of the county seat, and where between these two points there is a main traveled thoroughfare through another city or town, such counties, cities, or towns may pave the highway by joint action.<sup>141</sup> This act was passed for the purpose of enabling Des Moines, Polk County, and Fort Des Moines to combine in paving the road between Des Moines and Fort Des Moines.

Whenever a highway that extends through property owned by the State under the control of the Board of Education or Board of Control, is improved, drained, oiled, or paved, the State is subject to a proportional share of the benefited property assessment and one-half of seventy-five per cent of the cost of the improvement in addition. In other words the State pays the same benefit assessments as private property and shares the remainder of the cost equally with the county.<sup>142</sup>

To prevent the obstruction of highway improvement on

<sup>140</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 237.

<sup>141</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 315.

<sup>142</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 400.

account of the disagreement of county authorities over improvements on roads upon or across county lines the State Highway Commission is authorized to decide the controversy, and their decision is binding on the counties.<sup>143</sup>

Two laws were enacted by the Thirty-eighth General Assembly relating to bridges. Counties which have a bonded indebtedness of \$10,000 or over may levy a seven instead of a five mill bridge tax.<sup>144</sup> The statute providing for the appropriation of money for county bridges was repealed and rewritten. Formerly counties with a population between 10,000 and 15,000 could appropriate as much as \$15,000 for a bridge within the county or across an unnavigable river between two counties or between a county and another State; while counties whose population exceeded 15,000 could appropriate \$25,000 for such a bridge within the county, but no more than \$15,000 if the bridge was between counties.<sup>145</sup> Now the increased cost of materials makes it necessary to allow counties with a population less than 15,000 to appropriate \$25,000 for a bridge within the county and \$15,000 for a bridge between counties; while in counties with a population exceeding 15,000 the sum of \$35,000 may be appropriated for a bridge within the county and \$20,000 for one between counties. The reference to unnavigable streams is not included in the new law.<sup>146</sup>

The township road dragging tax, which has been one mill, was increased to two mills, but the extra mill levy is optional.<sup>147</sup>

An ambiguity in the law relating to weed cutting was cleared up. It appeared that the township trustees were

<sup>143</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 320.

<sup>144</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 355.

<sup>145</sup> *Code of Iowa, 1897*, Sec. 424.

<sup>146</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 336.

<sup>147</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 242.

responsible for weed cutting on all highways. An amendment makes the trustees responsible for this work only on the township roads, while the county supervisors are to have charge of weed cutting on the roads over which they have jurisdiction.<sup>148</sup>

The rebate of one-fourth of the annual road taxes, but not over five dollars a year, allowed to any person using wide tire wagons, was repealed.<sup>149</sup>

#### MOTOR VEHICLES

The Thirty-eighth General Assembly repealed the law relating to the licensing and regulation of motor vehicles and substituted a new statute that fills twenty-three pages of the session laws and becomes effective on December 1, 1919. Under the new legislation the requirement that all motor vehicles be registered and numbered remains in force, but the method of registration and the amount of the license fee are materially changed. While general supervision of registration is retained by the Secretary of State, the county treasurers are made responsible for the actual registration and the issuance of number plates. Applications for registration accompanied by the license fee must be filed with the treasurer of the county in which the owner of the vehicle resides. As many number plates are supplied each county treasurer by the automobile department before December 1st as licenses have been issued that year. Certificates of registration and a container to be kept in the vehicle are also issued to the owner. Registrations expire on the last day of the year and must be renewed by the first day of January.

All fees collected must be transmitted to the office of the Secretary of State by the fifteenth of each month. Ninety-

<sup>148</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 194.

<sup>149</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 118.

four per cent of all motor vehicle license fees are to be apportioned to the several counties in the ratio that the area of the county bears to the area of the State. Two and one-half per cent goes to the maintenance of the State Highway Commission, and the remaining three and one-half per cent will be used to defray the expenses of the office of Secretary of State in the administration of the law.

The amount of, and the basis of determining the license fee is entirely changed. The fees under the old law were based on the amount of motive power or type of vehicle; now the fees will be based on the value and weight of the vehicle, except motorcycles for which there is a flat rate of five dollars in place of three dollars. The day has passed when the owner of a \$6000 Pierce Arrow "queen of the highway" can ride for a fee of only a few dollars more than the owner of a three year old Ford. Under the new law the license fee for a Ford is \$12, while that of a Pierce-Arrow touring car is \$82.40. The rate for pleasure cars is one per cent of the factory selling price and forty cents per hundred pounds of weight. The fee for motor trucks and trailers depends upon capacity and kind of tires, varying from \$15 to \$175 for trucks and from \$10 to \$70 for trailers. Moreover, license fees must be paid promptly. A one dollar penalty is added for each month over time and in May a delinquent list will be published which will add another fifty cents to the penalty. Fifteen days later the list will be turned over to the sheriff who is allowed two dollars for each fee collected and if the owner refuses to pay, the sheriff may take the car and charge one dollar a day for his trouble while keeping it. To aid identification of delinquents the color of number plates will change every year. In case an automobile is sold second hand both the owner and purchaser must apply for transfer, and the sale is not complete until a new registration has been issued.

The registration fee is in lieu of all other taxes. To alter the serial number or the number of the certificate of registration of a car is a penitentiary offense, while the improper display or alteration of number plates is a misdemeanor.

The new law prescribes the customary regulations as to the operation of automobiles on the highways with respect to good brakes, horns, and mufflers. Lights must not be over thirty-two candle power and must be so placed that direct beams, if not diffused, can not rise above forty-two inches at seventy-five feet in front of the car. Spot lights are permissible but must not be directed to the left of the center of the highway.

Other safeguards of the public safety require the licensing of chauffeurs, who must be over eighteen years of age. The term chauffeur, however, does not apply to employees engaged in operating motor trucks in mercantile and agricultural enterprises.<sup>150</sup> No person under fifteen years of age may operate a car unless accompanied by a mature person. There are severe penalties for the person who drives a car while in a state of intoxication.

Speed regulations depend upon the weight and type of tires, thirty miles an hour being the limit for pneumatic tired vehicles under three tons in weight — which includes most passenger automobiles. The limit for over six ton trucks with hard rubber tires is twelve miles an hour; while trailers with metal tires may not travel faster than ten miles an hour. Between these limits there is a sliding scale; but it should be observed that State speed regulations do not supersede municipal rules. Heavy tractors with cleats on the wheels are barred from paved or graveled roads, and the lighter machines must have two cleats in contact with the surface at all times.

Garage rules prescribe that a record must be kept of all

<sup>150</sup> *Acts of the Thirty-eighth General Assembly, Ch. 370.*

cars stored, including the engine number, the serial number, the name of the person leaving the car, and the name of the owner of the car.<sup>151</sup>

When the motor vehicle department was transferred to the State Treasurer he was authorized to "use his best judgment and discretion" in making a settlement of delinquent automobile license fees and to employ sufficient assistance to systematize and expedite the work of the motor vehicle department.<sup>152</sup>

#### SCHOOL LEGISLATION

The laws relating to schools in Iowa have reached a state of complexity that is exceedingly baffling to the citizen in quest of information, while experienced teachers and school officials find the statutes scarcely less confusing. Much of the school legislation enacted in 1919 was new and constructive in character, but there were not a few measures passed principally for the purpose of clarifying the law.

*School Boards.*—The organization of the county board of education, whose function it is to administer the law in regard to uniformity of text books, was completely changed. Whereas the board formerly consisted of the county superintendent, the county auditor, and the county supervisors, it is now composed of six "reputable citizens of the county, of good educational qualifications" and the county superintendent. These citizens are elected at the convention of school board presidents for a term of six years. The first election occurred on April 7, 1919. The qualifications, in addition to those mentioned above, are United States citizenship, an age of twenty-one years, and residence in the State six months and in the county sixty days. Members

<sup>151</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 275.

<sup>152</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 412.



may be of either sex, and there shall not be more than one from each school corporation. They serve without pay, but are reimbursed for necessary expenses. In addition to their duties in regard to uniform text books, the new county board of education will act as an advisory council to the superintendent and coöperate with him in planning the advancement and welfare of the schools.<sup>153</sup>

The statute providing for the filling of vacancies on the board of school directors was amended to meet the contingency of there being no board of directors elected or qualified. In that case the county superintendent is empowered to appoint a board of directors.<sup>154</sup> This act was designed to meet a particular circumstance where the people had voted in favor of establishing a consolidated school district. When the directors were elected the entire board was opposed to consolidation and refused to qualify or serve. The only legal way of solving the difficulty was through additional legislation. There may never be another emergency for the use of the statute, but the procedure is established if a case should arise.

*Teachers.*— An amendment was made to the law relative to the powers of the board of educational examiners. State certificates may be issued hereafter without examination to persons “possessing satisfactory qualifications by reason of training and teaching experience of not less than fifteen years”. The purpose of this act is doubtless to prevent the new requirements from working a hardship to teachers who have been engaged in the vocation for a long time.<sup>155</sup>

Since 1915 applicants for teachers' certificates, except college graduates, have been required to prove that they

<sup>153</sup> *Acts of the Thirty-eighth General Assembly, Ch. 56.*

<sup>154</sup> *Acts of the Thirty-eighth General Assembly, Ch. 201.*

<sup>155</sup> *Acts of the Thirty-eighth General Assembly, Ch. 241.*

have had twelve weeks of normal training; but that requirement did not constitute a bar to any who had had six months of successful teaching experience. Moreover, if sufficient teachers could not be secured who fulfilled the normal training requirements, provisional certificates could be issued regardless of the normal training qualifications and regardless of the regular procedure of issuing provisional certificates based on special examinations. The legislation of 1919, however, provides that the six months' experience can not be obtained on a provisional certificate, and repeals the clause which allows the irregular issue of provisional certificates as above described. Moreover, in the case that sufficient licensed teachers can not be secured in a county and provisional certificates are issued by the board of examiners, such provisional certificates are valid only for the balance of the school year in which they are issued.<sup>156</sup> The purpose of the act is to remove as far as possible the opportunity for county superintendents to secure provisional certificates for favorites year after year.

The statute providing for the normal training requirement was further amended by adding that the certificate from the institution where the normal training was received must bear a list of the subjects taken and the standing in each. Examinations in all subjects except didactics may be taken before or after the term of normal training. In the case of graduates who have taken normal training in four year course accredited high schools, grades in didactics in college will be accepted in lieu of an examination in that branch.<sup>157</sup>

The State Teachers College, the State University, and the College of Agriculture have experienced some difficulty in obtaining facilities for teaching practice for students.

<sup>156</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 408.

<sup>157</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 156.

A new law permits school directors to contract with the State Board of Education for furnishing instruction and for training teachers. Such contracts shall be in writing and for a period not longer than two years.<sup>158</sup>

The teachers' minimum wage law was completely rewritten in an effort to make the salaries of public school teachers more nearly adequate. Under the new law the least that a college graduate with a State certificate may be paid is \$100 a month, but after two years of experience the minimum is \$120. Teachers who have completed a two-year course in education in a normal school and hold a State certificate must be paid \$80 a month, and after two years' experience \$100. Teachers without one year's teaching experience, who have completed a normal course in a normal training high school, are entitled to \$65 a month. Such teachers with a year of experience, and teachers holding a first grade uniform county certificate, must have \$75 a month until they have taught two years when the minimum becomes \$80. Those who hold second grade county certificates will receive a \$60 or \$65 minimum according to experience, while for those with third grade county certificates the least that can be paid is \$50 a month.<sup>159</sup>

It has happened too frequently that teachers, having contracted to teach in one school, have received a better offer elsewhere and have entered into another contract to teach at the second place, thus leaving the first school without a teacher. To protect school boards in the employment of teachers a law was enacted which declares that contracts with teachers who are already under contract are invalid until the "former contract shall have been released or cancelled".<sup>160</sup>

<sup>158</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 187.

<sup>159</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 351.

<sup>160</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 310.

*Curriculum.*—The intense antipathy toward hyphenated Americanism and anything German during the war was the cause of several acts of the Thirty-eighth General Assembly, for none of which the responsibility can be more directly traced than the law establishing English as the medium of instruction in all secular subjects taught in all public and private schools of the State. This law, however, does not prohibit the teaching of foreign languages above the eighth grade. Violation of the act is a misdemeanor.<sup>161</sup>

Another statute provides for the teaching of American citizenship in all public and private primary and secondary schools in the State. Under its provisions the Superintendent of Public Instruction is required to prepare and distribute an outline for the study of American citizenship in the first eight grades, and for American history, civics, and social problems and economics in secondary schools.<sup>162</sup>

The original bill along this line was much wider in scope and more exacting in its provisions. For example, a committee of professors from the departments of political science, sociology, and economics of one or more of the State institutions of higher learning were to have prepared the outline for the study of citizenship in secondary schools. Moreover, institutions of higher learning which train high school teachers were to have been required to offer at least five semester hours of credit in civic instruction and civic practice, normal training high schools and institutions which prepare elementary school teachers to offer one-half unit of such work, while colleges and universities were to have been required to offer five semester hours of work in American government and citizenship. Freshman students attending a State supported institution of higher learning were to be required to take not less than five semester hours of work in American government. After July 1, 1920, no

<sup>161</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 198.

<sup>162</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 406.

teacher was to receive a certificate who had not satisfactorily completed the prescribed training. Before action was taken, however, the author of the bill presented a substitute making material alterations in his own bill. The substitute passed the House but later was still further modified.<sup>163</sup>

Early in the session a bill was introduced in the Senate with a view to excluding aliens from employment as teachers in the public schools and State educational institutions. When the bill was under consideration an effort was made to except aliens from certain countries, but such amendments failed and the measure passed the Senate by a vote of twenty-nine to fifteen. Later the vote was reconsidered and the bill amended to permit the employment of alien teachers in the State institutions, provided their country was not engaged in war against the United States or allied powers during the years from 1914 to 1918. The House adopted the report of the Committee on Judiciary recommending the passage of the bill, but on the final consideration it failed to pass the House by one vote.<sup>164</sup>

As a result of the higher wages paid to teachers and the increase in the number of high schools receiving State aid for normal training, the annual appropriation for such State aid was raised by the Thirty-eighth General Assembly from \$125,000 to \$150,000.<sup>165</sup>

The sum of \$2000 is appropriated to provide State aid to schools in cities having a population of more than 20,000 which provide for practical training in agriculture, nature study, and other wholesome employment for children during the summer. Under the provisions of the statute the work must be conducted over a period of three years with classes of at least fifty pupils, and an exhibit must be made

<sup>163</sup> House File No. 85. See also *House Journal*, 1919, p. 523.

<sup>164</sup> *Senate Journal*, 1919, pp. 723-726, 820; *House Journal*, 1919, p. 1463.

<sup>165</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 230.

showing successful experience before the money is available.<sup>166</sup>

Another act grants State aid to schools that receive Federal funds for vocational education. As originally provided in 1917 the local community was required to raise an amount equal to that expended by the Federal government. Now the State will meet that expense, and the biennial appropriation will be based on the estimates of the State Board of Vocational Education for the succeeding two years. If the Federal and State funds are not sufficient they will be distributed pro rata. The Thirty-eighth General Assembly appropriated for this purpose \$40,000 for the year ending June 30, 1920, and \$50,000 for the year ending June 30, 1921.<sup>167</sup>

The original act which provided for the acceptance of Federal aid for vocational training established a State Board of Vocational Education and appropriated \$2500 a year to cover their actual expenses. This amount proved to be entirely inadequate, and so an additional amount of \$2050 was appropriated to pay the expenses incurred between March 1 and June 30, 1919. Furthermore, the regular annual appropriation was increased to \$9000.<sup>168</sup>

An attempt was made to bring the child labor law and the compulsory school attendance legislation more into harmony. Heretofore all children under sixteen years of age (except those over fourteen who held work certificates, or were employed in a store where less than eight people were employed, or worked in establishments or occupations owned or operated by their parents, or who had an eighth grade education or its equivalent) were required to go to school. For the benefit of the children between the ages

<sup>166</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 354.

<sup>167</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 337.

<sup>168</sup> *Acts of the Thirty-eighth General Assembly*, Chs. 81, 337.

of fourteen and sixteen who are allowed to work instead of attend school or who have an eighth grade education and are not engaged in a useful occupation, the legislation of 1919 authorizes the establishment of part-time schools in which may be taught "any subject given to enlarge the civic or vocational intelligence" of the pupils. There must be not less than eight hours of instruction a week between the hours of eight A. M. and six P. M. during the school year. Part-time school standards will be prescribed by the State Board of Vocational Education. Such schools must be established when there are fifteen eligible pupils in the district, and the attendance of such pupils is compulsory.<sup>169</sup>

*School Finance.*—The Thirty-seventh General Assembly simplified the school fund system by making the school building bond fund a part of the school house fund, while the contingent fund and the teachers fund were combined to form the general fund. The per capita estimates for the teachers fund and the contingent fund were consequently combined to make not more than \$40 per pupil for the new general fund. The maximum combined total, however, was increased from \$345 to \$525.<sup>170</sup> The Thirty-eighth General Assembly increased the amount that a school board may estimate as necessary to be raised by taxation for the general fund from \$40 to \$60 for each person of school age in a district, and the maximum total from \$525 to \$650.<sup>171</sup>

The amount of taxation per person of school age that the board of directors in a consolidated school district may levy for the general fund was increased from \$50 to \$65, and where an approved high school course is maintained the limit of levy was raised from \$60 to \$80.<sup>172</sup>

<sup>169</sup> *Acts of the Thirty-eighth General Assembly*, Chs. 94, 139.

<sup>170</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 386.

<sup>171</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 77.

<sup>172</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 116.

The basis of determining the amount of money available for books and other supplies is changed. Instead of \$25 being allowed for each school room, \$200 may be spent for such purposes in each school building.<sup>173</sup>

A school corporation which does not offer a four year high school course must pay the tuition of any person of school age who is admitted to any public high school in the State. The Thirty-eighth General Assembly increased such a tuition fee from five dollars a month — or seven dollars a month in districts where there is a city of the first class — to eight dollars a month in all high schools regardless of their location.<sup>174</sup>

*School House Sites and Grounds.*— The power granted to independent school districts in cities and consolidated independent districts to incur indebtedness for school buildings and sites is extended to apply to district school townships and all independent school districts outside of cities and towns. Moreover, such indebtedness may be incurred for building and furnishing a gymnasium, a teachers' or superintendent's home, or an addition to a school house.<sup>175</sup> Frequently it is desirable to make substantial additions to present school houses rather than to erect a new building, and in some localities, especially in consolidated school districts not located in a town, it has been found advisable to build a dwelling for the teachers or superintendent.

The statute on the reversion of school sites in case of nonuser for school purposes continuously for two years was rewritten to meet new conditions brought about by the establishment of consolidated districts and for the purpose of clarification. Such real estate still reverts to the owner

<sup>173</sup> *Acts of the Thirty-eighth General Assembly, Ch. 345.*

<sup>174</sup> *Acts of the Thirty-eighth General Assembly, Ch. 72.*

<sup>175</sup> *Acts of the Thirty-eighth General Assembly, Ch. 314.*



of the tract from which it was taken, but instead of paying the purchase price with interest the owner must now pay the market value. If the owner refuses to accept the property at its appraised value it may be sold to any other person. The new law specifically states that the site and improvements may be sold separately, and that its provisions do not apply to schools temporarily closed on account of small attendance. School houses and sites no longer necessary in consolidated districts may be sold immediately after the organization of the consolidated district.<sup>176</sup>

Cities of the first class and special charter cities are now given the special privilege of levying a four mill tax or less for the purchase of school sites. The law is made more definite in another respect by this same chapter which especially mentions special charter cities along with cities, towns, or villages in which a school site may contain two blocks "or area equal thereto"—the quoted words also being added by the Thirty-eighth General Assembly.<sup>177</sup>

*Consolidated Schools.*—Most of the statute prescribing the procedure in the establishment of consolidated schools was rewritten. In the new law, along with some fundamental changes, the procedure is described in clearer language. The petition asking for a consolidated district must now be accompanied by an affidavit showing the number of qualified voters in the proposed district. If there is no newspaper published in the district, notice of hearings of objections may be published in any newspaper of general circulation in the district—not necessarily the official county papers. Objections may be filed not only by residents or land owners but by any persons who would be injuriously affected. Ten days instead of five are allowed

<sup>176</sup> *Acts of the Thirty-eighth General Assembly, Ch. 342.*

<sup>177</sup> *Acts of the Thirty-eighth General Assembly, Ch. 125.*

in which persons aggrieved at the decision of the county superintendent in fixing boundaries may appeal to the county board of education; and that board is given five days instead of three to render a decision on the appeal.

It is now the duty of the county superintendent rather than the board of directors to call the special elections on the question of establishing the consolidated district and for the election of the new board of directors. Formerly when a city, town, or village, with a population exceeding 100, was included, the voters in the country and the municipality voted separately; but now they do not vote separately unless the population of such a village or town exceeds 200.

In regard to fixing the boundary lines the county board of education, under the revised statute, is empowered to fix boundary lines that do not conform to those of school districts already established if, on account of meandering streams, irregular boundaries, or the location of highways, the welfare of the consolidated district may be better served thereby.<sup>178</sup>

The enactment of this law proved confusing in cases where consolidated school districts were in the process of formation according to the provisions of the former law. Consequently, the Assembly, later in the session, amended its own enactment by the addition of another section explaining that where the formation of consolidated districts was already under way it should be completed according to the old process. Where the organization had been completed under the old law the action was legalized.<sup>179</sup>

When the boundary lines of contiguous school corporations are changed the law now specifically provides that new boards of directors need not be elected — the boards

<sup>178</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 149.

<sup>179</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 277.

then in office making the necessary financial adjustments. In case contiguous districts are consolidated to form one district, the board of directors of the district having the largest population continues as the board of the new district until their terms expire.<sup>180</sup>

The annual appropriation for State aid to consolidated schools is increased from \$100,000 to \$150,000.<sup>181</sup>

*Miscellaneous School Legislation.*— School boards have been competent to issue bonds when authorized so to do by the majority of the electors voting at a special bond-issue election. By the legislation of 1919 the word electors is changed to “qualified voters” in order to include women. It is also provided that in all cases where such an election has been held, and where a majority of the votes cast, regardless of the sex of the voters, is favorable to the issuance of bonds, such election is sufficient authorization for the bonds, and the bonds are legal and valid.<sup>182</sup>

The school age in Iowa is from five years to twenty-one, and schools are free of tuition for residents between those ages. It was enacted by the Thirty-eighth General Assembly that schools shall be free of tuition to resident honorably discharged soldiers, sailors, and marines as many months after becoming twenty-one as they have spent in the military service of the United States before reaching that age.<sup>183</sup>

The common school term was lengthened from twenty-four to thirty-two weeks each year.<sup>184</sup>

With a view to relieving the situation as to school facilities in coal mining camps, fifty thousand dollars was appro-

<sup>180</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 113.

<sup>181</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 291.

<sup>182</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 134.

<sup>183</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 160.

<sup>184</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 24.

priated to be used by the Superintendent of Public Instruction during the next biennium.<sup>185</sup> It is asserted that the schools are what they should be in only about ten out of the fifty-six camps in the State. This condition is due to lack of money, owing to the small amount of taxable property in such camps.<sup>186</sup>

An annual appropriation of \$100,000 was made to aid and promote the standardization of rural schools. The Superintendent of Public Instruction is required to prescribe minimum requirements for standard schools as to teaching, general equipment, heating and ventilation, lighting, seating, water supply, library, care of grounds, safety against fire, and the like. To rural districts maintaining one or more such standard schools, State aid will be given to the amount of six dollars for each pupil in attendance at least six months of the previous year. In order that a school may be considered standard it is required that there shall be an average daily attendance of at least ten pupils, and the teacher must have a first grade uniform county certificate or its equivalent and must have contracted to teach for a year.<sup>187</sup>

When the average attendance at any school is less than five pupils the school shall be closed, unless it can be shown that the number of children of school age has so increased that ten or more will be enrolled, that there are natural obstacles to the transportation of pupils to another district, or that other conditions obtain making it clearly inadvisable that such schools should be closed. Provision is made that when such schools are closed, the board must send the children to school in another district. This act also takes from the county superintendent the power to authorize the

<sup>185</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 373.

<sup>186</sup> *The Des Moines Register*, September 4, 1919, p. 12.

<sup>187</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 364.

board in any school district to shorten the annual school term to less than thirty-two weeks even in special cases.<sup>188</sup>

## CHILD WELFARE LEGISLATION

The power of the juvenile courts to commit a delinquent child to the care or custody of a probation officer, either in its own home or in the home of a suitable family, is extended to include dependent and neglected children as well. Only delinquent children, however, may be committed to the training schools.<sup>189</sup>

By chapter 12 of the *Acts of the Thirty-eighth General Assembly*, no juvenile court can commit a child under ten years of age to the Training School for Boys or the Training School for Girls, but such a court may commit them to the Soldiers' Orphans' Home at Davenport.<sup>190</sup>

District courts in counties with over 35,000 population may designate not over four probation officers, each to be paid not over \$125 per month. Formerly this was permitted only in counties of more than 50,000 and the compensation could not exceed \$75 per month.<sup>191</sup>

School boards in school districts containing one thousand or more inhabitants are now empowered to establish and maintain dental clinics for the school children of the district, and offer courses of instruction on mouth hygiene. Such legally qualified dentists and dental hygienists as are necessary may be employed and paid out of the general fund.<sup>192</sup>

An amendment to the child labor law, which is in reality a part of the part-time school statute enacted as chapter

<sup>188</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 143.

<sup>189</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 246.

<sup>190</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 12.

<sup>191</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 41.

<sup>192</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 91.

94 of the *Acts of the Thirty-eighth General Assembly*, provides that "whenever in any organized school district there shall have been established a part-time school, department or class, no person under sixteen years of age shall be employed for more than forty hours in any one week". This was inserted in the law which provides for a forty-eight hour week as a maximum for persons under sixteen. The additional eight hours per week must be spent in the part-time school. Violation of this act constitutes a misdemeanor punishable by a maximum fine of \$100 or jail imprisonment for thirty days.<sup>193</sup>

#### PARKS AND PLAYGROUNDS

The time in which certain cities may continue to levy an additional yearly tax of one mill for grading, beautifying, and otherwise improving lands acquired for park purposes was extended to 1924. The proceeds from this tax may also be used for the improvement of other lands owned and used for park purposes which were not purchased by funds derived from a special tax for that purpose.<sup>194</sup>

This enactment, however, was made obsolete by a later chapter, which rewrites the Code section on the subject. Herein additional funds for park purposes are provided, and regulations are included as to borrowing money and issuing bonds. Special charter cities and cities under the commission form of government are specifically brought within the purview of the act. Emphasis is placed on "permanent improvement". A new section provides that in cities of 25,000 inhabitants, the board of public works may submit to the electors of the city voting at a city or special election, called for that purpose, the question of an additional levy of five mills for park purposes, for a term

<sup>193</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 139.

<sup>194</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 46.

not exceeding thirty years.<sup>195</sup> A similar act extends the time during which Council Bluffs may continue to levy an additional yearly tax of one mill for improving the meandered lake within the city.<sup>196</sup>

Still another act allows all cities having a population of 85,000 or more to levy, in addition to all present park taxes, an additional tax of not to exceed one-half mill on the dollar on all taxable property in the city "to be used for the sole and only purpose of purchasing and paying for real estate to be used for park, art and memorial purposes".<sup>197</sup>

Special charter cities may now provide juvenile playgrounds. Prior to 1919 they were not specifically included in such authorization.<sup>198</sup>

The act of the Thirty-seventh General Assembly which relates to the establishment of State parks was amended by substituting "board of conservation" for "fish and game warden" and "public state parks fund" for "fish and game protection fund". Supervision is now by the Board of Conservation. The amount of the appropriation was changed from \$50,000 out of the fish and game protection fund to any portion of the fish and game protection fund which is, in the judgment of the Executive Council, unnecessary for the support and maintenance of the fish and game department, and in addition \$100,000 out of any monies in the State treasury not otherwise appropriated. The combined appropriation constitutes the public State parks fund.<sup>199</sup>

Chapter 51 of the *Acts of the Thirty-seventh General Assembly* was amended to allow cities which already own

<sup>195</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 312.

<sup>196</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 58.

<sup>197</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 168.

<sup>198</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 222.

<sup>199</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 368.

and maintain buildings and grounds suitable for community center activities to establish community centers as such by resolution of the city council, without submission of the question to the electors.<sup>200</sup>

## PUBLIC HEALTH LEGISLATION

Spanish influenza is made a quarantinable disease by the Thirty-eighth General Assembly. It is also enacted that any other contagious or infectious disease may be declared quarantinable at the discretion of the State Board of Health.<sup>201</sup> Provision is made for a temporary quarantine placard to be used when the type of disease is not immediately determined or diagnosed. The form and language for this temporary warning sign is prescribed in the act. Temporary quarantine of this kind is for twenty-four hours only.<sup>202</sup>

The law relating to the treatment of tuberculosis and the duties of county supervisors in that connection was rewritten and made more explicit. Supervisors may now arrange for the treatment of indigent patients afflicted with this malady in any institution in the State maintained for the treatment thereof, or in a county public hospital or any other hospital not maintained for pecuniary profit. If such an institution is within the county, the supervisors may provide suitable buildings for the segregation of tuberculosis cases. One of the outstanding features of the law is the provision prohibiting hospitalization of tuberculosis patients at any county home in the State.<sup>203</sup>

Several other amendments were made to the law relating to the department for tuberculous persons at county hos-

<sup>200</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 184.

<sup>201</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 80.

<sup>202</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 397.

<sup>203</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 341.



pitals. It is made a mandatory duty of the board of supervisors to appoint a board of seven trustees for a public hospital as soon as such hospital has been authorized by vote. County public hospitals may now, if deemed advisable, be operated exclusively as tuberculosis sanatoriums, or they may contain a department where tuberculosis cases may be segregated. A building may also be established for the isolation or detention of persons afflicted with contagious diseases. Stringent regulations were added to the law, making it possible to deal summarily with careless or malicious patients who violate regulations and refuse to follow the rules of sanitation. County public hospitals operating under this act may use any appropriate "title" or "appellation" desired.<sup>204</sup>

The law relating to venereal diseases was extensively amended and rewritten in a comprehensive act of six pages. Chancroid was added to syphilis and gonorrhoea as being an infectious, contagious, and communicable disease, dangerous to the public health.

Physicians or others who treat venereal diseases, as well as druggists who sell drugs for their cure, must keep records of such treatment or sale and make reports to the local board of health. Each person treated must be given a copy of the act, and also a circular of information and advice concerning venereal diseases.

Health officers are empowered to examine persons suspected of having venereal disease, and to isolate or quarantine them when necessary to the public health. Indeed, county supervisors may erect detention hospitals for the care of venereals, and a special tax of not over two mills on the dollar in any one year, for a period of fifty years, is authorized for this purpose, with the privilege of bond issue to anticipate the tax. Persons other than prostitutes

<sup>204</sup> *Acts of the Thirty-eighth General Assembly, Ch. 398.*

who agree to abide by regulations of the health officer may be released from quarantine upon bond.

Transmission of any of these diseases is made a misdemeanor, and the offender is subject also to a civil suit for damages. Violations of the act and neglect or refusal to obey orders of the health boards are punishable offenses. The act also contemplates the suppression of prostitution, and health officers are prohibited from issuing certificates or other evidence of freedom from venereal diseases. Fifteen thousand dollars annually for two years is appropriated to carry out the provisions of the act.<sup>205</sup>

The health physician is now a member of the local board of health in cities and towns.<sup>206</sup> This officer is appointed by the mayor and should not be confused with the health officer.

County supervisors, city and town councils, and school boards are empowered to employ, independently or coöperatively, visiting or public health nurses at such periods each year and in such numbers as they may deem advisable, and to pay the expenses thereof.<sup>207</sup>

A statute which appears to have been enacted for the benefit of Dubuque County, amends the general provision of the law relative to the erection of county hospitals. Thus, when the board of supervisors in counties having a population between 55,000 and 65,000, are presented with a petition signed by 300 free-holders of the county, 200 of whom are residents of the city where it is proposed to establish a county hospital, asking for the erection of a detention or contagious disease hospital to cost not over \$40,000, they may order its erection without submitting the question to a vote of the people, and may issue fifteen year bonds at six per cent interest for such construction.<sup>208</sup>

<sup>205</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 299.

<sup>206</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 87.

<sup>207</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 290.

<sup>208</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 239.

The Thirty-eighth General Assembly revised and rewrote the law relating to imitation and impure dairy products. Cheese is defined, and provision is made for labelling "Skimmed Milk Cheese", "Imitation Evaporated Milk", and "Imitation Ice Cream". The minimum fine for violation of the act was reduced from twenty-five dollars to ten; and the length of imprisonment was made not more than thirty days, rather than not less than thirty days. The reduction of the fine was to facilitate prosecution and conviction. Juries were disposed to consider this fine too high and acquittals were the result. Milk plants, cream stations, and ice cream factories were made subject to the provisions of the law as to sanitation and reports. The necessity for this enactment became pronounced during the war period. High prices brought into the market many brands of so-called milk, usually a compound of skimmed milk and vegetable fats. Some of the manufacturers of these compound milks made a strong fight against the measure.

Provision was made for registration of the mark or brand on milk containers and the return of these containers to their rightful owners. The dairy interests regarded this as an important feature of the bill. Protection of these registered marks or brands adopted and used by dealers in dairy products is provided.<sup>209</sup>

Still another act provides for the branding of so-called "boiled, process or renovated butter" sold in this State. Branding marks under this act, as well as under chapter 206 mentioned just above must be in the English language. A fine of from \$25 to \$50 or imprisonment up to six months in the county jail is provided for violation of this act.<sup>210</sup>

The Dairy and Food Commissioner is empowered to

<sup>209</sup> *Acts of the Thirty-eighth General Assembly, Ch. 206.*

<sup>210</sup> *Acts of the Thirty-eighth General Assembly, Ch. 127.*

make and issue standards for foods, where they are not already fixed by law. Such standards shall conform to those proclaimed by the Secretary of Agriculture of the United States. Food in package form is now deemed to be misbranded if the name of the article is not plainly stated on the outside of the package or wrapper.<sup>211</sup>

Chapter 274, providing for the regulation of traffic in eggs and the licensing of dealers, attempts to prevent fraud, misrepresentation, and the sale of eggs unfit for human food. Regulations are made for the candling of eggs, and certificates must be placed on the top layer of each case of candled eggs. No person, firm, or corporation, except those retailers who buy direct from licensees, and who do not sell in greater lots than one case, may now buy, sell, deal, or trade in eggs, without a license. The annual license fee is one dollar.<sup>212</sup>

Hotels are removed from the application of the law relative to the sanitation and interior finishing of food-producing establishments.<sup>213</sup> Inspection of hotels and the sanitation thereof, was provided for by chapter 182, which is discussed below under the caption of "Business, Trades, and Commerce".

Perhaps no measure of the Thirty-eighth General Assembly was given more thought and care than the housing law. Few, if any acts, are of more importance to the general welfare of the State than this piece of enlightened legislation. The movement, of which this act is the culmination, is of long standing. It has been advocated by the Iowa State Housing Association, endorsed by city councils in the principal Iowa cities, and fostered by the State Federation of Women's Clubs. On September 6, 1918, at the "War

<sup>211</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 284.

<sup>212</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 274.

<sup>213</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 202.

Conference on Housing" a commission was appointed by Governor W. L. Harding to draft a State housing law. Dr. Curtis W. Reese, of Des Moines, was chairman of that commission, and he was perhaps more instrumental in the preparation of the measure than anyone else. Governor Harding endorsed the legislation in his inaugural address in 1919.

The original bills, based largely upon a model housing law, were introduced by James B. Weaver in the House and Chester W. Whitmore in the Senate on the same day, as companion bills. They were referred to a joint committee composed of members of the Senate and House standing committees on cities and towns which held public hearings, redrafted the bills, and re-introduced them as committee bills. The act was approved on March 31, 1919.

This act which fills twenty-three printed pages of the session laws is a comprehensive State housing law, and as such, aims "to promote the health, safety and welfare of the people by regulating the light and ventilation, sanitation, fire protection, maintenance, alteration and improvement of dwellings; to define the classes of dwellings affected by the act, to establish administrative requirements, and to establish remedies and fix penalties for the violation thereof."<sup>214</sup>

The housing law is mandatory in all cities of 15,000 or over. Other cities and towns, however, may enact ordinances of like character. Enforcement is for the most part by health officer or board of health.

There has been considerable criticism of the act by contractors and builders — particularly of apartment houses — some of whom claim that the stringent regulations are prohibitive of such building. All apartment houses hereafter constructed must be fireproofed. This, it is claimed,

<sup>214</sup> Reese's *The Scope of a State Housing Law*, p. 1.

adds twenty-five per cent to the cost and would make rentals unreasonably high. Indeed, a contractor in one Iowa city is quoted as saying that "it is a pity that a law framed by men who know nothing of the technical problems of construction should ruin the industry." The State authorities, on the other hand, say that opposition is due to ignorance of the law or misunderstanding of its provisions.<sup>215</sup>

#### DEPENDENTS, DEFECTIVES, AND DELINQUENTS

The board of supervisors in each county is now required to publish an annual financial statement of the receipts and expenditures of the county home or county farm. Receipts are to be itemized, but expenditures may be set forth in total. The statement must also contain an inventory of the property on hand at the county home on January 1st, along with a comparison with the inventory of the year before.<sup>216</sup>

Dental attendance or services as well as medical attendance and supplies may now be provided for the poor by the county board of supervisors.<sup>217</sup>

The overseer of the poor or the board of supervisors may make objections to the continuance of an allowance made by the court to a widowed mother under the mothers' pension law, and when such objection is made the court or judge is required to hold a hearing thereon.<sup>218</sup>

The Thirty-seventh General Assembly provided that policemen entitled to a pension should, upon retirement, be allowed one-half the amount of salary they received at the time they became entitled to retirement. The amount of monthly pension was changed by the Thirty-eighth Gen-

<sup>215</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 123.

<sup>216</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 260.

<sup>217</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 225.

<sup>218</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 107.

eral Assembly to one-half the amount of salary received at the date of actual retirement.<sup>219</sup> An identical provision was made for the benefit of city firemen.<sup>220</sup>

A policeman who is appointed to the office of city marshal shall be considered as continuing to be a member of the police department and shall be entitled to have this time counted toward retirement and pension. When acting as city marshal he shall not serve as a member of the board of trustees of the policemen's pension fund in any matter in which he is individually interested.<sup>221</sup>

Estates of insane or idiotic persons who are treated or confined in any county asylum or poor-house and the estates of persons legally bound for their support have been liable to the county for the reasonable expense of the care of such persons. This liability is now extended to insane or idiotic persons in private hospitals or sanitariums, where they are often kept because county institutions are overcrowded.<sup>222</sup>

The law relating to county aid of the blind is changed so as to apply only to citizens; and the amount of such aid is changed from a flat rate of \$150 per annum and made not less than \$100 and not more than \$300 per annum, at the discretion of the board of supervisors.<sup>223</sup>

Counties of 40,000 inhabitants instead of 50,000, as formerly, are now required to provide and maintain a detention home and school for dependent, neglected, and delinquent children, outside the enclosure of any jail or police station.<sup>224</sup>

<sup>219</sup> *Acts of the Thirty-eighth General Assembly, Ch. 45.*

<sup>220</sup> *Acts of the Thirty-eighth General Assembly, Ch. 19.*

<sup>221</sup> *Acts of the Thirty-eighth General Assembly, Ch. 344.*

<sup>222</sup> *Acts of the Thirty-eighth General Assembly, Ch. 309.*

<sup>223</sup> *Acts of the Thirty-eighth General Assembly, Ch. 200.*

<sup>224</sup> *Acts of the Thirty-eighth General Assembly, Ch. 369.*

One of the important acts passed by the Thirty-eighth General Assembly extends the benefits of the so-called "Perkins Law" to indigent adults, who may now receive treatment in the University Hospital at Iowa City the same as do crippled children. Methods of securing admission, provision for transfer to and from the hospital, fees for the examining physicians, and all necessary regulations are prescribed in the law.<sup>225</sup>

The law relating to the compulsory education of deaf and blind children was rewritten with certain amendments. As now worded the statute applies to children between the ages of seven and nineteen, instead of twelve and nineteen as formerly. The fine for failure to comply with the law — assessable against parents, guardians, or employers, or anyone else who attempts to induce such children to remain away from school — is increased from twenty-five dollars to one hundred dollars and from eight days in the county jail to thirty days. Authority is given the State Board of Education to employ an agent to aid in the enforcement of these provisions, for which the necessary funds are appropriated. This act repeals sections 2718-c, 2718-d, 2718-e, and 2718-f, of the *Supplement to the Code of Iowa, 1913*.<sup>226</sup>

The Thirty-eighth General Assembly enacted a very comprehensive law relating to the care and detention of feeble-minded persons. This act covers nine pages of the session laws, and is undoubtedly an excellent statute, but it does not seem to fit well into the Iowa law and the Iowa system of caring for the feeble-minded. For example, the act provides for the commitment of such persons to private institutions licensed by the State; but the State makes no provision for licensing private institutions for the care of the feeble-minded.

<sup>225</sup> *Acts of the Thirty-eighth General Assembly, Ch. 78.*

<sup>226</sup> *Acts of the Thirty-eighth General Assembly, Ch. 120.*



A "feeble-minded person" as the term is used in this act is "any person afflicted with mental defectiveness from birth or from any early age, so pronounced that he is incapable of managing himself and his affairs, or of being taught to do so, and requires supervision, control and care for his own welfare, or for the welfare of others, or for the welfare of the community," and who is not classifiable as an "insane person" within the meaning of the statutes.

Any reputable citizen may secure permission to file a petition for any such person to be brought into court for a hearing on the petition. The person shall be examined by a commission appointed by the court, and, if he is found feeble-minded as defined in the act, the court may appoint a suitable person to be his guardian, or direct that he be sent to a private institution, licensed by the State, or to a public institution for the feeble-minded. Provision is made for discharge from any such institution when the circumstances warrant it.

The Institution for Feeble-minded in Iowa was established as a school rather than a detention home, and while the age of admission had been raised to forty-six, and the institution had become in part custodial, it still retained its character as a school. The new legislation is the result of an attempt to secure more complete segregation of the feeble-minded by providing for their detention, and is thus not directly in line with existing Iowa law. There is not room at Glenwood for the housing of the feeble-minded who may be sent there under this act. Indeed, the act recognizes this condition, and provides for a waiting list.<sup>227</sup>

#### LABOR LEGISLATION

Chapter 213 declares that labor is not "a commodity or article of commerce". Indeed, the law making it unlawful

<sup>227</sup> *Acts of the Thirty-eighth General Assembly, Ch. 356.*

for persons, corporations, or other associations to form a combination for the fixing of prices, dividing the profits, preventing full and free competition, or restraining trade is amended by this chapter through a proviso which declares that it shall not be unlawful "for men and women to organize themselves into or carry on unions for the purpose, by lawful means of lessening the hours of labor or increasing the wages, or bettering the condition of the members of such organizations; or lawfully carrying out their legitimate purposes".<sup>228</sup>

Since the passage of the Iowa workmen's compensation act in 1913 that legislation has been subject to extensive amendment. Several sections were amended and two added to the law by the legislation of 1919 — all for the benefit of the workmen. The basis of compensation for injury under the act was, in most instances, fifty per cent of the average weekly wage. This is now increased to sixty per cent. Surgical, medical, and hospital services at the time of the injury and for four weeks of incapacity — to be paid by the employer — may now amount to \$200 in special cases, instead of \$100 as formerly. Compensation to dependents in case of death resulting from injury is also increased.

The loss of two-thirds of that part of an arm between the shoulder joint and the elbow joint constitutes the loss of an arm under the provisions of the new statute; and compensation for this injury is sixty per cent of the daily wages for 225 weeks instead of fifty per cent for 200 weeks as formerly. A similar definition is made in case of the loss of a leg, with a similar increase in compensation. Another paragraph fixes the compensation for the loss of a second or last eye as double that for the loss of the first eye. A technical change in the wording of the section

<sup>228</sup> *Acts of the Thirty-eighth General Assembly, Ch. 213.*

which relates to the basis for compensation in part-time industries makes no change in the effect of the law. Another addition to the law provides that when the injury occurs outside of the State, the hearings of the arbitration committee shall be held in the county seat of this State nearest the place of the injury, unless the interested parties and the Iowa Industrial Commissioner agree by written stipulation that they may be held at some other place.<sup>229</sup>

#### LIQUOR LEGISLATION

On the second day of the session Senate Joint Resolution No. 1, providing for the ratification of a proposed amendment to the Federal Constitution making the entire nation "dry", was introduced by Senator Whitmore. This resolution was approved on January 27, 1919, and became chapter 2 of the *Acts of the Thirty-eighth General Assembly*.<sup>230</sup>

Ministers, priests, or rabbis may obtain permits for the purchase, transportation, use, and possession of sacramental wines to be used in their churches. Detailed provisions are set out for the securing of such permits — the form of the permit and shipping order being specified by the law. Violation of the act or of the liquor laws of the State is made a misdemeanor and acts as a revocation of the permit.<sup>231</sup>

Chapter 266 relates to the disposition of liquors seized by the authorities in enforcement of the law. As originally introduced the bill provided that such liquors should be turned over to the State Board of Control for use in State institutions; as finally enacted it authorizes the district court judge to order the destruction of the liquor; or he may have any "alcohol, brandies, wine or whiskey delivered

<sup>229</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 220.

<sup>230</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 2.

<sup>231</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 221.

for medicinal or scientific purposes to any state or reputable hospital in the county or adjoining counties, and shall order any balance remaining . . . turned over to the state board of control to be dispensed to any state institution or reputable hospital in the state to be used for medicinal or scientific purposes." Disposition under this statute is to be construed as destruction under any statute.<sup>232</sup>

The provisions of the law as found in sections 4960 and 4961 of the *Code of 1897* made it a misdemeanor for anyone to expose for sale or gift any spirituous or other liquors, or any article of merchandise excepting provisions, within a mile of the place where any religious society is collected for religious worship in any field or woodland, unless carrying on their ordinary and lawful calling or business in the habitual and lawful place, or unless in possession of a written permit from the person in charge of the religious gathering. These provisions, being dead timber in the law relating to liquor traffic, were repealed by chapter 212 of the legislation of 1919.<sup>233</sup>

#### AGRICULTURE AND ANIMAL HUSBANDRY

*State Aid.*—A technical amendment makes definite the law that not more than one thousand dollars may be given to any one society or fair by the county board of supervisors in any one year for the purpose of fitting up or purchasing fair grounds.<sup>234</sup>

To encourage horticulture and allied industries in the State, an annual appropriation of \$8000 is provided for an annual exposition of horticultural and manufactured plant products. An assistant secretary and other clerical assistance may be employed by the State Horticultural So-

<sup>232</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 266.

<sup>233</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 212.

<sup>234</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 140.

ciety; and an annual report of the exposition must be made to the Governor.<sup>235</sup>

The Thirty-seventh General Assembly appropriated \$100 for each county in the State which held a poultry show that fulfilled specified conditions, and \$500 for a State poultry show. These were made annual appropriations by the Thirty-eighth General Assembly. Probably they were originally so intended, but care was not taken to incorporate this provision in the law.<sup>236</sup>

The Farmers' Institute of Franklin County failed to file a sworn statement necessary to entitle it to State aid for the year 1918. Since the Institute was held, and all other regulations complied with, the legislature appropriated \$75 for its use.<sup>237</sup>

By chapter 292 incorporated county fair societies and agricultural associations are given the power of eminent domain.<sup>238</sup>

The law relating to State aid for county and district fairs or agricultural societies as it appeared in sections 1658 and 1659 of the *Supplement to the Code, 1913*, and in section 1661-a of the *Supplemental Supplement* is rewritten in the new legislation. Formerly sixty per cent of the first \$1000 paid in cash premiums and twenty per cent additional of the amount over \$1000 so expended, but in no case over \$800, would be paid out to any county or district fair or agricultural society upon the filing of a report as to the same with the State Auditor. Now there will be paid seventy per cent of the first \$1000, sixty per cent of subsequent amounts in excess of \$1000, but in no case over \$1500 in any one year. The report must be filed with the Secretary

<sup>235</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 395.

<sup>236</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 279.

<sup>237</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 233.

<sup>238</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 292.

of the State Board of Agriculture. Any fair or society failing to send a delegate to the State agricultural convention, shall have the amount of State aid which it would otherwise receive diminished by \$100.<sup>239</sup>

In 1917 county boards of supervisors were authorized to pay \$2500 each year to any farm improvement association that filed articles of incorporation and certified that a yearly subscription of \$500 had been raised among its members. Now it is necessary for the members to contribute \$1000. Upon certification that this amount has been raised, the board of supervisors are required to appropriate out of the general fund of the county, a sum double the amount of such subscription, but not to exceed a total of \$5000 in counties with a population of 25,000 or over, nor \$3000 in counties of less than 25,000.<sup>240</sup>

Inspectors of the Iowa State Dairy Association and of the Iowa State Beef Cattle Producers' Association may now be paid \$2000, instead of \$1800 as formerly. The State Board of Agriculture is now required to pay all premiums offered at the annual exhibition of the Iowa Corn and Small Grain Growers' Association; and there is appropriated \$32,500 for the use of these associations.<sup>241</sup>

*Animal Husbandry.*—Several amendments were made to the law regulating and licensing the manufacture and sale of anti-hog-cholera serum and hog-cholera virus. The duties of the director of the laboratory — established in 1915 at Ames for the manufacture of anti-hog-cholera serum and other biological products — relative to determining the standard degree of potency of such serum, the inspection of serum plants, and the issuance of permits to sell serum

<sup>239</sup> *Acts of the Thirty-eighth General Assembly, Ch. 175.*

<sup>240</sup> *Acts of the Thirty-eighth General Assembly, Ch. 36.*

<sup>241</sup> *Acts of the Thirty-eighth General Assembly, Ch. 350.*

and virus, were transferred to the Commission of Animal Health. Yearly permits now cost \$15 instead of \$25, and no bond is required. The Commission of Animal Health also issues to properly qualified persons permits for the use of the virus. Moreover it is given the power to seize samples for examination and condemn or destroy unsatisfactory materials. The new legislation amends the law so that "hog cholera serum" will read "anti-hog-cholera serum".<sup>242</sup>

An annual appropriation of \$100,000 was made for the use of the Commission of Animal Health in the control and suppression of dangerous, contagious, and infectious diseases among domestic animals in Iowa — principally tuberculosis in cattle and hogs. This malady has been increasing alarmingly among beef and dairy cattle, and is a menace to public health as well as a source of financial loss to the owners of live stock. A significant feature of the act is that it conforms to the most advanced legislation of other States. It also conforms to Federal regulations, and thus enables Iowa to secure Federal aid, which is used with an equal amount paid by the State to reimburse owners for animals condemned and slaughtered. Thus the monetary loss to the owner is very small, and he is encouraged to cooperate with the State in testing his herd.

The law exempts from tuberculin tests all cattle for feeding and fattening purposes. The difficulty, time, and expense involved in the process make it impractical to test such cattle. Moreover, range cattle, from which most of the feeders come, are nearly free from tuberculosis.

This measure dovetails with chapter 238, which provides for two additional stock raisers on the Commission of Animal Health. Indeed, chapter 287 as originally drawn provided for a State live stock sanitary board, a majority of the members of which were to be stock raisers.

<sup>242</sup> *Acts of the Thirty-eighth General Assembly, Ch. 379.*

Inspection is also provided for live stock imported into the State for breeding, work, or dairy purposes. The Commission of Animal Health may establish whatever regulations it thinks necessary, may maintain quarantines, or even kill diseased animals. Special attention is given to testing dairy herds for tuberculosis. Penalties are fixed for violations of the act; and specific sections of the Code in conflict are repealed.<sup>243</sup>

In 1911 it was made a misdemeanor for any person to "fraudulently represent any animal, horse, cattle, sheep, or swine" to be registered, or for any person to post or publish, or cause to be posted or published any false pedigree or certificate of soundness. The provisions of this act are now extended to include goats and poultry.<sup>244</sup>

Railway companies in the State of Iowa have been prohibited from keeping live stock in continuous confinement in cars for more than twenty-eight consecutive hours. Now, upon the written request of the owner or custodian of the shipment, the time of confinement may be extended to thirty-six hours.<sup>245</sup>

Any person suffering loss through the killing of domestic animals or fowls by dogs or wolves may ask the county board of supervisors for damages to be paid from the domestic animal fund. Formerly the county auditor had been required to make an itemized report every six months to the county treasurer of all warrants drawn under authority of this section; but now he is required to report annually.<sup>246</sup>

Persons, firms, and corporations engaged in the business of burning, burying, or in any manner disposing of the

<sup>243</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 287.

<sup>244</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 262.

<sup>245</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 108.

<sup>246</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 15.



bodies of dead animals, are now required to secure annual licenses from the Commission of Animal Health. The law provides regulations for securing such licenses, for the conduct and inspection of the business, and for the transportation of the carcasses to the place of disposal as well as fixing fees and penalties. Within twenty-four hours from the time of death, carcasses of dead animals must be disposed of by their owners or caretakers, by cooking, burying, burning, or disposal to a person or firm licensed under the law.<sup>247</sup>

*Horticulture.*—Certain benefits as to reduced taxation are allowed in Iowa for forest and fruit-tree reservations. Fruit-tree reservations may now include ten acres, instead of five as formerly; and the number of fruit trees which each acre must contain is changed from seventy to forty apple trees or seventy other fruit trees. It is also provided that the trees must be pruned and sprayed annually.<sup>248</sup>

*Noxious Weeds and Plants.*—The Thirty-fifth General Assembly enacted a law which made it the duty of land-owners to see that all weeds on the streets and highways adjoining their land are cut between the fifteenth day of July and the fifteenth day of August of each year. This law was amended in 1915 to read “between the first day of July and the first day of August”. Yet the Thirty-eighth General Assembly amended the original act without recognition of the 1915 amendment. Indeed, the amendment of 1919 makes an exception in regard to noxious weeds which reach maturity before July “fifteenth”, providing that the township trustees or city or town council may require these to be cut at an earlier date.<sup>249</sup>

<sup>247</sup> *Acts of the Thirty-eighth General Assembly, Ch. 248.*

<sup>248</sup> *Acts of the Thirty-eighth General Assembly, Ch. 224.*

<sup>249</sup> *Acts of the Thirty-eighth General Assembly, Ch. 228.*

The purpose of chapter 8 is to eliminate black stem rust of grain; for it enacts that after notification by the State Entomologist, no person, firm, or corporation shall receive, ship, or accept for shipment, transport, sell, or offer for sale, give away, deliver, plant or permit to exist on his or its premises, any plant of the harmful barberry, or any other plant which acts as an alternate host or carrier of a dangerous insect pest or plant disease. It is made the duty of the State Entomologist to enforce this law.<sup>250</sup>

*Fences.*—In the early days, owners of timber lands not used otherwise than for the timber thereon were exempt from the necessity of building or contributing to the building of partition fences between their land and adjoining land. The benefit of the fence under pioneer conditions was for the man who used his land for stock purposes or for farming. Conditions have changed and the injustice is coming the other way. Now many owners of timber tracts are using them as pastures and getting the benefit of their neighbors' fences without expense; and the legislation of 1919 provides that upon the written request of either owner, both may now be compelled to contribute to the construction of a dividing fence.<sup>251</sup>

Orders and decisions of fence-viewers must now be recorded by the county recorder as well as the township clerk; and the record in the recorder's office shall be competent evidence in all courts. Judgments on appeals must also be certified to the county recorder.<sup>252</sup>

#### DRAINAGE LEGISLATION

Chapter 332 provides for the equitable distribution of cost among the districts benefited when drainage ditches

<sup>250</sup> *Acts of the Thirty-eighth General Assembly, Ch. 8.*

<sup>251</sup> *Acts of the Thirty-eighth General Assembly, Ch. 52.*

<sup>252</sup> *Acts of the Thirty-eighth General Assembly, Ch. 33.*

are cleaned out, enlarged, deepened, or widened. Upper or tributary drainage districts shall be assessed for the cost of such work in the same ratio to the total cost as the discharge of waters of such district bears to the combined discharge of waters of the several districts flowing into or through the ditch or drain being cleaned out or enlarged. The same provision applies when a ditch or drain must be extended to secure a better outlet.<sup>253</sup>

Upon petition by one-third of the land owners within a drainage district which has been established and which includes a pumping plant, but in which the drainage improvement has not been completed, the supervisors may authorize the establishment of such additional pumping plants as may be deemed necessary by the engineer. When any drainage district has more than one pumping plant, it may, upon petition, be divided into two or more districts. The board is empowered to condemn land for the purpose of providing a channel to the settling basins in levee districts where such channel is found necessary.<sup>254</sup>

Special assessments against property benefited by drainage improvements may now be paid in not less than ten nor more than twenty installments, instead of ten only as provided by section 1989-a26 of the *Supplement to the Code, 1913*. Drainage bonds issued under section 1989-a27, *Supplement to the Code, 1913*, may now run twenty years, instead of fifteen.<sup>255</sup>

Payment of drainage assessments in installments is not allowable, however, in cases of assessments of \$20 or less on a single lot or tract of land. Nor can assessments of \$20 or less on a single lot or tract of land be included in bond issues for drainage improvements under section 1989-

<sup>253</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 332.

<sup>254</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 283.

<sup>255</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 271.

a27 of the *Supplement to the Code, 1913*. This sum, in both instances, was made \$10 in 1917 and changed to \$20 by the Thirty-eighth General Assembly.<sup>256</sup>

County treasurers are now required to keep a record or list of the owners or holders of warrants, drawn upon the funds of any drainage district, which are not paid for want of funds. Successive assignees or holders may notify the treasurer of the transfer. Whenever the treasurer shall have funds to pay the warrants, he must, in addition to the call heretofore provided for in the Code, mail written notice of such call to the then holders of the warrants.<sup>257</sup>

When a drainage petition is presented the county board of supervisors appoints a competent engineer to make a preliminary survey and report on the lands to be drained. The new legislation makes it clear that the engineer's notes of the preliminary survey, together with the original tracing of plat and profile of the drainage district, are to be the property of the drainage district and must be filed with the county auditor with the engineer's report.<sup>258</sup>

When a plan for a drainage district has been decided upon by the board of supervisors the county auditor must give notice of the petition and of the favorable report thereon, to all property holders, lien holders, and encumbrancers of any land through which the improvement extends or upon which it abuts. By chapter 138 it is provided that when such proposed district includes any portion of a city or incorporated town, it shall be sufficient for such notice to set forth the boundaries of the included territory without naming individuals.<sup>259</sup>

Whenever any ditch, drain, or watercourse becomes ob-

<sup>256</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 64.

<sup>257</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 162.

<sup>258</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 141.

<sup>259</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 138.

structed by the roots of trees or hedges, the board of supervisors must repair the same and remove the cause of the obstruction. The tile drain may be relaid in concrete, or the trees or hedge may be removed. If trees or hedge are not within the right of way as originally acquired, jurisdiction may be secured by the same procedure which is used in acquiring the right of way.<sup>260</sup>

Drainage districts in two or more counties are under the joint jurisdiction of the boards of supervisors of the counties concerned. In 1917 it was provided that the board of supervisors of one county might establish a sub-drainage district when the lands composing it lay wholly within such county. This power was enlarged to allow the making of improvements therein, the repairing and maintaining of such property, and the fixing and levying of assessments in sub-drainage districts heretofore and hereafter established.<sup>261</sup>

Appraisers of damages and commissioners to assess benefits in case of drainage construction may now receive five dollars per day, instead of four as formerly.<sup>262</sup>

Permission was granted in chapter 44 for the drainage of the meandered lake known as Goose Lake in Greene County — an improvement specifically recommended by the State Highway Commission in its report of December 30, 1916.<sup>263</sup>

In 1915 a law was passed which forbade the sale of lake beds drained prior to January 1, 1915. This left the drainage warrants of Elbow Lake in Palo Alto and Clay counties unpaid, and the State without funds with which to pay them. This year's legislation allows such lake beds to be

<sup>260</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 121.

<sup>261</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 54.

<sup>262</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 76.

<sup>263</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 44.

sold or leased by the Executive Council.<sup>264</sup> The land of the Elbow Lake bed has now been sold, bringing \$6000 more than the sum necessary to pay off the warrants and interest.

Surveyors of abandoned river channels are now to be employed on contract rather than paid a per diem compensation.<sup>265</sup>

In the case of the drainage of public highways, the board of construction has been allowed heretofore to advance out of the county road fund whatever portion was to be collected by special assessment, and then to replace this amount as such assessments were collected. Now they have the option of issuing warrants to be known as ditch warrants, drawing six per cent interest and paid out of the special assessments when collected.<sup>266</sup>

If appeals against the establishment of a highway drainage system or against the amount of damages allowed, are dismissed, or the improvement abandoned after the engineer's report is in, any costs of the proceeding up to that time are to be paid out of the county fund instead of the county road fund.<sup>267</sup>

By an act of 1913 the issuance of bonds was authorized for drainage districts. An act passed in 1915, which became chapter 2-B of title X, *Supplemental Supplement to the Code, 1915*, provided for highway drainage but made no specific provision for bond issue. Osceola and O'Brien counties attempted to issue and sell drainage bonds under the provisions of the 1915 enactment, but bond buyers refused to consummate a tentative purchase of the bonds because it was the opinion of their counsel that they could not be legally issued under this chapter. Chapter 135 now

<sup>264</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 203.

<sup>265</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 32.

<sup>266</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 30.

<sup>267</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 29.

makes the bond issue authorization of 1913 applicable to the 1915 legislation.<sup>268</sup>

A special act provides for the establishment of levee and drainage districts and improvements in cases where the board of supervisors have heretofore attempted to establish the same under title X, chapter 2, of *McClain's Code of 1888* as amended, and where said establishment has failed by reason of the unconstitutionality of said provision. The act makes provision for the establishment of a district which shall take over any ditch, levee, or drain already in whole or in part constructed, and for the levy and collection of taxes for the completion of the work.<sup>269</sup>

The act described above was passed to remedy a peculiar situation. In 1895 a petition was filed for the establishment of a drainage district in Harrison County. The district was created and the tax thereon was paid. But in 1914 a petition for repairs was made. When the work had been almost completed, the county treasurer and board of supervisors of Harrison County were enjoined from the collection of the tax for the repair work. The injunction was granted on the theory that the law under which the original assessment was made was unconstitutional, and no legal assessment could be made thereunder. The court in granting the injunction followed the precedent of *Smith v. Peterson*, 123 Iowa 672, which holds that the unconstitutionality of the provision for taxing lands in the vicinity of the ditch without notice to the owner thereof, renders invalid the entire provision for assessment for such ditches.

#### BANKS AND BANKING

In April, 1919, there were 1318 State and savings banks in Iowa — more than in any other State — and the number

<sup>268</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 135.

<sup>269</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 334.

was increasing rapidly. Moreover, during the past three years the assets of these banks have doubled. In these facts lies the explanation of an act of the Thirty-eighth General Assembly increasing the number of bank examiners from eight to one for every one hundred banks or major fraction thereof — or, at the present time, thirteen. There may be employed in the Department of Banking one clerk for every two hundred banks or major fraction thereof, thus increasing the number of clerks from four to seven, including the newly created office of Deputy Superintendent. The law makes the number of examiners and clerks flexible, and at the same time prevents the Superintendent of Banking from increasing the personnel of the department indefinitely.

Owing to the fact that the examiners were leaving the department — as many as three in one week — to accept more lucrative positions, the salary of bank examiners was increased from \$2200 to \$3000 a year. The Superintendent is now allowed \$500 a year to cover his expenses in attending meetings of bankers associations. The expense of maintaining the Department of Banking is met entirely from the examination fees collected and inasmuch as the income from fees based on the capital stock — which is fairly stable — was inadequate by several thousand dollars, the basis of fees was changed to assets which have increased rapidly and the inspection of which constitutes the real work of examining a bank.<sup>270</sup>

Another important act empowers the Superintendent of Banking to deny a certificate of authority to begin business if the community is amply served with banking facilities, if the public necessity and convenience will not be promoted or if the officers and stockholders of the proposed bank or trust company do not command the confidence of the com-

<sup>270</sup> *Acts of the Thirty-eighth General Assembly, Ch. 335.*



munity — a power which the Comptroller of Currency has exercised with respect to national banks since 1863. An appeal may be taken to the Committee on Retrenchment and Reform. The purposes of the act are to prevent too many banks being organized (not to stifle competition but to insure strong banks) and to prevent disgruntled persons from organizing spite banks on account of dissatisfaction over the activity of loyal bankers in supporting liberty loans. These provisions lapse after December 31, 1920, in accordance with a clause which was inserted as a compromise. Another section of this same act obstructs a large loophole by practically prohibiting the organization of new private banks, since the use of the term "bank" or any synonym or derivative of the word by any individual, partnership, association, or corporation not a national bank or not under the supervision of the Department of Banking is prohibited.<sup>271</sup>

Since the establishment of the Federal reserve system, national banks have been permitted to make bank acceptances of drafts or bills of exchange having not more than six months sight to run. Bankers' acceptances of drafts and bills of exchange seem to constitute an instrument of credit that will be used very extensively in the future. It is in accord with this tendency that the State banks, savings banks, and trust companies of Iowa are now permitted to make acceptances under practically the same terms as do the national banks.<sup>272</sup>

Hereafter any State bank, savings bank, or trust company of Iowa which becomes a member of the Federal reserve system is required to maintain only such cash reserve funds as are required of national bank members. The effect is to lower the reserve required of the banks that become members of the Federal reserve system, to eliminate

<sup>271</sup> *Acts of the Thirty-eighth General Assembly, Ch. 236.*

<sup>272</sup> *Acts of the Thirty-eighth General Assembly, Ch. 66.*

the cash-in-bank reserve, and to transfer all of the legal reserve to the Federal Reserve Bank.<sup>273</sup>

Since 1915 Iowa savings banks have been required to maintain a cash reserve of fifteen or twenty per cent of their sight and demand deposits (depending on the population of the town or city) and eight per cent of their savings deposits and time certificates. Eighty-five per cent of these reserve funds may be kept on deposit in other banks. The legislation of 1919 makes these reserve requirements applicable to all State banks, the former reserve requirements for which were ten or fifteen per cent of their total deposits, depending on the population of the town or city.<sup>274</sup>

In 1917 the law fixing the number of savings bank directors was amended to the extent of striking out the maximum number, nine. The purpose of the amendment was to allow savings banks to designate the number of their directors annually by resolution, but the Attorney General ruled that the number of directors could not be so designated without amending the articles of incorporation. Accordingly the Thirty-eighth General Assembly passed a law specifically stating that the number of directors may be changed within specified limits by a vote of the stockholders. There can not, however, be less than five or more than nine directors.<sup>275</sup> Another bill extending the same privilege to State banks passed the Senate but expired in the House Sifting Committee.<sup>276</sup>

Liberty bonds are exempt from State taxation, yet the taxation laws of Iowa require the assessment of such securities when owned by a bank. This situation was rem-

<sup>273</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 319.

<sup>274</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 67.

<sup>275</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 60; *Iowa Bankers Association Bulletin*, No. 439.

<sup>276</sup> Senate File No. 396.

ed by an act which specifically exempts from taxation all United States government obligations issued since the declaration of war against Germany which are actually owned by banks.<sup>277</sup>

No little consideration was given to bills relating to "blue-sky legislation", but only one measure of that type gained enactment. According to the terms of this act, which was designed to eliminate the blue-sky promotion expense in the organization of banks, no individual, partnership, or corporation may receive any commission for organizing any bank or trust company or for securing a subscription to the capital stock or surplus of any bank or trust company.<sup>278</sup> Another bill providing a penalty of not over \$2000 fine, imprisonment in jail, or both, for the sale or encouragement of the purchase of fraudulent stocks, bonds, notes, or securities passed the Senate but adjournment came before the House could take action.<sup>279</sup>

Vigorous efforts were made in both branches of the Assembly to pass a law prohibiting banks or bank officials from acting as receivers, assignees, trustees, guardians, administrators, or executors, or furnishing legal service or advice; but the bankers succeeded in defeating the proposition.<sup>280</sup>

Morris Plan companies engaged in loaning money to deserving persons who desire to pay off the loan in small amounts at frequent intervals have been desirous of coming under State supervision by making annual reports of their financial condition to the State Auditor. If their business is conducted honestly and usurious rates of interest are not charged, the Auditor now issues a certificate to that effect.

<sup>277</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 257.

<sup>278</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 144.

<sup>279</sup> Senate File No. 398.

<sup>280</sup> Senate Files, Nos. 320, 498; *Iowa Bankers Association Bulletin*, No. 439.

This certificate performs two functions: it constitutes official evidence that such a company is not conducting a loan shark business, and it entitles the company to be assessed on the net actual value of its moneys and credits at the rate of five mills on the dollar, in lieu of all other taxes on stock and moneys and credits.<sup>281</sup>

#### BUSINESS, TRADE, AND COMMERCE

Iowa ranks second among the States in the button industry.<sup>282</sup> The output consists mainly of blanks of the fresh-water pearl variety, made from the shell of the Mississippi River mussel. There are within the State over eighty such manufactories, nearly fifty of them being located in Muscatine.<sup>283</sup> In view of these facts it is not surprising that mussel catching for commercial purposes now requires a license. Residents of the State must pay an annual license fee of two dollars and non-residents twenty-five dollars to the Game and Fish Commission. Twenty dollars additional must be paid if a dredge is used.

Limitation is placed upon the number of boats which may be used under one license, as well as the number and size of crowfoot bars or dredging mechanisms employed. Under-sized mussels must be culled out and returned to their habitat. The Game and Fish Commission may, under certain restrictions, prescribe closed areas where mussels may not be taken for a specified period. Each license holder must make an annual report on blanks furnished by the Game and Fish Commission.

Fines and imprisonments of various amounts and duration are prescribed for the violation of the several sections of this act, and provision is made for its enforcement.

<sup>281</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 151.

<sup>282</sup> *Census of Manufactures* (United States), 1914, Vol. II, p. 840.

<sup>283</sup> *Census of Manufactures* (United States), 1914, Vol. I, p. 416.

Section nine contains a definition of terms, and section ten provides for territorial jurisdiction as between Wisconsin, Illinois, and Iowa.<sup>284</sup>

The law with regard to weights, measures, and inspection was rewritten with a few minor changes of a technical nature. Fine and imprisonment for the violation of the act were specified, and liability under its provisions broadened. Legislation relating to the authority of the Food Commissioner and his assistants to stop vehicles and have their contents reweighed was rewritten and thereby made more clear and comprehensive.<sup>285</sup>

In 1909 authorization was granted to county boards of supervisors to grant to persons or corporations engaged in the manufacture of electric light and power the right to erect and maintain poles and wires in public highways subject to certain conditions and for a period not to exceed twenty years. This provision is now extended to include persons or corporations engaged in the transmission of electric light and power, thus taking care of the so-called distributing companies.<sup>286</sup>

The law as originally enacted provided that any person or corporation which had received such a grant from the county supervisors, and who failed to comply with the statutory conditions imposed, should be fined not less than \$50 nor more than \$500. The Thirty-eighth General Assembly increased the fine to not less than \$100 and not more than \$1000 and also made it applicable to persons and corporations which attempt to construct an electric light or power transmission line without first obtaining the necessary grant.<sup>287</sup>

<sup>284</sup> *Acts of the Thirty-eighth General Assembly, Ch. 98.*

<sup>285</sup> *Acts of the Thirty-eighth General Assembly, Ch. 99.*

<sup>286</sup> *Acts of the Thirty-eighth General Assembly, Ch. 267.*

<sup>287</sup> *Acts of the Thirty-eighth General Assembly, Ch. 399.*

A special law authorizing the regulation and licensing of plumbers by cities and towns was enacted by the Thirty-fifth General Assembly. This law is now restricted to cities and towns of less than six thousand population; and further legislation is provided for cities having a population greater than six thousand. Cities must adopt and enforce ordinances for such regulation within ninety days after the act takes effect. The State Board of Health, assisted by a special committee to be appointed by the Governor, is empowered to draft a State code for plumbing. City councils are empowered to appoint boards of examiners, whose duties and fees are fixed by the act. Provision is made for granting licenses, and a section is devoted to the definition of terms.<sup>288</sup>

It was made a misdemeanor, punishable by a fine of not over \$100 or imprisonment in the county jail not over thirty days, for any non-resident of this State to cry any sale of property as an auctioneer within the State, unless by a reciprocal law of the State of which he is a resident, residents of Iowa would be permitted to cry sales in that jurisdiction without license. This act does not apply to sales of property under direction or authority of any chattel mortgage, court, or process thereof.<sup>289</sup>

Contractors working on public buildings, bridges, and the like, not belonging to the State, have been able to prevent the filing of claims by mechanics, laborers, or subcontractors against the public corporation which is constructing such building or bridge, by filing a bond conditioned for the payment of persons who may be entitled to file such claims; and action might be brought on such bond by any claimant within one year after his cause of action accrued. The time within which action may be brought is

<sup>288</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 378.

<sup>289</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 47.

now extended to two years. Provisions to the contrary in bonds and contracts are of no effect.<sup>290</sup>

Another act along this line requires all contractors on public buildings, improvements, and additions, where the contract price is in excess of \$1000 to file a bond in a sum not less than the contract price, which bond shall be for the use and benefit of the public body for which the work is done and of the sub-contractors and employees. The act prescribes the conditions of the bond. Action on the bond must be brought within six months of the completion of the building or improvement. The act gives additional security to claimants.<sup>291</sup>

Chapter 182 makes extensive revision of the law relating to hotel inspection and licensing. Formerly to come under the classification "hotel" a building must have contained four or more sleeping rooms for the accommodation of guests; while now, for purposes of this act, no number is specified. Hotel managers are now required to secure a license from the hotel inspector; and fees are specified according to the size of the hotel.

Additional sanitary regulations are prescribed as to ventilation, bedding, vermin, towels, drinking cups, refrigerators, and toilets. Kitchens and dining rooms must be screened from flies. Minor changes are made in the powers and duties of inspector and deputies; and the salaries of the hotel inspector and his deputies are raised. One interesting feature of the law is that which requires a card to be kept in each room stating the maximum price of the room. Presumably this was to guard against inflated prices during fairs, conventions, and the like. Certain hotels render this law ineffective by posting a price two or three times the amount usually charged.<sup>292</sup>

<sup>290</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 53.

<sup>291</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 347.

<sup>292</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 182.

One of the most important enactments of the Thirty-eighth General Assembly is the so-called Uniform Sales Act. Uniformity in legislation on commercial subjects is more than expedient: it is necessary. In three important laws Iowa had already adopted this principle: the Uniform Negotiable Instruments Law was adopted in 1902; the Uniform Warehouse Receipts Act, in 1907; and the Uniform Bills of Lading Act, in 1911. From a commercial standpoint the Uniform Sales Act is recognized as the most important of the series; and Iowa is to be congratulated upon having lined up with the States which have already adopted the measure.

The law is based upon the Sales of Goods Act which has been in force in England since 1894. Professor Samuel Williston, an authority on the law of Sales, is credited with the drafting of the American act which was approved in 1906 by the Commissioners of Uniform Laws in national conference. It has received the endorsement of the American Bar Association for twelve years, and enactment of the statute in this State was furthered by the Iowa State Bar Association.

The purpose of the Uniform Sales Act is to provide a uniform law for the sale of goods and merchandise. It is for the most part a codification of the existing law of Sales, and usually states the prevailing rule — although it is much more than a statement of the weight of authority. Some sections of the act change the Iowa law as established by statutory enactment or judicial decision.

Twenty-one pages of the session laws are devoted to this important statute. It is divided into parts and subdivisions as well as into sections, and its well arranged form gives the impression of completeness and comprehension. The act sets out what a contract is; regulates the formation of a contract; describes the transfer of property and title;



declares what constitutes performance of the contract; outlines the rights of the unpaid seller; and regulates actions for breach of contract. Part VI is devoted to interpretation and definition.<sup>293</sup>

## CORPORATIONS

The Thirty-third General Assembly provided for an annual report and an annual fee of one dollar from each corporation for pecuniary profit within the State, and provided certain penalties for failure to make such report. The reports were to be made in the month of July. If the report and fee of a domestic corporation was not in by the following May, suit could be started, and fines collected for each month the report was late. The Thirty-eighth General Assembly substituted January for May, thus shortening the time reports can be withheld. The monthly penalty was decreased fifty per cent, but it was made specific that the penalty is "in addition to the annual fee of one dollar". Domestic corporations may escape payment of fees and penalties by dissolution before the first day of February following, instead of the first day of May as formerly.

A new provision makes it possible for the Attorney General, at his discretion, instead of bringing action against the delinquent corporation, to recommend to the Secretary of State that he cancel the name of the delinquent corporation from the list of live corporations in his office. Such cancellation, after due notice, constitutes a forfeiture of corporate rights, and no new business can be transacted by the corporation after that date. Provision is made for

<sup>293</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 396.

An annotated presentation of the Uniform Sales Act, section by section, and its effect upon Iowa decisions and statutes, by Professor H. C. Horack, secretary of the Iowa State Bar Association, appears in the *Iowa Law Bulletin*, for March, 1917.

the reinstatement of the corporation under certain regulations, by the Executive Council.

Foreign corporations which have not complied with the provisions as to report and fee for the previous year by February first of any year, forfeit their right to do business within the State. Formerly such forfeiture did not occur until May first.

The fees and penalties provided in the act were made a prior lien on any property of the corporation against all persons, whether the property is in the possession of the corporation or not. Moreover, the act makes provision for a regular and orderly method of disposing of cases where corporations have forfeited their franchises, and statutory penalties have accumulated for years and cumber the records. The penalties imposed for non-compliance with this section and failure to make report were reduced for the reason that experience has shown that such failure occurred mainly with small corporations which merely passed out of existence, and it was felt that smaller penalties would make it easier to wind up the affairs of a dying corporation, bring in more actual revenue, and clear the department records.<sup>294</sup>

Since this chapter makes full provision for forfeiture and cancellation of corporate existence, section 1628 of the Code, which relates to cancellation through non-user, was repealed.<sup>295</sup>

The Thirty-eighth General Assembly made guilty of a felony, punishable by a maximum fine of five thousand dollars or maximum imprisonment for two years, or both, "any officer, agent or employe of any corporation who shall knowingly make or knowingly authorize to be made false entries upon the books of such corporation, and any em-

<sup>294</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 205.

<sup>295</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 374.

ploye of another who shall knowingly make or cause to be made false entries upon the books of his employer". This act resulted from the making of false entries by managers of certain corporations to form a basis for the declaration of dividends which had not been earned, thus causing financial embarrassment to the companies.<sup>296</sup>

#### INSURANCE

Group life insurance was authorized by the Thirty-eighth General Assembly. Chapter 197 defines group life insurance as "that form of life insurance covering not less than fifty employes, with or without medical examination, written under a policy issued to the employer, the premium on which is to be paid by the employer or by the employer and employes jointly, and insuring only all of his employes, or all of any class or classes thereof determined by conditions pertaining to the employment, for amounts of insurance based upon some plan which will preclude individual selection, for the benefit of persons other than the employer; provided, however, that when the premium is to be paid by the employer and employe jointly and the benefits of the policy are offered to all eligible employes, not less than seventy-five per centum of such employes may be so insured."

The act provides that level premium life insurance companies may enter into group life insurance contracts. Policy forms must be approved by the Commissioner of Insurance, and must contain certain specified provisions. The employer is deemed to be the policy-holder, and when allowed to vote at meetings of the company, may cast one vote. Policies and the proceeds therefrom are not subject to legal process. Medical examination of applicants is not necessary under this act.<sup>297</sup>

<sup>296</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 210.

<sup>297</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 197.

Since 1907 it has been the law that no new fraternal beneficiary society shall be incorporated or given a permit or certificate of authority to transact business within this State, unless it first shows that the mortuary assessment rates provided for in whatever plan of business it has adopted, are not lower than is indicated by the *National Fraternal Congress Mortality Table*. The Thirty-eighth General Assembly specifically included under plans of business adopted, the issuance of term, whole life, or limited payment certificates with withdrawal options. The fraternal beneficiary societies had been writing such policies without specific authorization from the statutes.<sup>298</sup>

Since 1896, policy-holders in fraternal beneficiary societies have been allowed to name as beneficiaries "husband, wife, relative, legal representative, heir or legatee". The General Assembly in 1919 rewrote this section to read "wife, husband, relative by blood to the fourth degree, father-in-law, mother-in-law, son-in-law, daughter-in-law, step-father, step-mother, step-children, children by legal adoption, legal representative or to a person or persons dependent upon the member". If the policy-holder becomes dependent upon any incorporated charitable institution, he may, with the consent of the fraternal society, make such institution his beneficiary. The change doubtless more clearly indicates just who may be beneficiaries, and reduces the chance of legal dispute.<sup>299</sup>

Any number of physicians, druggists, dentists, and graduate nurses, licensed to practice their profession in the State of Iowa, may form a mutual insurance corporation "for the purpose of protecting themselves by insurance against loss by reason of actions at law on account of their alleged error, mistake, negligence or carelessness in the

<sup>298</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 227.

<sup>299</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 240.

treatment and care of patients, including the performance of surgical operations, or in the prescribing and dispensing of drugs and medicines, or for loss by reason of damages in other respects, and to reimburse any member in case of such loss." When two hundred and fifty applications have been received, representing one million dollars of insurance, and there is in possession of the corporation ten thousand dollars in cash assets, and their articles have been approved by the Attorney General and the Commissioner of Insurance, they may be authorized to transact business.

Similar corporations organized under the laws of other States may be allowed to do business in this State under certain regulations. Annual reports are required and, in general, these corporations are governed by the rules which govern other insurance companies.<sup>300</sup>

Chapter 330 allows to certain insurance companies the privilege of insuring against liability for loss, damage, or expense resulting from personal injury or death caused by error or negligence of the insured in the practice of medicine, surgery, or dentistry, or in prescribing or dispensing drugs. Policies inure to the benefit of the person obtaining judgment against the insured practitioner.<sup>301</sup>

The provisions in the law relating to fraternal beneficiary societies were somewhat amplified by chapter 343. Those societies which base their certificates upon rates not lower than those in the legal mortality table, may provide for death benefits upon term, whole life, or limited payment plan. The required legal reserve must be maintained. Extended and paid up protection or withdrawal equities may be granted.<sup>302</sup>

Chapter 302 makes it possible for fraternal beneficiary

<sup>300</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 286.

<sup>301</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 330.

<sup>302</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 343.

societies, by complying with the provisions of the act, to transform themselves and be reincorporated as legal reserve level premium companies doing business either as mutual or stock companies. When reorganizing as a stock company, each member of the society must be given the privilege of subscribing for stock.<sup>303</sup>

Upon approval of forms and trust agreements by the Commissioner of Insurance, any life insurance company organized under chapter six, title nine of the Code, may hold in trust the proceeds of any policy issued by it, upon agreement between the company and the policy-holder. The insurance company, however, is not to be subject to any of the provisions of the laws of Iowa relating to banks or trust companies.<sup>304</sup>

The word "fire" was stricken from the first and sixth lines of section 1754 of the Code, thus making combinations or agreements between any insurance companies as to rates, commissions, and the like unlawful. Formerly this section applied to fire insurance companies only.<sup>305</sup>

Certain stock insurance companies are required to have an actual paid up capital of \$200,000. Companies insuring plate glass exclusively have been required to maintain a capital of only \$100,000. This special provision has now been extended to include companies insuring live stock exclusively.<sup>306</sup>

Chapter 348 is an act "relating to and providing for certain regulations of all kinds of insurance companies", which makes sundry amendments to various Code and Code Supplement sections. Section 1709 of the *Supplement to the Code of Iowa, 1913*, was amended to allow insurance

<sup>303</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 302.

<sup>304</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 304.

<sup>305</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 318.

<sup>306</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 346.

companies organized under chapter four of title nine of the Code to insure against loss or damage by lightning, or casualty incident to or connected with lightning. Insurance of glass against breakage is also permitted. Formerly this section had included only fire, sprinkler leakage, cyclone, tornado, or windstorm. The inclusion of a comma after the word sprinkler in line six of section one of this act is doubtless accidental.

Section two of this act remedies a technical defect in section four of chapter 428 of the *Acts of the Thirty-seventh General Assembly*, by inserting an omitted word. Other sections made technical changes and changes in fees and compensations. Two new provisions relate to investigating the funds and securing, when necessary, the services of an expert insurance examiner. Capital surplus, or other assets are not to be invested in or loaned on property owned by officers or directors or immediate members of their families. Officers and directors must not gain through the investment of company funds. Expert insurance examiners, hired when deemed necessary by the Commissioner of Insurance, shall receive not over \$25 per day.<sup>307</sup>

Every insurance corporation organized under the laws of the State of Iowa, except county mutuals and fraternal beneficiary associations, is required to pay a State tax of one per cent of its gross receipts, after making certain deductions, such as for money paid out on cancelled policies and rejected applications. The deductions allowed to fire insurance companies organized under chapter four of title nine are now allowed to all insurance companies organized under this chapter and title and are also permitted on business done within the State as well as on business covering property situated within the State.<sup>308</sup>

<sup>307</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 348.

<sup>308</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 371.

The second class of risks which may be insured by companies in this State, as specified in subdivision two of section 1709 of the *Supplement to the Code, 1913*, is broadened by permitting stock companies to "insure the maker, drawer, drawee or endorser of checks, drafts, bills of exchange or other commercial paper against loss by reason of any alteration of such instruments".<sup>309</sup>

#### THE PROFESSIONS

The legislation of 1919 increases from one dollar to two dollars the annual fee required of pharmacists for renewal certificates following their registration. The additional dollar is to be paid into the treasury of the Iowa Pharmaceutical Association "for the advancement of the science and art of pharmacy".<sup>310</sup>

Pharmacists and assistant pharmacists registered in other States and in foreign countries, when applying for reciprocal registration in Iowa, have been charged a ten dollar fee. This fee was changed so as to be "not less than the fee charged for reciprocal registration by the state issuing the certificate upon which said application for reciprocal registration is made", but it is never to be less than ten dollars.<sup>311</sup>

Chapter 392 creates the Iowa State Board of Engineering Examiners, and decrees that after one year from the date of passage of the act, no person shall practice professional engineering or land surveying unless he is a registered professional engineer or registered land surveyor in accordance with the provisions of the act.

Professional engineering and land surveying are defined by the act. The board of examiners consists of five mem-

<sup>309</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 372.

<sup>310</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 95.

<sup>311</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 176.



bers, all appointed by the Governor. The act provides for examination, registration, fees, and for temporary certificates of registration, for recognition of certificates from other States, and for revocation of certificates, and it fixes penalties for violation of the act. Certain exceptions to the application of the act are outlined.<sup>312</sup>

## CRIMINAL LAW

An addition was made to section 4897-a of the *Supplement to the Code of Iowa, 1913*, which defines the crime of escape. This addition makes the jurisdiction of an indictment for such crime the county in which is situated the place from which the prisoner is charged with escaping.<sup>313</sup>

It is made a misdemeanor, punishable by a fine of not more than one thousand dollars, or imprisonment for not more than a year, or both, for any person, firm, or corporation, to "willfully destroy, or negligently suffer to go to waste, with intent to increase the price thereof, any food products of any nature or description, without the authority or consent of the local board of health or local health officer of the city, town or township in which the food products are located."<sup>314</sup>

The "red flag" law makes "any person who displays, carries, or exhibits any red flag, or other flag, pennant, banner, ensign, or insignia, or who aids, encourages, or advises such display, carriage, or exhibition, with intent thereby to himself, or to induce others, to advocate, encourage, or incite anarchy or treason or hostility to the government of the United States or of the state of Iowa, or to insult or disregard the flag of the United States", guilty of a misdemeanor which is punishable by a fine of not over

<sup>312</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 392.

<sup>313</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 83.

<sup>314</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 179.

one thousand dollars or imprisonment of not more than six months, or both. If such person be armed with a dangerous weapon, the offense shall be a felony, and he may be imprisoned for five years. In all prosecutions under the act, display of the red flag shall be presumptive evidence of intent.<sup>315</sup>

Since 1904 it has been a statutory offense for any person, not authorized by law, to bring or cause to be brought into any penitentiary, reformatory, or training school of the State any opium, morphine, cocaine, or other narcotic, or any intoxicating liquor, or any firearm, weapon, or explosive of any kind, or any rope, ladder, or other instrument or device for use in making or attempting an escape. In 1913 this law was extended to workhouses, and hospitals of the State as well, and the section was rewritten. The legislation of 1919 includes the institution for feeble-minded children with the institutions already named.<sup>316</sup>

In 1860 it was made a misdemeanor for any mortgagor of personal property, during the time such mortgage remains in force, to willfully destroy, conceal, sell, or otherwise dispose of the property mortgaged without the express or implied consent of the holder of the mortgage. In 1873 this offense was made to constitute larceny. In 1894 it was made necessary to secure the "written" consent of the mortgagee for such sale or disposal. The Thirty-eighth General Assembly made the same rule of law applicable to purchasers under a conditional bill of sale as formerly applied to mortgagors of personal property. The phrase "with intent to defraud" was also added to the statute in 1919.<sup>317</sup>

Chapter 382 defines the crime of criminal syndicalism as

<sup>315</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 199.

<sup>316</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 217.

<sup>317</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 313.

“the doctrine which advocates crime, sabotage, violence or other unlawful methods of terrorism as a means of accomplishing industrial or political reform.” The advocacy of such doctrine, whether by word of mouth or by writing, is a felony. Not only is the person who advocates the doctrine punishable but also any person who prints, publishes, edits, circulates, or sells any book, paper, or pamphlet, containing such advocacy, or any person who justifies such action, or helps to organize or becomes a member of groups holding to such doctrine. Indeed, the assemblage of two or more persons to advocate or teach this doctrine is unlawful, and participants are guilty of a felony. These acts are punishable by imprisonment for not over ten years or fine of not over five thousand dollars, or both. The owner, agent, superintendent, janitor, caretaker, or occupant of any place who willfully and knowingly permits the use of such place for assemblages of this character is made guilty of a misdemeanor, and may be fined not over five hundred dollars or imprisoned in the county jail not more than one year, or both.<sup>318</sup>

#### JUDICIAL PROCEDURE AND LEGAL PROCESSES

The Thirty-eighth General Assembly increased the commissions of executors and administrators for settlement of estates. The former amounts of five per cent on the first one thousand dollars, and two and one-half per cent on the next four thousand dollars, and one per cent on the amount over five thousand dollars, were increased to six, four, and two per cent respectively. Provision was also made for an attorney's fee equal in amount to that of the administrator.<sup>319</sup>

The time within which sub-contractors may file mechan-

<sup>318</sup> *Acts of the Thirty-eighth General Assembly, Ch. 382.*

<sup>319</sup> *Acts of the Thirty-eighth General Assembly, Ch. 391.*

ics' liens, and serve notice thereof is lengthened by chapter 380.<sup>320</sup>

It is enacted that no action based on any claim existing prior to January 1, 1900, may be maintained in law or equity to recover or establish claim to real estate against any person who has held record title thereto since that date, unless a written petition and statement is filed within one year of the taking effect of the act. Provisions of the Code as to the rights of minors and insane persons are not applicable against the provisions of this act.<sup>321</sup>

This law is said to have been passed in the interest of bona fide owners of real estate whose title and possession date back at least to January 1, 1900. The real object is to fix a definite date back of which title examiners need not concern themselves with confusion in the records or with technical defects of recorded instruments, or old mortgages, or other liens, or even with a break in the chain of title. Such defects and claims are numerous, but are not often substantial, and if they antedate January 1, 1900, they seldom could be enforced.

Chapter 231 provides for the release of liens on personal property under certain conditions. The owner of the property may file a bond in double the amount of the lien, conditioned on the payment to the claimant of the lien any sum found to be due; and thus have the lien discharged and merged in the bond. Possession must then be surrendered to the owner of the property. Action on the bond comes in the county where the principal on the bond resides, or where the bond is filed.<sup>322</sup>

It has long been law in Iowa that the survivor's share can not be affected by any will of the spouse, unless consent

<sup>320</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 380.

<sup>321</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 270.

<sup>322</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 231.

thereto is given by the survivor. This section of the statutes was rewritten and made more definite by the Thirty-eighth General Assembly. The law heretofore read that the survivor must elect to consent or not consent within six months after a copy of the will and notice of the necessity of such election had been served by the other parties interested in the estate. But there was no duty to serve such notice and no time specified for its service! The new law provides that, unless "a voluntary election to take or refuse to take under a will has not been filed by a surviving spouse within sixty (60) days from the date when the will of a decedent has been admitted to probate", it shall be the executor's duty to serve original notice, requiring the surviving spouse to take or refuse to take in writing or in open court within six months. The notice may be given by any other person interested in the estate.<sup>323</sup>

Guardians appointed to have charge of the property of a minor, have been required to give bond in a penalty double the value of the personal estate and of the rents and profits of the real estate of the minor. The Thirty-eighth General Assembly provides that this bond may be fixed at a lesser amount when an approved surety company's bond is furnished; but that in no case shall it be less than the "actual value of the present estate, and the rents and profits of the real estate, with twenty-five per centum added thereto." The obvious purpose of the amendment is to reduce the expense of guardianship when a surety company's bond is given. The term "present estate" is apparently a misprint, and should read "personal estate" as used in the statute which was amended.<sup>324</sup>

An attachment on real estate is made effective under Iowa statutes by entering the attachment in an Encum-

<sup>323</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 192.

<sup>324</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 130.

brance Book kept in the office of the clerk of the district court. The Code formerly provided that in attachment proceedings, if judgment were rendered for the defendant, the attachment should be discharged. Now the law is made more complete, probably to conform to court decisions; and the attachment is discharged in like manner provided the action is dismissed by the court, by the plaintiff, by agreement between the parties, or if judgment has been entered for the plaintiff, and has been satisfied of record. In cancelling the attachment from the Encumbrance Book, the clerk must refer to the entry in the case authorizing such cancellation.<sup>325</sup> The act is designed to clear the Encumbrance Book of the attachment when the court proceedings are settled, so that the record may be kept straight and confusion avoided.

Section 3709 of the Code provided that either party in a legal proceeding might take and file exceptions to the charge of instructions given, or to the refusal to give any instructions asked, within three days after the verdict. Section 3756 provided that application for a new trial must be made within three days after the verdict, report, or decision is rendered. Chapter 11 amends both of these sections increasing the time from three to five days in each instance.<sup>326</sup>

Notice of the time fixed for probate of a will must be made by publication in prescribed manner. It has been possible heretofore, for the court, in its discretion, to vary the notice. This discretionary power was extended by the Thirty-eighth General Assembly to the judge in vacation.<sup>327</sup>

It has been unlawful to bring an action upon any judgment, rendered against a defendant in any court of record

<sup>325</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 338.

<sup>326</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 11.

<sup>327</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 88.

within this State, within fifteen years after the rendition thereof, without leave of the court or a judge thereof; or on a judgment of a justice of the peace within eight years. These provisions were amended to read nine years in each instance. A temporary provision of the Code section was weeded out.<sup>328</sup>

Any person interested may procure from the clerk of any district court in this State a transcript of any conveyance executed by any executor, administrator, guardian, or trustee, which has been recorded in the office of the clerk of the district or circuit courts of the State, and such transcript, properly certified, may be filed in the office of the recorder in the county in which the real estate is situated, and shall have the same effect as the original conveyance.<sup>329</sup>

Prior to 1919, all acknowledgements of instruments made outside the United States, before officers of a foreign country authorized to certify to acknowledgments of written documents, were required to be authenticated by an ambassador, minister, secretary of legation, consul, vice-consul, chargé d'affaires, consular agent, or other officer of the United States in the foreign country. The necessity of such certification was removed by the Thirty-eighth General Assembly, and the certificate of acknowledgment of the foreign officer is declared conclusive evidence that such officer was qualified to so certify.<sup>330</sup>

District court judges have been heretofore empowered to arraign in vacation an accused person prosecuted on information, and require him to plead to the information; but such arraignment and plea have been allowed only in the county in which the information was filed or to which the case may have been sent by change of venue. The law

<sup>328</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 96.

<sup>329</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 166.

<sup>330</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 181.

was changed to allow such process in any other county in the judicial district. The proceedings must be filed with the clerk of the court of the county where the information was filed.

The same condition existed and the same change was made with regard to judgments rendered in vacation on written pleas of guilty. The plea and judgment must be filed, likewise, with the clerk of the court of the county wherein the information was filed. Records so filed have the same effect as if made and entered by the court in the county wherein the information was filed, and commitment or subsequent proceedings shall be had upon the judgment and record from that county.<sup>331</sup>

Extensive amendments were made by the addition of several sections to the law relating to the filing of chattel mortgages, bills of sale, and other instruments affecting the title to or encumbrance of personal property. Filing of instruments by the county recorder shall have the same force and effect as if recorded at length. Duplicates for filing elsewhere may be secured from the county recorder, and must be accepted as evidence in suits at law. Provision is made for extension, release, satisfaction, and final destruction of such instruments; and fees are stipulated for filing and furnishing copies. Chapter 154 of the *Acts of the Thirty-seventh General Assembly* was slightly amended to make it possible for conditional sales to be "filed and deposited" as well as recorded.<sup>332</sup>

The probate powers of the clerk of the district court were extended to include the admission to probate of wills of decedents, when not contested, and the making of necessary orders in relation thereto. Proof may now be made before the clerk in the same manner as in open court. If,

<sup>331</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 229.

<sup>332</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 352.



however, written objections to the probate of a will are filed, the proceeding goes before the district court. Sections 3261 and 3283 of the Code were amended to conform to this provision for action out of court.<sup>333</sup>

Modern business methods forced an amendment to the law of evidence. Chapter 393 provides that any loose leaf or card, or other form of entry in use in the ordinary course of business, when properly identified as an original entry of the account in question, shall be admitted as competent evidence by deposition or in open court. The person whose duties in the ordinary course of the business require a personal knowledge of the records, shall be competent to verify such account.<sup>334</sup>

Witnesses in any court of record, except in the police courts, have heretofore received one dollar and twenty-five cents for each day's attendance. This amount is now increased to two dollars.<sup>335</sup>

The Rathbun pardon case was responsible for the legislation which appears in chapter 68. Courts have been permitted to require grand jury members to disclose the testimony of witnesses before them. The provision was extended to include the clerk of the grand jury or any officer of the court, and the right of compulsion was given to legislative committees authorized to inquire into the conduct or acts of State officers which might form a basis for impeachment proceedings. This was necessary in order that the legislative committee which was investigating the Rathbun pardon might secure information from members of the grand jury, the clerk of the grand jury, and the counsel for the State, who appeared in the grand jury room at Ida Grove.<sup>336</sup>

<sup>333</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 357.

<sup>334</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 393.

<sup>335</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 61.

<sup>336</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 68.

It has been the law that, in appeals, if a judgment against the defendant is reversed and no new trial ordered, the supreme court must direct the prisoner to be discharged, and his bail exonerated or the money refunded. Now, in such cases, the reversal of a judgment against the defendant is to be deemed an order for a new trial unless the supreme court directs that the prisoner be discharged.<sup>337</sup>

Chapter 190 discloses the conservatism of the laws and courts. A belated amendment to section 235 of the Code allows the judge of the district court, in case of sickness or other necessity, to direct adjournment by telephone. Formerly he was restricted to the use of letter or telegram.<sup>338</sup>

It has been impossible to compel witnesses in civil cases to attend a district or superior court outside of the State in which they were served with a subpoena, or at a distance of more than seventy miles from the place of their residence, or from the place where they were served, unless within the same county. The Thirty-eighth General Assembly increased this distance from seventy to one hundred miles, and added a provision that, for good cause, the court or judge might, upon a deposit with the clerk of court of the legal fees and mileage of a witness, compel attendance from a greater distance within the State.<sup>339</sup>

That part of the law which allows either party to take change of venue in cases where private property is to be condemned for the use of the State, was stricken out by the Thirty-eighth General Assembly.<sup>340</sup>

In certain actions, listed in section 3534 of the *Code of Iowa, 1897*, service of original notice may be by pub-

<sup>337</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 117.

<sup>338</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 190.

<sup>339</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 22.

<sup>340</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 189.

lication, when personal service is impossible. It is required that proof of the publication be made by affidavit of the publisher or foreman of the newspaper, which affidavit must be filed. The Thirty-fifth General Assembly legalized affidavits of editors made before January 1, 1911, and made them of the same force and effect as if they had been made and filed by the publisher or foreman; and also legalized decrees obtained prior to said date, under such affidavits. The Thirty-eighth General Assembly included managers and cashiers as well as editors, and advanced the date so that the legalization applies to affidavits and decrees secured prior to January 1, 1917.<sup>341</sup>

Senate File 256 provided for the selection of thirteen jurors instead of twelve, and made it possible, if for any reason one became unable to act, for the action to proceed with twelve. This bill, however, was indefinitely postponed.

Jury commissioners provided for in chapter 267 of the *Acts of the Thirty-seventh General Assembly*, were allowed four dollars a day or fraction thereof, not exceeding two days. The two day limit is removed by the legislation of 1919 and they are allowed actual expenses. Statement of time and expenses must now be approved by a judge of the district court.<sup>342</sup>

Several other amendments to chapter 267 of the *Acts of the Thirty-seventh General Assembly* were found necessary. In case of vacancy in the jury commission created by that act, the judge of the judicial district shall appoint some person to fill out the unexpired term. Jury commissioners are allowed clerical assistance in preparing the jury lists.

The date of the meeting of the jury commission for the

<sup>341</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 89.

<sup>342</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 193.

selection of grand and petit jurors, was changed from the first Monday after the tenth day of November, in each year, to the "second Monday after the general election in each year such election is held, and the first Monday in November in each year in which no general election is held". The number of talesmen drawn at such meeting was changed from twenty per cent of the electors to five hundred.

Lists of grand and petit jurors must now be prepared, certified, sealed, and deposited with the county auditor on or before the first Monday in December instead of the fifteenth day of November as formerly. If, at the time appointed for drawing the petit jury, one of the commissioners is unable to appear, the two remaining commissioners may, in the presence of the county auditor and clerk, proceed to draw the jury. Another amendment makes it definite that the names of grand jurors are to be drawn "by the jury commission".<sup>343</sup>

Amendment to section 269 of the Code made the provisions of that section relative to securing jurors inapplicable in counties having a population exceeding twenty thousand, in which there is a city having a population of fifteen thousand or more. In these counties jurors are drawn by a jury commission, as provided under chapter 267 of the *Acts of the Thirty-seventh General Assembly*. An addition was made to said chapter 267 by making the provisions of the act in relation to the selection and drawing of petit jurors and talesmen for the district courts, apply also to the selection and drawing of petit jurors and talesmen for the superior courts in such counties.<sup>344</sup>

The number of petit jurors is twenty-four unless the court or judge otherwise orders. Since 1886 there has been

<sup>343</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 211.

<sup>344</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 251.

an upper limit of seventy-two, which limit was removed by the Thirty-eighth General Assembly.<sup>345</sup>

One of the most significant changes made by the legislation of 1919 is that relating to the number of jurors to be obtained in criminal cases against whom no cause of challenge has been found to exist, and to the number of peremptory challenges allowed. Formerly challenges for cause continued until twelve jurors were obtained against whom there was no cause for challenge. This number has been increased to sixteen.

Formerly, too, in offenses punishable by death or imprisonment for life, the State and the defendant were each entitled to ten peremptory challenges, in the case of other felonies, to six each, and for misdemeanors, to three each. These have been reduced to eight, four, and one, respectively; but in all instances each party is allowed to strike two jurors, which really makes the number the same. Thus after all challenges for cause and all peremptory challenges have been exhausted, each party must strike two jurors from the list, thus reducing the sixteen members to twelve. The advantage of this is that under the old system, the challenges might all be exhausted, and the juror chosen to fill the vacancy caused by the last challenge might be very objectionable. There could be no recourse. Now, after all challenges are exhausted, there are still four names to be struck from the list, and this difficulty is obviated.<sup>346</sup>

#### WAR MEASURES AND MILITIA

It was, of course, inevitable that a certain amount of war legislation should be enacted by the Thirty-eighth General Assembly. The surprising thing is that there was not more. Several proposals were made for granting bo-

<sup>345</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 223.

<sup>346</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 40.

nuses to Iowa soldiers, but no such bill was actually introduced. Soldiers benefited, however, by several acts. Chapter 28 made provision that certified copies of any public records in the State of Iowa be furnished free to any soldier, sailor, or marine, in service or honorably discharged, or any dependent of such, when needed to perfect claim for United States pension or other claim against the United States government.<sup>347</sup>

On March 1st the Governor approved an act which provides for the recording by county recorders of the final discharge of any soldier, sailor, or marine of the United States. The county recorder shall perform this service free when the record is that of an actual resident of the county. In all other cases the legal fee is charged. These records are to be kept in a special book having an alphabetical index.<sup>348</sup>

On March 14th the Committee on Judiciary introduced a bill repealing the above act (chapter 34) and reënacting the identical words, but with the addition of a publication clause. This repeal and reënactment was rushed through, signed by the Governor on March 17th and became effective on March 19th, whereas chapter 34 would not have become effective until July 4th.<sup>349</sup>

Fifteen thousand dollars was appropriated by the Thirty-seventh General Assembly for a census and inventory of the resources of the State in men and material available for use in the event of war. This sum, however, had not proved sufficient and the Thirty-eighth General Assembly appropriated \$480.05 to meet the deficiency in the fund.<sup>350</sup>

There has been much activity along the line of erecting

<sup>347</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 28.

<sup>348</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 34.

<sup>349</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 62.

<sup>350</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 84.

memorials of various kinds to the honor of Iowa men who fought in the great war. Chapter 170 provides that counties, cities, and towns may purchase or condemn necessary grounds for such building, may purchase and equip, or erect and equip such building, and may issue bonds therefor, and levy a special tax to liquidate the bonds. The building may be an annex to any public building or a reconstruction thereof. A limit of indebtedness is specified and the maturity and interest of bonds are fixed. Special elections for voting on this proposition are provided for, and a majority of the legal voters voting thereon must favor it before such memorial can be erected. An annual tax levy is authorized for maintenance, and gifts and bequests are authorized. In the case of a municipality undertaking such improvements the appointment of a community civic congress, authorized by the Thirty-seventh General Assembly, is made mandatory, its duties being to cooperate with the city or town council with reference to the contemplated memorial building as well as with reference to other community interests as heretofore provided by law.

Special provision is also made by another act (chapter 252) that where any city or town has provided for the erection of a free public library, the county board of supervisors may cooperate with the city or town council in making it a "Soldiers, Sailors and Marines Memorial and Public Library", and levy a tax for the erection and maintenance thereof. County and city cooperate in appointment of trustees. Rooms may be set aside for patriotic organizations or historical museums, and rosters and records of war activities within the county may be prepared under the direction of the trustees.<sup>351</sup>

The provisions of this act are for the same general pur-

<sup>351</sup> *Acts of the Thirty-eighth General Assembly*, Chs. 170, 252.

pose as chapter 170, but the method is materially different. It does not necessitate the levying of any additional taxes, nor the calling of any special elections. Some communities will fight shy of the bond issue provided for in chapter 170, and chapter 252 will enable them without this expense to secure a soldiers' memorial together with a public library which is accessible to the entire county as a community center.

Power is given to the board of parole to recommend final discharge of any paroled prisoner of the State of Iowa, who has during his parole period entered the service of the United States or allied countries, or been employed on public works, by, or for the immediate benefit of the United States in the prosecution of the war, and who has been honorably discharged or released from such service.<sup>352</sup>

Twenty-five thousand dollars is appropriated out of any unexpended balance of the fund appropriated by chapter 207 of the *Acts of the Thirty-seventh General Assembly of Iowa*, for the "use and benefit of Iowa's returning soldiers, sailors and marines, who are ill and temporarily being cared for in hospitals in New York City or other port cities, and for such returning soldiers, sailors and marines who may be discharged on landing in New York City or other coast cities or Chicago, and who may be temporarily detained in said cities on the way home and may be in need of assistance, and for the expense of the establishment of temporary headquarters for such soldiers, sailors and marines in New York City." The act provides for the appointment of a commission to handle this appropriation, said commission to consist of the Adjutant General, a resident of Chicago, and a resident of New York City.<sup>353</sup>

An "Iowa War Roster Commission" is established and

<sup>352</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 219.

<sup>353</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 289.



\$20,000 appropriated for their use in compiling a roster of Iowa men who served in the Mexican border service of 1916 and 1917, and in the World War of 1917, 1918, and 1919. Historical sketches and interesting data relative to Iowa's part in the war shall be included. The Governor and Adjutant General form the Commission, and the compilation is to be done under the direction of the Adjutant General. An edition of 10,000 is to be published.<sup>354</sup>

Armory rent, heat, light, and storage facilities are provided for headquarters companies, machine gun companies, radio companies, and supply companies in the militia. One thousand dollars annually is given each headquarters company, one thousand to each machine gun company, fifteen hundred to each radio company, and eight hundred to each supply company.<sup>355</sup>

The amount of property a soldier or sailor can hold free from tax has been steadily increased during the past few years. Chapter 377 was introduced at the request of the Civil War veterans. Chapter 191 of the *Acts of the Thirty-seventh General Assembly* allowed them exemption of \$1800 actual value; and allowed Spanish-American War veterans exemption of \$500 actual value. The assessed value, according to section 1305 of the Code is 25% of the actual value. Consequently, chapter 377, in giving to the Civil War veteran an exemption of \$700 taxable value, grants an increase from \$1800 to \$2800 actual value. And in allowing to veterans of the war with Spain an exemption of \$300 taxable value, it gives an increase from \$500 to \$1200 actual value.<sup>356</sup>

It is provided, however, that such exemption extends only to the period during which such soldier, sailor, marine,

<sup>354</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 331.

<sup>355</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 362.

<sup>356</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 377.

widow, wife, or minor child thereof, shall remain the owner of the property; and that upon the sale of such property to any person other than one of this class, such exemption shall cease. Earlier laws have classed marines with soldiers. Now they are always mentioned separately.<sup>357</sup>

An interesting pension act appropriates a lump sum of three hundred dollars to one John Miller, as compensation for service of eleven months in the Delaware County Guards, organized by chapter 84 of the *Acts of the Tenth General Assembly* in 1864. Two companies of Delaware County Home Guards were organized under this chapter: one on September 1, 1864, and one on November 14, 1864. There is no record of any activity or service by either company.<sup>358</sup>

#### LEGALIZING ACTS

According to the *Index and History of Senate and House Bills* in the Thirty-eighth General Assembly, thirty-nine legalizing acts were passed in 1919. In addition, some other acts were of a legalizing nature. Thus chapter 277, treated herein under School Laws, is a blanket legalizing act; and chapter 282, which authorizes the independent school district of Bouton in Dallas County, to issue its warrants in excess of the funds available, and which authorizes a tax levy to pay the same, may also be considered a legalizing act. Chapters 135 and 244 are also legalizing in character.

Of the thirty-nine legalizing acts, fifteen legalize bonds, warrants, ordinances, elections, and other acts of cities and towns; eight legalize warrants, bonds, and elections of school districts; three legalize the acts of county supervisors; one legalizes the acts of notaries public; six legalize land patents; four legalize specific corporations; one legal-

<sup>357</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 214.

<sup>358</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 402.

izes the plat of a town; and one legalizes tardy publication of notices of incorporation.

It was necessary to pass two acts to legalize bonds to the amount of \$55,000 issued by the school district of Huron Township, Des Moines County. Chapter six was passed early in the session for that purpose; but the purchaser of the bonds objected, saying that the bill was not broad enough; so chapter 133, dealing with the same matter, was passed.

#### APPROPRIATIONS

Each General Assembly is called upon to make appropriations for the continuance and expansion of State government, for the maintenance of State institutions, for the improvement of State property, and for various other miscellaneous purposes. The amount of revenue for general State purposes is fixed by successive sessions, and out of this comes the money from which most of these appropriations are paid. The amount specified by the Thirty-eighth General Assembly was \$15,800,000 for the biennium.

From a study of the laws alone it is impossible to determine the exact amount of money appropriated for the maintenance of State government. An examination of the accompanying tables will give some idea of the scope of the appropriation acts as well as an approximate idea of the total amount appropriated by the Thirty-eighth General Assembly.

#### TAXATION

Assessors have, prior to 1919, made up their assessor's books in duplicate from the corrected assessment rolls and turned over both copies to the county auditor. The county auditor was required to return one of the books to the clerk of the township, town, or city. Now assessors' books need

APPROPRIATIONS BY THE THIRTY-EIGHTH GENERAL ASSEMBLY			
FOR THE MAINTENANCE OF THE STATE GOVERNMENT AND STATE OFFICES			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
5	Additional legislative employees	\$1933	Monthly during session
18	Fuel, water, light, and emergency expense	\$20,000	Lump sum
81	State Board for Vocational Education	\$2050	Lump sum
230	Board of Educational Examiners	\$25,000 additional	Annually
272	State officers	\$704,320 <sup>359</sup>	Annually for 2 yrs.
273	State and other expenses (omnibus bill)	\$471,230	For the biennium with some lump sum appropriations
284	Dairy and Food Department	\$6000 additional	Annually
287	Commission of Animal Health	\$100,000	Annually
298	Superintendent of Public Instruction	\$2500	Annually
300	Collection of inheritance tax	\$15,000	Annually
305	State Entomologist	Amount necessary	
327	State peace officers	\$12,500 additional	Annually
329	Petroleum Inspector	\$6000 additional	Annually
337	State Board for Vocational Education	\$6500 additional	Annually
358	State Railroad Commission	\$85,700	Lump sum
361	State Highway Commission	\$1000 additional to each member	Annually
363	Weather and Crop Service Bureau	\$1000 additional	Annually

<sup>359</sup> Maximum salaries were used in making this total. No per diem salaries are included.

THE THIRTY-EIGHTH GENERAL ASSEMBLY 603

CHAPTER	FOR WHAT	AMOUNT	PERIOD
365	Secretary of State Board of Agriculture	\$500 additional	Annually
365	Treasurer of State Board of Agriculture	\$150 additional	Annually
365	Members of State Board of Agriculture	\$6 additional per diem	
388	State Board of Health	\$10,000 additional	Annually
FOR SUPPORT AND MAINTENANCE OF STATE INSTITUTIONS			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
37	State Hospitals for Insane	\$7 to \$8 additional per inmate	Monthly
37	Soldiers' Home (general support)	\$7 additional per member	Monthly
37	Institution for Feeble-minded Children (general support)	\$5 additional per inmate	Monthly
37	Penitentiary (general support)	\$5.50 to \$6 additional per prisoner	Monthly
37	Men's Reformatory (general support)	\$5.50 to \$6 additional per prisoner	Monthly
37	Soldiers' Orphans' Home (general support)	\$11 additional per child	Monthly
37	Training School for Boys at Eldora (general support)	\$8 additional per child	Monthly
37	State Tuberculosis Sanatorium (general support)	\$5 additional per patient	Monthly
37	Women's Reformatory (general support)	\$9 additional per inmate	Monthly
37	State Colony for Epileptics (general support)	\$9 additional per inmate	Monthly
75	Increase in salary of Superintendent of Institution for Feeble-minded Children	\$600	Annually

CHAPTER	FOR WHAT	AMOUNT	PERIOD
105	State agents for institutions under Board of Control	\$5000 additional	Annually
119	Completion of water works of State Hospital, Cherokee	\$23,000	Lump sum
126	Land and improvements for State fair grounds	\$63,000	Lump sum
132	Cattle barn for State fair grounds	\$150,000	Lump sum
165	Juvenile Home	\$108,700	Lump sum
186	Training School for Girls, cottage	\$40,000	Lump sum
191	Laboratory and X-ray machine (Oakdale)	\$28,000	Lump sum
204	State institutions under Board of Control	\$834,150	Biennium
235	Psychopathic Hospital, State University	\$175,000 for erection \$9000 for support	Lump sum Monthly
264	School for the Deaf	\$22,500	Lump sum
294	Spur track to Iowa Soldiers' Home	\$23,000	Lump sum
307	Increase in salary of Commandant of Iowa Soldiers' Home	\$800 additional	Annually
308	Inspection of Hospitals for Insane	\$1000 additional	Annually
367	Medical Department of State Library	\$4000	Annually
375	State University of Iowa	\$372,500 \$125,000	Annually for 2 yrs. Biennium
375	Iowa State College	\$317,000 \$141,000	Annually for 2 yrs. Biennium
375	Teachers College	\$154,500 \$5000	Annually for 2 yrs. Biennium
375	College for the Blind	\$16,000 \$12,000	Annually for 2 yrs. Biennium

THE THIRTY-EIGHTH GENERAL ASSEMBLY 605

CHAPTER	FOR WHAT	AMOUNT	PERIOD
375	School for the Deaf	\$90,500 \$74,000	Annually for 2 yrs. Biennium
390	Increase in salary of Superintendent of Soldiers' Orphans' Home	\$600 additional	Annually
390	Increase in salary of Superintendent of Girls Industrial School	\$200 additional	Annually
403	State University, dormitory and nurses home	\$180,000	Lump sum
403	Iowa State College, library	\$300,000	Lump sum
411	State University, buildings	\$177,000	Lump sum
411	Iowa State College, buildings	\$170,000	Lump sum
FOR THE IMPROVEMENT OF STATE PROPERTY			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
226	Paving at Hospital for Insane, Cherokee	\$37,000	Lump sum
269	Paving road at Spirit Lake	\$12,000	Lump sum
400	Improvement of State highways	Amount necessary	
401	Paving road at School for the Deaf	Enough to make \$22,000 when added to unused appropriation	
FOR MILITARY PURPOSES AND STATE MILITIA			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
84	To meet deficiency, State census of resources	\$480.05	Lump sum
276	Election expenses in military camps	\$1200	Lump sum
289	Returned soldiers	\$25,000	Lump sum
331	War Roster Commission	\$20,000	Lump sum
362	State militia companies	\$4300 additional	Annually

TO SATISFY CLAIMS			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
90	P. K. Holbrook as member of State Board of Education	\$561.52	Lump sum
359	Charles W. Mullan (expenses as judge)	\$209.66	Lump sum
360	Survey of river bed in East Omaha	\$67.00	Lump sum
402	John Miller (services in Delaware County Guards)	\$300.00	Lump sum
404	Roy Harrison (injuries)	\$750.00	Lump sum
FOR MISCELLANEOUS PURPOSES			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
9	Inaugural ceremonies	\$567.25	Lump sum
39	State-Federal employment bureau	\$6000 transferred from amount appropriated in Ch. 207 of 37th G. A.	
50	Code Commission	Amount necessary	
120	Education of deaf and blind children	Amount necessary	
233	Farmers Institute of Franklin County	\$75	Lump sum
279	State Poultry Association	\$500	Annually
279	County poultry associations	\$100 each	Annually
291	Consolidated schools	\$50,000 additional	Annually
299	Public health (elimination of venereal diseases)	\$15,000	Annually for 1919 and 1920
322	Mechanical system of vote registration for House of Representatives	\$18,000	Lump sum



THE THIRTY-EIGHTH GENERAL ASSEMBLY 607

CHAPTER	FOR WHAT	AMOUNT	PERIOD
337	State aid for vocational education	\$40,000 for year ending June 30, 1920 \$50,000 for year ending June 30, 1921	
349	Judiciary and Library Building	\$750,000 to \$1,000,000 out of funds already appropriated	Lump sum
350	Dairy, beef cattle, corn and small grain growing industries	\$32,500	Lump sum
354	Agricultural training for school children	\$2000	Lump sum
364	Rural schools	\$100,000	Annually
368	Public State parks fund	Approximately \$100,000 additional	Annually
373	Schools in coal mining camps	\$50,000	Biennium
395	Horticultural Exposition	\$8000	Annually
409	State accountancy	Amount necessary	

not be prepared in duplicate; but the assessor shall furnish to the city, town, or township clerk a list of all persons subject to poll tax.<sup>360</sup>

In townships wholly included within city limits, as well as in the parts of any township included within city limits, the town or city council constitutes the board of review for the equalization of taxes. The Thirty-eighth General Assembly added a provision, which applies to townships having a population of twenty thousand or more, and situated entirely within the limits of a city under special charter,

<sup>360</sup> Acts of the Thirty-eighth General Assembly, Ch. 385.

and to cities under special charter having a population of twenty thousand or more. Here, if the city council fails to act as a board of review, the township trustees may act as such. Equalizations so made are legalized. This addition was made for the benefit of Dubuque.<sup>361</sup>

When street improvements are to be made, for which lots or parcels of land are to be assessed, it has been the law that a plat of the land must be prepared and filed by the city council, showing the land subject to assessment. Notice of the filing of such plat must be made by publication; but if no newspaper is published within the town, it has been required that notices be posted in three public places, two of which shall be the post office and the mayor's office. The provision is now made that, for towns where there is no post office, notice may be posted in such public place as the city council may designate.<sup>362</sup>

The General Assembly fixes the amount of revenue to be provided by levy for general State purposes each biennium. This sum was fixed by the Thirty-eighth General Assembly at \$7,900,000 for 1919, and a like amount for 1920.<sup>363</sup>

It was made the duty of the Treasurer of State to enforce the collection of the delinquent collateral inheritance tax. He is empowered to employ such assistance and at such salaries as may be necessary. An amount sufficient to pay the salaries and expenses of such assistants, not to exceed fifteen thousand dollars annually, was appropriated.<sup>364</sup>

For the purpose of defraying general and incidental expenses, city and town councils levy an annual tax of not over ten mills on the dollar. The General Assembly in 1919 authorized the council of each city and town to levy an

<sup>361</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 244.

<sup>362</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 386.

<sup>363</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 376.

<sup>364</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 300.

additional tax for the year 1919 and the year 1920, not exceeding two mills on the dollar, for the purpose of meeting any deficiency in or inadequacy of this ten mill levy.<sup>365</sup>

The Iowa Code provides that certain classes of property shall not be taxed. One of these is the "farm produce of the person assessed, harvested by him". This is amended to read "harvested by or for him".<sup>366</sup>

Rates of taxation for public purposes within each taxing district are estimated and based upon the adjusted taxable valuation for the year preceding. When these valuations have been adjusted by the various boards, the county auditor computes such a rate as will raise the required amount within the taxing district. Formerly this required amount was the absolute upper limit; but the legislation of 1919 makes it possible for the county auditor, in fixing the rate of taxation, to provide for an excess in the amount to be raised not exceeding five per cent of the amount of the tax, for the purpose of meeting possible shrinkage due to exemptions or other causes.<sup>367</sup>

The Thirty-eighth General Assembly authorized the voting and levying of a tax upon real estate contiguous to a railroad which has been heretofore constructed and the operation of which has been abandoned, to aid in the reconstruction, improvement, repair, or maintenance of such railroad. A petition signed by a majority of the resident freehold taxpayers of the district affected must be presented, asking for an election on the question of such taxation, which can not exceed five per cent of the assessed value of the property within the district. Provision is made for a special election, for the payment of the expenses thereof, and for the collection of the tax.<sup>368</sup>

<sup>365</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 263.

<sup>366</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 115.

<sup>367</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 57.

<sup>368</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 328.

## MISCELLANEOUS ENACTMENTS

Two acts of the Thirty-eighth General Assembly change the boundaries of the capitol grounds extension area. By chapter 381, the western boundary is extended up Pennsylvania Avenue to Grand Avenue, and thence east along Grand Avenue to the intersection with the original boundary line, one hundred and thirty feet west of the west line of East Ninth Street. Chapter 306 adds a plot between Vine Street and the railway right-of-way.<sup>369</sup>

The State board of control was authorized to enter into contracts of lease, allowing lessees to mine and remove the coal from under all that portion of the present State fair ground lying east of a line running north and south two hundred feet east of the present poultry building. No coal shall be mined within two hundred feet of any building on the leased premises, and no opening shall be made thereon. Moneys received through such contracts become a part of the general fund of the State.<sup>370</sup>

Personal earnings of a debtor, who is a resident of the State, and the head of a family, as well as the earnings of his family, for a period within ninety days next preceding the levy, have been, since 1851, exempt from liability for debt in Iowa. Chapter 65, however, amends the law by providing that the personal earnings of the debtor shall not be exempt from any order, judgment, or decree for temporary or permanent alimony, where the party in whose favor the decree was rendered has not re-married, nor from any order, judgment, or decree for the support of his minor child or children, nor for any installment of either such order, judgment, or decree.<sup>371</sup>

If the principal or income derived from the property of

<sup>369</sup> *Acts of the Thirty-eighth General Assembly*, Chs. 306, 381.

<sup>370</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 188.

<sup>371</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 65.

an extinct religious society is not used in the locality where the extinct society was situated within five years from the date of sale or disposition of such property, it may now be used for building or improving other property of the denomination within the presbytery, synod, conference, diocese, or district.<sup>372</sup>

Investment of cemetery trust funds has heretofore been limited to gilt-edged first mortgages on Iowa real estate. Trustees of such funds may now invest in government bonds of the United States at their marketable value.<sup>373</sup>

The bounty allowed on the skin of an adult wolf was decreased from twenty dollars to ten.<sup>374</sup>

Chapter 410 was introduced and passed at the request of the United States Coast and Geodetic Survey. Under this law any person employed in the execution of any survey authorized by the Congress of the United States, may enter upon lands within the State for that purpose, may establish permanent station marks, and erect necessary signals, and temporary observatories. If the amount to be paid for damages can not be agreed upon, the district court may be petitioned for hearing and assessment of damages. Persons who willfully deface, injure, or remove any of the signals, monuments, or buildings, or other property of the United States geodetic or geological surveys, shall forfeit a sum of fifty dollars for each offense and be liable for civil damages sustained by the United States.<sup>375</sup>

Nineteen States already had laws of this character. The statute adopted by Minnesota in 1889 was recommended as one which "seems to cover all of the points involved in a clear and concise way" and it was taken over almost word

<sup>372</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 102.

<sup>373</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 55.

<sup>374</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 249.

<sup>375</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 410.

for word; except that the Iowa law includes the Geological Survey as well as the Geodetic Survey. By a typographical slip the word "no" was omitted, whereby surveyors are permitted in Iowa to do "unnecessary injury".

An enactment of the Thirty-fifth General Assembly provided that whenever it might become necessary in grading the highways to make a cut which would disturb or destroy, or a fill which would cover up a government or other established corner, it should be the duty of the county engineer to establish permanent witness corners, and to make a record of them, showing the distance and direction the witness corner is from the corner disturbed or covered up. The Thirty-eighth General Assembly added a provision that when the construction work is completed the engineer shall under penalty of fine permanently reestablish the original corner. Formerly the law fixed a fine for the failure of the engineer to establish witness corners. Under the new legislation liability to the fine is incurred by any person responsible for the removal, destruction, or covering up of any government or other established corner — presumably without taking the precautions provided above.<sup>376</sup>

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IOWA CITY IOWA

<sup>376</sup> *Acts of the Thirty-eighth General Assembly, Ch. 405.*