THE LEGISLATION OF THE THIRTY-NINTH GENERAL ASSEMBLY OF IOWA

In accordance with a constitutional provision[1] the Senate and House of Representatives of the Thirty-ninth General Assembly convened on January 10, 1921; and both houses adjourned eighty-nine days later on April 8th. This is the shortest regular session since 1909 when the period consumed by the Thirty-third General Assembly also included eighty-nine days. Both houses of the Thirty-ninth General Assembly were in actual session only sixty-seven working days: besides the twelve Sundays, recesses were taken on January 14th, 15th, and 17th at the end of the first week and again from February 26th to March 5th inclusive to permit the members to attend to business matters at home. On the basis of the number of days employed the compensation of members of the Thirty-ninth General Assembly amounted to approximately fifteen dollars a day.[2]

Some notion of the work of the Thirty-ninth General Assembly may be obtained from a summary of the number of bills considered. During the session 1147 measures were introduced. Of these, 529 bills and 10 joint resolutions originated in the Senate, and 606 bills and 2 joint resolutions in the House of Representatives. The House took action upon 463 of its own measures, and 257 of these were

1 *Constitution of Iowa*, Art. III, Sec. 2.

2 Most of the statistical information contained in the following paragraphs was compiled and verified by Mr. Jacob Van Ek. The facts were obtained from the bill files and *Acts of the Thirty-ninth General Assembly*, the *House Journal* and *Senate Journal* of the Thirty-ninth General Assembly, and the *Index and History of Senate and House Bills*, 1921. All tabulations and summaries were carefully checked.

also acted upon by the Senate;[3] the Senate took action upon 408 of its own measures and 225 of these were also acted upon by the House. In all, 404 acts and 7 joint resolutions passed both houses and were approved by the Governor — 150 of them receiving the executive signature after the date of adjournment, all but two being signed during the following week. One measure, the Springer Public Utilities Bill, was vetoed.

Two hundred and five of the measures that gained enactment originated in the Senate, and 207 in the House. There were 43 Senate bills and 2 joint resolutions which failed to pass the House; while 103 House bills failed to pass the Senate. This is in marked contrast to the Thirty-eighth General Assembly in which nearly twice as many Senate bills failed to pass the House as House bills failed in the Senate. Like the previous Assembly, however, the Thirty-ninth General Assembly enacted approximately thirty-six per cent of the bills introduced. The House passed nearly fifty-two per cent of its own measures, and the Senate passed more than forty-six per cent of the Senate bills. This again is almost the exact reverse of the situation in the Thirty-eighth General Assembly. It appears, therefore, that in the Thirty-ninth General Assembly the House was able to dispose of business with more expedition than the Senate. Perhaps this was due to the installation of the electrical voting mechanism. No less than 191 acts — over 46 per cent — were deemed to be of immediate importance and were declared to be in effect upon publication in designated newspapers. This is 75 more than were deemed of immediate importance by the Thirty-eighth General As-

[3] Action in this case is construed to mean that a bill has come to or beyond the stage of being placed on the calendar. This means, in most cases, that a committee report has been adopted or rejected, which implies that the whole house has expressed an opinion on the measure.

sembly. The remaining 220 measures became effective July 4, 1921.

In regard to the measures that failed of passage, by far the greater number were defeated in the chamber in which they originated. For example, of the 401 House files which failed of enactment 294 were lost in the House, 103 were lost in the Senate, one was lost in a conference committee, one was vetoed, and one was recalled from the Governor by both houses. Of the Senate files which failed of enactment 289 were lost in the Senate, while only 45 were lost in the House. The manner in which the bills were defeated constitutes an enlightening commentary on the methods of legislation. No less than 217 of the 735 propositions that failed were withdrawn. More measures were disposed of adversely by this method than in any other way. This practice has the parliamentary advantage of disposing of a bill without prejudice and leaving the way open for its reintroduction at a more auspicious time in the same or future sessions. There were 204 bills which failed of enactment by being indefinitely postponed and 174 measures were lost in committee. Indefinite postponement was often recommended by committees on the theory that the matter would be handled during a special session on code revision. A surprisingly small number of bills — only 69 — were defeated by an adverse vote on the question of passage. It appears that the chances of passage are good if a bill can be brought to the stage of the final vote. A few bills were lost by being passed on file and forgotten, and the career of others ended with the substitution of another bill on the same subject. There were only eight instances of bills being killed by striking out the enacting clause.

As in the Thirty-eighth General Assembly the number of bills introduced by individual members is, roughly speaking, inversely proportional to the size of the house. The

average number of bills per member introduced in the Senate of the Thirty-ninth General Assembly was approximately ten and four-fifths, while the average number introduced in the House was five and two-thirds. The largest number of bills introduced in the Senate by any one member was 38 by Addison M. Parker. Mr. Parker holds the record for the Thirty-eighth General Assembly also, having introduced 38 measures. In the House the largest number of bills introduced was 22 by A. O. Hauge. Mr. Hauge like Mr. Parker lives in Des Moines and represents Polk County. Another coincidence is that J. B. Weaver, also of Des Moines, was sponsor for 18 bills, the third highest number introduced in the House. There were eight Representatives who did not present a single bill.[4] Seven bills were introduced in the Senate by request, none of which passed that chamber; while in the House thirty bills were introduced by request, four of which became law.[5] The journals show that 105 measures were introduced by committees.

As in the case of the Thirty-eighth General Assembly, most of the legislation of the Thirty-ninth was passed before the last week of the session.[6] Before April 4th, action up to the stage of enrollment had been taken by both houses on 232 measures — a little over fifty-six per cent of the total number of enactments. This is not as good a record as the Thirty-eighth General Assembly made with nearly sixty-eight per cent of its enactments passed before the

[4] Among the number who did not introduce any bills is Representative D. O. Stone, who became ill at the end of the first month of the session and died on February 18th.

[5] The bills here referred to as introduced "by request" are formally designated as so introduced. Of course many other bills not so designated were introduced upon the request of individuals or groups of individuals.

[6] The last week is taken to include the five working days from Monday, April 4th, to Friday, April 8th, inclusive.

last week. While the Thirty-ninth General Assembly passed 179 measures during the last week of the session, only 45 of these acts passed both houses during this time. Furthermore, of the 179 measures upon which one or both houses took final action during the last week of the session, 16 were introduced in January, 67 in February, 82 in March, 4 on the first and second of April, and 10 during the last week of the session. Of the 134 measures which passed one house during the last week, 6 were passed by the other house in February, 101 in March, and 27 on the first two days of April. Although it appears that one or both houses took final action upon nearly half of the legislation of the Thirty-ninth General Assembly during the last five days, it is also obvious that the great majority of measures had been under consideration for some weeks before the final vote.

A sifting committee was appointed in the Senate on March 28th and in the House the following day. The expedient of sifting committees is resorted to for the purpose of selecting those bills for further consideration which are most important, which are supported by public opinion, and which are not apt to require protracted debate. Bills which have reached the calendar are seldom referred to the sifting committee, and appropriation bills never are. Usually the measures that have already passed one branch of the legislature are favored by the sifting committee. For example, the Senate Sifting Committee in the Thirty-ninth General Assembly considered 143 bills and reported out 55 of them. Of those reported 50 were House bills while only 5 were Senate files. A two-thirds affirmative vote in the committee is generally required for reporting out a bill, though the sifting committee is free to adopt any rule it pleases.

There is nothing especially unusual about the character

of the legislation of the Thirty-ninth General Assembly. Only 163 enactments may be considered new legislation in the sense that they do not specifically repeal or amend existing statutes. Of this number 68 are legalizing acts, 30 are appropriation acts, and 7 are joint resolutions. Most of the appropriations are for purposes already provided by law. Moreover, practically all of the 59 remaining acts are in the nature of additional legislation (not amendatory) on subjects upon which there was previous legislation. Thus the absolutely new legislation is limited almost entirely to appropriations to settle claims and to legalizing acts. While the number of legalizing acts is nearly double that of the Thirty-eighth General Assembly the total is still 35 short of the number passed by the legislature in 1917.

Slightly more than sixty per cent of the acts of the Thirty-ninth General Assembly — 248 to be exact — specifically amended or repealed existing statutes. Probably a more accurate impression of the amount of change may be obtained by summarizing the number of sections that were altered or repealed.

Of the *Code of 1897,* it appears that 13 sections were repealed, 18 were amended by adding new clauses, 21 were amended by striking out parts, 19 were amended by substituting new words, phrases, or clauses, and 55 sections were struck out and new sections substituted — a total of 126 sections.

Of the *Supplement to the Code of Iowa, 1913,* 33 sections were repealed, 82 were amended by adding new clauses, 55 were amended by striking out parts, 44 were amended by substituting new words, phrases, or clauses, and 50 sections were struck out and new sections substituted — a total of 264 sections.

Of the *Supplemental Supplement to the Code of Iowa, 1915,* it is noted that 2 sections were repealed, 20 sections

were amended by adding new clauses, 21 were amended by striking out parts, 18 were amended by substituting new words, phrases, or clauses, and 37 sections were struck out and new sections substituted — a total of 98 sections.

Of the legislation of the Thirty-seventh General Assembly, 16 sections were repealed, 7 were amended by adding new clauses, 2 were amended by striking out parts, 11 were amended by substituting new words, phrases, or clauses, and 39 sections were struck out and new sections substituted — a total of 75 sections.

Of the legislation of the Thirty-eighth General Assembly, 6 sections were repealed, 41 were amended by adding new clauses, 13 were amended by striking out parts, 54 were amended by substituting new words, phrases, or clauses, and 19 sections were struck out and new sections substituted — a total of 133 sections.

Moreover, the Thirty-ninth General Assembly repealed one section and made slight additions to two other sections in one of its own acts (chapter 38), and repealed a section in another previous act (chapter 2) for the purpose of substituting a new section (chapter 210). Both of these acts of the Thirty-ninth General Assembly had previously gone into effect upon publication. Chapter 57 is superseded by chapter 152, and section one of chapter 327 which was approved on February 24th is practically identical with section five of chapter 163 which was approved on April 8th.

All together 700 sections of existing statute law were repealed or amended in some manner by the Thirty-ninth General Assembly.[7] This appears to be an unusually large

[7] There were a few instances of a particular section of the law being amended more than once by the Thirty-ninth General Assembly, so that the figure 700 represents a slight duplication in the actual number of sections amended.

number — the total number of sections repealed or amended by the Thirty-eighth General Assembly being 426, while the Thirty-seventh General Assembly repealed or amended only 364 sections.

The favorite method of amendment used by the Thirty-ninth General Assembly was to repeal the section and enact a substitute — one of the better forms, though not the best. This form was used in more than 200 instances. The next most prevalent practice in effecting changes in the law was to add or insert new matter without altering what already existed. There are over 140 instances of substituting new words, phrases, or clauses within particular sections. In more than 100 cases sections were amended by striking out particular words, phrases, or clauses without substituting others in their place. Only 71 entire sections were repealed, and of these the substance was in some instances retained by rewriting the statute of which they were a part though corresponding new sections were not specifically substituted.

CODIFICATION OF THE LAWS

During the past three years a new codification of Iowa statute law has been an ever present legislative problem. The Thirty-eighth General Assembly created a Code Commission which produced the *Compiled Code of 1919* and drafted a series of bills, known as Code Commission Bills, which were to be considered at a special session of that Assembly. The Governor, however, failed to call a special session in 1920 as requested; and so when the Thirty-ninth General Assembly convened the work of code revision was uppermost in the minds of the members.

On November 16, 1920, an informal meeting of members-elect was held at the Savery Hotel in Des Moines. Seventy-eight Representatives and thirty-seven Senators, at their own expense of time and money, attended this preliminary

caucus. A committee composed of six members from each house was appointed to consider the problem of code revision and to recommend to the General Assembly a plan of procedure. Accordingly, on January 10, 1921, the first day of the session, this committee submitted a report which suggested that code revision be postponed to a special session. This recommendation was based upon the experience of other Iowa General Assemblies in connection with the codes of 1873 and 1897. The committee, however, wishing to expedite as much as possible the work of the proposed special session, offered a resolution, which was adopted, providing that as much of the work of revision as possible be done during the regular session and that a Joint Committee on Code Revision be appointed to supervise the work. Governor Harding, in his biennial message stated that "about 90 per cent of the work of every legislative session is code revision" and that he did not believe the task of adopting a new code was impossible if the legislature would properly systematize its work.[8]

With a view to devoting as much time as possible to code revision a concurrent resolution was passed fixing the second legislative day in March as the final date for the introduction of all bills except appropriation and committee bills, and providing that only as many code bills be brought upon the calendar for passage on that date as was believed could be passed, lest there be prejudice to those which might not be reached.[9] In accordance with a recommendation of the Joint Committee on Code Revision eight special committees were appointed in each house, comprising

[8] *House Journal*, 1921, pp. 21–24, 30.

[9] In anticipation of code revision a concurrent resolution was adopted the first day of the session whereby the bill file numbers in each house from one to two hundred and seventy inclusive were reserved for Code Commission bills, so that the regular bill numbers began with two hundred and seventy-one.— *House Journal*, 1921, p. 13; *Senate Journal*, 1921, pp. 12, 13.

all members of the Assembly, and these committees, under the direction of the Joint Committee on Code Revision, proceeded to verify the *Compiled Code*. Their reports were made on mimeographed forms and filed with the Code Editor who transferred the data to a set of books prepared for the purpose so that by a system of marks the approval or disapproval of a particular section by the legislative checking committee may be observed at a glance. A great deal of time was consumed in this work, and fourteen of the sixteen committees entirely completed their assignments.[10]

By the time the Assembly reconvened after the March recess it appears that the hope of doing more than verifying the *Compiled Code* during the regular session had been abandoned. On March 8th Senator John R. Price offered a concurrent resolution providing for a special session to revise the code, to be called for the first Monday in June, 1921. This proposition was never considered and on March 21st it was withdrawn by the author. In the House, Representative J. H. Van Camp offered a concurrent resolution which provided for a special session to meet not later than November 28, 1921. This resolution was before the House on March 17th, when further consideration was deferred until March 22nd, but on that date the resolution failed to be called up. On March 28th, however, a concurrent resolution was introduced in the House and adopted, after amendment on April 5th, which declared that a special session to revise and codify the laws was necessary and advisable. Furthermore, to facilitate the work of the extra session the organization of the regular session was to be retained and prior to the adjournment of the regular session, in compliance with the terms of the concurrent reso-

[10] *House Journal*, 1921, pp. 21–24, 25, 26, 232, 233, 287, 289, 296; *Senate Journal*, 1921, pp. 207, 208, 218, 269, 270, 271, 272, 295, 296, 300, 301, 339, 345, 367.

lution, all code bills were assigned to standing committees and referred to sub-committees with a view to having reports ready at the beginning of the special session.[11]

It appears that the members of the General Assembly were fairly well convinced from the beginning that a special session would be necessary to take care of the work of code revision, but they thought there was a possibility of accomplishing something during the regular session. As time passed, however, it seems that the idea of deferring the task to a special session found general approval, of which the concurrent resolution that was finally adopted is the evidence. Since the adjournment of the General Assembly, however, Governor Kendall has let it be known that he does not intend to call the special session which the Assembly planned.

After it had become evident that code revision would not be attempted at the regular session of the Thirty-ninth General Assembly an act was passed which provided for keeping the work of codification up to date. Besides publishing the legislation of the last Assembly in the usual form of session laws, the Supreme Court Reporter was directed to prepare a supplement to the *Compiled Code* containing this legislation arranged according to the titles, chapters, and sections of the *Compiled Code*. Moreover, the Committee on Retrenchment and Reform was authorized to provide for and supervise the revision of the Code Commission Bills so as to harmonize them with the legislation of the Thirty-ninth General Assembly. The Code Commissioners have been called upon to do this work, and the Committee on Retrenchment and Reform has power to employ any other assistance necessary. A sum sufficient to cover all expenses was appropriated.[12]

11 *Senate Journal*, 1921, pp. 739, 1046, 1604; *House Journal*, 1921, pp. 871, 872, 1113, 1114, 1577, 1604, 1876.

12 *Acts of the Thirty-ninth General Assembly*, Ch. 333.

Another act closely related to code revision extended the time for the preparation of the book of annotations for the Code until the General Assembly should adopt a new code. The Thirty-eighth General Assembly had directed that the first book of annotations should be ready by January 1, 1920, unless the Supreme Court should extend the time. The Supreme Court on November 22, 1919, extended the time until July 1, 1920, and on June 30, 1920, until sixty days after the convening of the Thirty-ninth General Assembly. A considerable part of the book of annotations has already been prepared.[13]

A sidelight on the status of the *Compiled Code* is seen in an act which states that all parenthetical references in bills of the Thirty-ninth General Assembly to the *Compiled Code* are to be deemed to have been inserted solely as cross references, unless otherwise specified, and do not constitute any part of the final act.[14]

Two Iowa statutes, the Soldiers' Bonus Law and the Blue Sky Law, were considered of such importance that the Thirty-ninth General Assembly provided by joint resolution for separate publication and distribution of two thousand copies of the former and one thousand copies of the latter. Copies of the Bonus Law are distributed through the Governor's office, while the Blue Sky Law is distributed by the Secretary of State.[15]

CONSTITUTIONAL AMENDMENT AND REVISION

The Constitution provides that, beginning in 1870, the question of calling a constitutional convention shall be submitted to the voters of the State every ten years. In 1920 for the first time those voting "Yes" on the proposition were in the majority, the official vote being 279,652 in the

[13] *Acts of the Thirty-ninth General Assembly*, Ch. 323.

[14] *Acts of the Thirty-ninth General Assembly*, Ch. 324

[15] *Acts of the Thirty-ninth General Assembly*, Ch. 410

affirmative and 221,763 against the proposition — one of the most decisive of the six votes that have been taken since 1857.[16] The Constitution further provides that when the question is decided in the affirmative "the General Assembly, at its next session, shall provide by law for the election of delegates to such Convention."

Although some doubt was expressed as to the advisability or necessity of holding a convention at this time, a bill providing for a partisan convention to meet in 1923 passed the House on March 15th. The Senate passed a substitute on March 30th which the House refused to accept. A conference committee report in favor of the House bill with slight modifications was adopted in the House by a vote of 78 to 8. The question was immediately reconsidered and on the second vote the proposal to adopt this report lost by a vote of 24 to 66. A second conference committee was appointed, but before it reported the House adopted a resolution during the last hours of the session whereby the bill was to be retained in the possession of the chief clerk until the time of the final adjournment, was not to be enrolled, and was not to be signed by the Speaker. This appears to give substance to the report that the purpose of the House in insisting upon the adoption of its own bill was to kill the measure. The General Assembly adjourned without fulfilling the wishes of the people as expressed at the general election in 1920 and without complying with the provisions of the Constitution.[17]

[16] The votes on the question, "Shall there be a Convention to revise the Constitution, and amend the same?" are as follows: in 1870, 24,846 for and 82,039 against; in 1880, 69,762 for and 83,784 against; in 1890, 27,806 for and 159,394 against; in 1900, 176,337 for and 176,892 against; and in 1910, 134,083 for and 166,054 against. Thus the narrowest majority was 555 against in 1900 while next to the largest majority was 57,789 for in 1920 — the largest majority on the question being 131,588 against in 1890.

[17] *Constitution of Iowa*, 1857, Art. X, Sec. 3; *House Journal*, 1921, pp. 1043, 1976, 2209, 2213, 2220; *Senate Journal*, 1921, pp. 1422–1426, 1915; House File No. 307.

The Constitution provides that a law contracting a State debt in excess of $250,000 — except to repel invasion, suppress insurrection, or defend the State in war — must be approved by a majority of the votes cast on the proposition at a general election. For the first time in the history of the State that clause is to be brought into use in connection with raising funds to pay soldiers' bonuses. The passage of the Soldiers' Bonus Law thus made it necessary to rewrite the Code provisions regulating the compulsory referendum, which in this State has hitherto functioned only in case of constitutional amendments. The only changes in the procedure of submitting amendments is the additional duty of the Secretary of State to transmit a copy of the amendment and a sample ballot to the auditor of each county twenty days before the election, and the provision authorizing judges of election, county boards of canvassers, and other election officials to canvass the vote and make returns of the result. These provisions apply also to the public measures like the Soldiers' Bonus Law which are subject to the compulsory referendum. Such measures, unlike constitutional amendments, can not according to a constitutional provision be submitted at a special election: if no general election is specified in the act they are submitted at the one first ensuing. Instead of being published in two newspapers in general circulation in each congressional district of the State, as in the case of amendments, public measures must be published in at least one such newspaper in each county. The proof and record of publication provisions are identical with those for constitutional amendments.[18]

PUBLIC PRINTING

From the earliest times the public printing in Iowa has

[18] *Acts of the Thirty-ninth General Assembly*, Ch. 283; *Constitution of Iowa*, Art. VII, Sec. 5.

been a subject of much criticism and investigation. For more than fifty years the work was done by a State Printer and a State Binder without competition and at exorbitant prices. Year after year bills to have the work done by contract in open competition were defeated until 1917 when the offices of State Printer and State Binder were abolished and a Board of Public Printing and Binding was created to supervise printing on a competitive basis. This board was composed of the Governor, Secretary of State, State Auditor, and State Treasurer, with the Document Editor, whose office was established in 1915, acting as secretary. Since the establishment of the offices of State Printer and State Binder the prices for State printing and binding had been rigidly fixed by law, and the revised law of 1917 included a provision requiring the Printing Board to establish the existing schedule of maximum charges within which the competitive bids were required to come. Originally these prices were very generous, but by 1920 printing costs had advanced so much that no publisher could afford to do the work.[19]

When the Thirty-ninth General Assembly convened none of the reports of State officers had been printed, and special legislation was necessary before the legislative printing could be done. Accordingly, a bill was introduced on the first day of the session, passed, and approved on the third day authorizing the Board of Printing and Binding to contract for emergency printing at prices above the schedule of maximum rates and at an unlimited total cost. Formerly the Board had been limited to $100 for emergency work and required to keep within the maximum rates. Furthermore, the Board was later empowered to contract for the printing of reports, documents, and job work provided by law or needed in the conduct of State business

[19] *Acts of the Thirty-seventh General Assembly*, Ch. 183.

notwithstanding any provisions of the existing law to the contrary. Both of these measures — the latter a joint resolution — terminated upon the adjournment of the Thirty-ninth General Assembly.[20]

Before the Assembly adjourned, however, the entire law relating to public printing and binding, publication and distribution of State documents, the office of Document Editor, and the Board of Public Printing and Binding was repealed and rewritten. The new law is the longest act passed by the Thirty-ninth General Assembly, and in some respects the most important. It constitutes one of the few successful attempts at constructive legislation by the session under review. Senator Ed. M. Smith and Representative E. P. Harrison, both experienced newspaper men, devoted themselves earnestly to establishing a thoroughgoing system of regulating the State printing which would ensure competent supervision and at the same time prevent a recurrence of the recent experience. The competitive plan was of course retained; but many regulations which had previously been specified by law were left to administrative discretion.[21]

The new act creates a State Printing Board composed of the Secretary of State, the State Auditor, the Attorney General, and two residents of the State of good moral character with at least five years actual experience in the printing trade.[22] The term of office is two years, one appointive member being selected by the Governor each year. The compensation is ten dollars and expenses for every day actually employed.

[20] *Index and History of Senate and House Bills*, 1921, p. 34; *Acts of the Thirty-ninth General Assembly*, Chs. 322, 330.

[21] *Acts of the Thirty-ninth General Assembly*, Ch. 286.

[22] The Board as first organized consists of W. C. Ramsay, Glenn C. Haynes, Ben J. Gibson, W. R. Orchard, and James C. Gillespie.

The duties of the Printing Board are to let contracts for the printing "for all state offices, departments, boards and commissions" when paid for out of funds collected for State purposes; to direct the "manner, form, style and quantity of all public printing"; to employ, discharge, and fix the compensation of necessary assistants; to prescribe rules for the conduct of its business; to keep a record of all its meetings and actions; to hear and determine complaints against any official action of the Superintendent of Printing; to make biennial reports to the Governor; and to perform any other duties required by law.

Potentially the Board is very powerful. While the law includes many specific regulations there is little encroachment upon administrative discretion. Private printers are protected against the competition of printing plants at various State institutions. All printing bills will be paid from one fund and then charged to the departments for which the printing was done, thus furnishing a check on all State printing which, it is hoped, will obviate much of the criticism that has customarily been made.

To facilitate handling the printing of State institutions and departments located outside of Des Moines, the Board has authority to appoint assistants and authorize them to issue orders for printing. Furthermore, the Board may authorize the managing board, head, or chief executive officer of such State institutions to contract for printing with the approval of the Board. In some instances the chief executive officer will probably be made an assistant to the Board, so that the direction of printing for that particular institution may remain practically as at present.

The general administrative officer of the State Printing Board is the Superintendent of Printing who in a sense takes the place of the former Document Editor. He is ap-

pointed by the Board for an indefinite period and must be a resident of Iowa, of good moral character, and with at least five years experience as a printer.[23] His office is located in Des Moines and he is required to devote all his time to office duties which comprise having charge of the equipment and supplies of the Printing Board, exercising general supervision of all matters pertaining to the printing contracts, keeping detailed records of the proceedings of the Board and the award of contracts, preparing specifications and advertisements for printing, directing the document department, editing the manuscripts of all reports, documents, or books printed by the State, and performing any other functions incident to the position. As director of the document department he is responsible for the distribution of State publications, except that the reports of the geological survey are at the disposal of the State Geologist and the codes, supplements, and session laws are turned over to the Secretary of State for distribution. The Superintendent of Printing is responsible for the publication of the bills and daily journals of the General Assembly and is required to compile and print weekly a cumulative bulletin containing a history of each bill.[24]

Another change in the law relating to State printing is to be found in chapter 165. In the past the *Reports* of the Iowa Supreme Court have not come within the scope of the statute regulating other State printing, but have been printed under contracts let by the Supreme Court — though the Court had authority to have the *Reports* published by the State. This arrangement, somewhat amended, still obtains under the new printing law. Formerly, the printer of the Supreme Court *Reports* was required by law to deliver

[23] The first incumbent of this office is the former State Printer, Robert Henderson.

[24] *Acts of the Thirty-ninth General Assembly*, Ch. 286.

the first three hundred and fifty copies to the Secretary of State free of charge, for distribution to the district judges, deposit in various libraries, and exchange with other States. Inasmuch as only about fifteen hundred copies were printed, this practice increased the cost of copies sold to private purchasers approximately thirty per cent. Moreover, the Court experienced much difficulty in making satisfactory contracts according to the terms of this statute. The law was therefore amended to allow the Court to make contracts whereby the State would pay for its copies of the *Reports* and the number printed for the State, not exceeding three hundred and fifty, will now be determined by the Court.[25]

SUFFRAGE AND ELECTIONS

It was to have been expected that the adoption of the equal suffrage amendment to the Constitution of the United States and the consequent doubling of the electorate would necessitate readjustments of the law regulating suffrage and elections in Iowa. It will be recalled that in 1919 an act was passed permitting the women in Iowa to vote for presidential and vice presidential electors. This statute having been rendered obsolete by the adoption of the Nineteenth Amendment to the Federal Constitution in 1920, the Thirty-ninth General Assembly repealed the act of 1919. While the suffrage provisions in the Iowa Constitution and several statutory regulations have been nullified by the Nineteenth Amendment, no effort was made by the Thirty-ninth General Assembly to thoroughly amend the suffrage statutes in this connection or to correct the State Constitution by passing the pending equal suffrage amendment. While this neglect may be explained by the confident anticipation of code revision and of a constitutional convention, the business of harmonizing the Iowa Constitution with the

[25] *Acts of the Thirty-ninth General Assembly*, Ch. 165.

Nineteenth Amendment has been delayed for at least four years.[26]

By doubling the electorate the task of counting votes was greatly augmented, resulting in delayed returns and an excessive amount of work on the part of election officials. To remedy this situation the board of supervisors was authorized by the Thirty-ninth General Assembly to appoint a bipartisan election "counting board" consisting of three judges and two clerks at each primary and general election in any precinct polling three hundred votes or more. The judges and clerks of election previously provided for are now known as the "receiving board". The counting board begins work at one o'clock and is assisted by the receiving board after the polls have closed. The place occupied by the counting board must be policed in such a way as to prevent anyone's gaining information regarding the progress of the count until the polls are closed. Anyone violating the secrecy of the ballot may be fined as much as five hundred dollars, or imprisoned not over six months, and disfranchised for five years. The act does not apply to school or municipal elections or in precincts where voting machines are used.[27]

The act of 1919 restoring the party circle to the ballot in Iowa caused much difference of opinion as to the use of voting machines not equipped with party levers. There were more than twenty counties which owned such machines. In August, 1920, the Attorney General rendered an opinion to the effect that the use of voting machines without party levers would not invalidate the vote; and while he strongly advised the equipment of such machines with party levers before the general election, he thought it would be proper to use them as they were, though county

[26] *Acts of the Thirty-ninth General Assembly*, Ch. 19.

[27] *Acts of the Thirty-ninth General Assembly*, Ch. 60.

officials who attempted to do so would run the risk of being enjoined. Toward the end of September, after several conferences and when it became known that injunction actions were threatened in several counties, the Attorney General withdrew his former opinion. Voting machines without party levers were, nevertheless, used in some counties without protest. To settle the question and to prevent the money invested in such machines from being wasted or to save the expense of having them equipped with party levers the Thirty-ninth General Assembly legalized voting machines not so equipped if purchased before April 1, 1921.[28]

In 1920 there arose in a number of places a question regarding the propriety of recording upon the voting machine the ballots cast by absent voters. In order to dispel any doubt on this procedure an act was passed by the Thirty-ninth General Assembly specifically providing that henceforth two election judges of different parties shall register the absent voters' ballots on the voting machine during the time that the polls are open on election day.[29]

The usual effort to change the law regulating primary elections occurred during the Thirty-ninth General Assembly. Representative L. H. Mayne was the sponsor of a bill to return to the convention system of nominations, while another bill by Senator George S. Banta proposed to modify the primary election system by first nominating at conventions the candidates to be voted on at the primary. Other House bills proposed changing the date of the primary and modifying the requirement that a candidate must receive thirty-five per cent of the vote cast for the office in order to be nominated. None of these bills passed the house in which they originated. The only change that was made in the primary law fixed the final date for filing nomi-

[28] *Acts of the Thirty-ninth General Assembly*, Ch. 266.

[29] *Acts of the Thirty-ninth General Assembly*, Ch. 279.

nation papers twenty days prior to the primary election instead of fifteen days as formerly.[30]

The Thirty-eighth General Assembly changed the law regulating the withdrawal of candidates by fixing the time limit for filing the written request with the auditor at fifteen or with the county clerk at twelve days before the election. Now the Thirty-ninth General Assembly has extended the time limit for filing the request to withdraw with the auditor at twenty days before the election, but such a request can still be filed with the clerk as late as twelve days before the election. This will allow ten days for the auditor to prepare and have the ballots printed before he is required to furnish them to absent voters.[31]

Since 1907 candidates for practically all elective offices in Iowa have been required to file a statement of campaign expenses within ten days after the election. An act of the Thirty-ninth General Assembly requires the filing of subsequent statements covering campaign contributions received after the regular report has been made. Moreover, lest public office become a commodity to be purchased by the expenditure of unseemly sums for campaign purposes, a candidate for public office in Iowa is now forbidden to spend in a campaign more than the annual salary of the position sought. Not more than fifty per cent of the amount of the annual salary can be spent to secure the nomination and not more than fifty per cent to win the election.[32]

COMPENSATION OF PUBLIC OFFICIALS

The enormous increase in the cost of living caused a general salary raise in 1919 for practically all public offi-

[30] House File Nos. 281, 629, 729, 747; Senate File No. 395; *Acts of the Thirty-ninth General Assembly*, Ch. 75.

[31] *Acts of the Thirty-eighth General Assembly*, Ch. 100; *Acts of the Thirty-ninth General Assembly*, Ch. 105.

[32] *Acts of the Thirty-ninth General Assembly*, Ch. 197.

cials in Iowa. Although there was some demand in 1921 for further increases of compensation, the Thirty-ninth General Assembly did not provide for another general raise. At the same time there were many instances of salary increases by this Assembly. There were very few reductions in compensation. The members of the Pharmacy Commission, instead of receiving $1500 annually and expenses, will now receive $10 per day, not to exceed ninety days, plus expenses. A reduction of $500 was effected in the case of one of the Assistant Attorney Generals.[33]

The list of State officers who will receive more compensation than in the past is long.[34] Thus the salary of the Deputy Secretary of State was raised from $2200 to $2400; the Superintendent of the Bond and Investment Department in the office of Secretary of State now receives a salary of $3000 instead of $2400. In the Treasurer's office there were two officers who received an increase in their pay — the Deputy Treasurer of State and the Cashier. The salary of the former was raised from $2400 to $2700, and that of the latter from $1800 to $2100. Two Assistant Attorney Generals received a raise — one from $3500 to $3600, and the other from $3000 to $3600 — while the salary of another was reduced $500. In the office of the Board of Control there seems to have been a general increase. The Architect was raised in salary from $3000 to $3600, the Accountant from $2100 to $2200, one of the Assistant Accountants from $1600 to $1800, another Assistant Ac-

[33] *The Des Moines Register*, January 27, 1921; *Acts of the Thirty-ninth General Assembly*, Ch. 340.

[34] These changes are as indicated by a comparison of the general salary acts of 1919 and 1921. Inasmuch as the Committee on Retrenchment and Reform may increase or reduce an officer's salary at any time, several of these increases were actually in effect before the new salary act was passed, and some changes have been made since. All salaries listed are annual unless otherwise indicated.

countant from $1500 to $1600, the Purchasing Agent from $2000 to $2500, and the Draftsman from $1500 to $1700. The salaries of both the Supreme Court Reporter and his deputy were raised from $3500 to $4000 and from $2000 to $2400 respectively. Nine of the more important employees in the reorganized office of Custodian of Public Buildings and Grounds had their pay raised: the Assistant Custodian and Engineer from $2200 to $2420, the First Assistant Engineer from $1500 to $1725, the Second Assistant Engineer from $1400 to $1610, the Machinist and Electrician from $1500 to $1725, the Assistant Machinist from $1400 to $1610, the Carpenter from $1500 to $1725, the Extra Engineer from $1400 to $1610, the Florist from $1400 to $1610, and the Painter from $1500 to $1900. The salaries of Inspectors in the office of Superintendent of Public Instruction were raised from $2400 to $2700; and the Secretary for the Board of Educational Examiners received an addition of $200 to his former pay of $1800. Two assistants in the State General Library had their pay increased, one of them from $1500 to $2000 and the other from $1400 to $1700. In this same department the Cataloguer's pay was raised from $1400 to $1900 and that of Accountant and Bookkeeper from $1400 to $1600. In the State Law Library the Assistant Librarian's salary was fixed at $1800 as compared with $1400 previously, and the Research Assistant for this library now receives a salary of $2000 instead of $1800. The Secretary of the Library Commission receives $2400 instead of the former salary of $1800. The three Assistant Curators in the Historical Department received a raise of $300 each, so that two of them now receive $2400 and the other $1700. The Thirty-ninth General Assembly made a large number of increases in the salaries of employees in both the office of Railroad Commissioners and the office of Insurance Commissioner. The salary of the Secretary to the Rail-

road Commissioners was raised from $2700 to $2820, the Chief Rate Clerk's compensation was increased from $2400 to $2520, the Reporter's from $2000 to $2400, the Chief Clerk's from $1800 to $1920, one of the Assistant Rate Clerk's from $1600 to $1920, and the Statistician's from $1800 to $2000. In the office of the Insurance Commissioner the following increases in salaries were made: the Insurance Commissioner from $3600 to $4000, the Deputy Insurance Commissioner from $2400 to $2700, the Security Clerk from $2100 to $2400, the Fee Clerk from $1400 to $1800, and the General Clerk from $1400 to $1600. The compensation of the Assistant Commerce Counsel was increased from $2400 to $2700 and that of the Law Clerk in the office of the Commerce Counsel from $1800 to $2100. In the office of the Commissioner of Labor the Deputy Commissioner's salary was increased from $1800 to $2000, while three Factory Inspectors, the Chief Clerk of the Employment Service, and the Statistician were all raised from $1500 to $1800. The compensation of three officials in the office of the Industrial Commissioner were increased as follows: the Industrial Commissioner from $3300 to $3600, the Deputy Industrial Commissioner from $2400 to $2700, and the Secretary for this office from $1800 to $2000. The Chief Clerk in the Dairy and Food Department will receive $2000 instead of $1800 as formerly while the Secretary for the Geological Survey received a raise of $200 making his present salary $1600. The compensation of three Mine Inspectors is to remain at $2700, but they are to be allowed a sum up to $750 each year for travelling expenses. Finally the salary of the Fire Commissioner was raised from $2500 to $2700 and that of the Warden of the Fish and Game Department from $2400 to $2700.[35]

From the above enumeration it appears that the great

[35] *Acts of the Thirty-ninth General Assembly*, Ch. 340.

majority of increases in salaries were in behalf of deputies and assistants, particularly those of whom some special training is required. Only five heads of departments were given a raise. These are the Supreme Court Reporter, the Insurance Commissioner, the Industrial Commissioner, the Fire Commissioner, and the Fish and Game Warden. Thus it would seem that the salaries of the officers of greatest importance and those of least importance were in the main not changed. By far the larger number of increases was in sums of two hundred or three hundred dollars. Of the changes enumerated there were five six hundred dollar raises, four of five hundred dollars, six of four hundred dollars, twenty-two of three hundred dollars, twenty-one of two hundred dollars, and six of one hundred dollars.

The most notable work of the Thirty-ninth General Assembly on the subject of compensation was to definitely establish the practice of fixing the salaries and compensation of State officials every two years. Before 1919 it was the custom to determine the salaries of many of the State officers by joint resolution and then provide the funds to pay them in an appropriation act. In addition to the salaries fixed by such resolution there were many others prescribed by law as found in the Code and Supplements. Not infrequently it occurred that salary provisions in the Code would be changed for a particular officer without regard to what other officers holding similar positions were paid. Moreover, it was not impossible to increase the salary of an officer whose compensation was already fixed by including an item for him in the joint resolution. Thus the whole subject of compensating State officers was confusing, unfair, haphazard, and conducive to petty politics.

The Thirty-eighth General Assembly inaugurated a new plan. A general salary act in the form of an ordinary law was passed which not only designated the salaries of State

officers but also appropriated the money to pay them. Moreover, many officials were included whose salaries were already fixed by law, and a clause was inserted which in effect amended all such conflicting provisions. At that time, however, the salary provisions in the statute concerning the various officers were not specifically repealed and continued to be permanently prescribed, presumably as amended.

In order to clear up this matter, the Thirty-ninth General Assembly continued the policy of the Thirty-eighth Assembly by passing a general salary act and specifically repealing nearly all of the former salary provisions in the Code and Supplements. Thus the salaries of practically all State officers will now be determined every two years. In most instances where the appropriation for support formerly included salaries, the two were separated and the appropriations for maintenance of State offices and institutions are made in the omnibus bill or in separate acts. Besides repealing the existing salary provisions, the Thirty-ninth General Assembly placed the appointment of extra assistants in the hands of the Committee on Retrenchment and Reform so that it is no longer necessary to give departments that power. The fact that several acts of the Thirty-ninth General Assembly do contain provisions for new offices prescribing definite salaries for the appointment of additional assistants by heads of departments, and for the determination of salaries other than by the Committee on Retrenchment and Reform or in the general salary act, may be explained as oversights or due to the unfamiliarity of some of the legislators with the new policy in regard to salaries.[36]

The Thirty-eighth General Assembly provided a new schedule of salaries for all of the county officers except the

[36] *Acts of the Thirty-ninth General Assembly*, Ch. 209.

coroner, and for most of the deputy county officers. In most cases this new schedule provided for an increase in salaries. In anticipation of possible lower costs of living the legislature at that time provided that the increases should not apply after June, 1921.[37] When the Thirty-ninth General Assembly met, the period of lower costs of living had not yet arrived and as there was no reason to expect it immediately the increases in the salaries of county officers and deputies as provided by the Thirty-eighth General Assembly were continued until June, 1923. The bill relating to the salaries of county officers as originally introduced provided that the increases of 1919 be made permanent, but the committee to which it was referred reported in favor of extending the increases only until 1923.[38]

In fixing the salaries of the county auditor and county treasurer the Thirty-eighth General Assembly provided an extra three hundred dollars for each of these officers in Scott, Muscatine, and Clinton counties if the auditor made up the tax books for the special charter city in those counties and if the treasurer collected the taxes of those cities. The Thirty-ninth General Assembly amended this provision by providing that these officers in counties having a population of twenty-five thousand and containing a special charter city shall receive the extra compensation only when the special charter city has five thousand inhabitants or more. By virtue of the fact that Camanche, the special charter city in Clinton County, has only six hundred and ten inhabitants the effect of the change is to deprive the auditor and treasurer in Clinton County of the extra $300 compensation they were formerly entitled to receive.[39].

[37] The Act granting increases of salary to county officers expired June 30, 1921, and that for deputy county officers on June 1, 1921. The new legislation extended these increases to June 30th, 1923, and June 1st, 1923, respectively.

[38] *Acts of the Thirty-ninth General Assembly*, Chs. 74, 97.

[39] *Acts of the Thirty-eighth General Assembly*, Ch. 293; *Acts of the Thirty-ninth General Assembly*, Ch. 74.

The schedule of salaries for deputy county officers fixed by the Thirty-eighth General Assembly provided in the cases of the deputy clerks, the deputy county auditors, the deputy county treasurers, and the deputy county recorders that in counties having within their limits a city of 60,000 or over the salary of the first and second deputy shall be 65% of that of the principal, and the salary of the third and fourth deputy shall be 50% of that of the principal, and in case additional deputies and clerks are needed the salary of such additional deputies and clerks shall be fixed by the board of supervisors.[40] This provision was changed so as to apply to counties which have within their limits a city of forty-five thousand or over, thus adding Scott and Linn counties to the category of Polk and Woodbury. That part of the former act which related to the appointment and salaries of deputy sheriffs was rewritten. The duty of the sheriff to appoint one or more deputies was made optional instead of mandatory, and the bond of deputy sheriffs may now without question be approved by the board of supervisors. Deputy sheriffs are now required to take the same oath as the sheriff. Salary provisions were also changed in a few particulars so that the board of supervisors may not pay the deputy sheriffs more than $1500, except that in counties with a population of fifty thousand or over the first deputy shall receive a compensation equal to sixty-five per cent of that of his principal but not over $1800.[41]

The act of the Thirty-ninth General Assembly which makes the above changes in the salaries of deputy county clerks, auditors, treasurers, recorders, and sheriffs is amendatory to chapter 278 of the *Acts of the Thirty-eighth General Assembly* which contains nearly all other salary provisions pertaining to deputy county officers. This same

[40] *Acts of the Thirty-eighth General Assembly*, Ch. 278.

[41] *Acts of the Thirty-ninth General Assembly*, Ch. 260.

chapter 278 was previously amended by the Thirty-ninth General Assembly, however, continuing the effect of its provisions until June, 1923. The provisions of the later act of the Thirty-ninth General Assembly affecting the deputy clerks, auditors, treasurers, recorders, and sheriffs will also become ineffective after that date.

Changes made in the compensation of township and municipal officials will be discussed in connection with the topics of township government and municipal legislation.

THE STATE LEGISLATURE

An amendment of the Iowa Constitution adopted in 1904 requires that the General Assembly at the next session following each State and national census shall apportion the State Senators and Representatives among the several counties or districts according to population. This was done in 1906 and 1911, but the Thirty-seventh General Assembly failed to make any reapportionment, and the Thirty-ninth General Assembly readjusted only the representative districts. The only problem in redistricting the State for the election of Representatives is in determining the nine largest counties which shall have two Representatives. According to the 1906 apportionment they were Lee, Des Moines, Pottawattamie, Polk, Scott, Clinton, Linn, Woodbury, and Dubuque. Since 1911 Black Hawk County has displaced Des Moines County, while Wapello County took the place of Lee County in 1911 and retained it until 1921 when Lee County was again placed among the nine counties entitled to two Representatives.

Bills were introduced in the Thirty-ninth General Assembly to reapportion the senatorial districts, and although the matter was considered neither of these bills passed the house in which it was introduced, despite the fact — or perhaps on account of it — that the senatorial districts have not been changed since 1886 and the representation of

the cities and counties in the western part of the State is entirely inadequate while the older counties in eastern Iowa have a much larger representation in the Senate than they deserve on the basis of population.[42]

During the session of the Thirty-ninth General Assembly the usual number of extra janitors and other assistants were employed. A research assistant in the State Law Library, two electricians to operate the House voting machine, and an assistant sergeant-at-arms in the House should be mentioned particularly. The compensation of officers and employees of the Thirty-ninth General Assembly was fixed at the same wages as that provided by the previous Assembly, with one exception. After heated debate extending over a period of three weeks, during which numerous parliamentary tangles were encountered, the per diem compensation of the enrolling clerk in the House was increased a dollar and a quarter a day.[43]

The statute governing the organization and authority of the Joint Committee on Retrenchment and Reform was repealed and rewritten. Heretofore the law required that two members of this committee in each house should be members of the minority party or parties. In the Thirty-ninth General Assembly there were only two Democrats in the Senate and all the other Senators were Republicans, while in the House there were only six Democrats. Many members of the legislature felt that the minority was over-represented on this important committee and there was some anxiety lest the time should come when, for lack of any minority party members in one branch of the legislature, the organization of the committee would be prevented. In view of these considerations the new law is so worded that in addition to the chairmen of the Ways and Means, Judiciary, and Appropriations committees in each

[42] *Acts of the Thirty-ninth General Assembly,* Ch. 331.

[43] *Acts of the Thirty-ninth General Assembly,* Chs. 406, 407, 408.

house the two appointive members may also be of the majority party if no minority party is represented, or if there is but one representative of a minority party in either house the other appointive member shall be of the majority party. Furthermore, members of this committee are now to receive ten dollars a day compensation, in addition to their travelling expenses, for meetings when the legislature is not in session.[44]

An act in the interest of uniformity in State legislation provides for the appointment by the Governor of three members of the Iowa bar to constitute a Commission on Uniform State Laws. The commissioners are to serve for a term of four years and without compensation except actual expenses. They are required to hold at least one meeting once in two years, attend the meetings of the National Conference of Commissioners on Uniform State Laws, promote uniformity in State laws, report recommendations to the legislature, and urge uniform judicial interpretation of uniform State laws. This measure was proposed by the National Conference of Commissioners on Uniform State Laws.[45]

The Legislative Reference Bureau in connection with the State Law Library was established in 1911 and has been of constantly increasing service to the General Assembly. No provision has ever been made, however, for the employment of a scientific bill drafter. While many laws in the past have been well drawn by experts there has been no one to whom any legislator might go for impartial and scientific aid in drafting a measure. Indeed, some members of the General Assembly have been inclined to hold aloof from any such service. With the stimulus of code revision there has been a definite tendency on the part of the legislature

[44] *Acts of the Thirty-ninth General Assembly*, Ch. 218.

[45] *Acts of the Thirty-ninth General Assembly*, Ch. 201.

to seek expert advice in the drafting of bills. A slight beginning was made in the Thirty-eighth General Assembly, but the inauguration of scientific bill drafting as a common practice in Iowa probably dates from the Thirty-ninth General Assembly. Realizing the advantage of careful preparation of measures, committees and members of the legislature frequently consulted the Code Editor and his assistants for advice in bill drafting. The result is apparent in several of the more important acts.

THE STATE ADMINISTRATION

When the Thirty-ninth General Assembly convened there was considerable talk of changes in State administrative organization. Governor Kendall recommended the merging of the Board of Parole with the Board of Control, and a bill to that effect was introduced in the Senate but failed to pass. Then came the incident involving the appointment of a woman to membership on the Board of Control. Twice the Governor submitted the name of a woman, but the Senate steadfastly refused to ratify his nominations. Two bills were introduced in the Senate requiring that one member of the Board of Control be a woman, but neither of these measures passed the Senate. At the same time two women members were appointed to the Board of Education.

The State Highway Commission was the subject of some criticism and bills were introduced making the Commissioners elective, limiting their authority to primary roads, depriving them of the authority to relocate primary roads, and removing the headquarters of the Commission from Ames to Des Moines — none of which passed the house in which they were introduced.

Efforts were made also to reorganize the State Board of Agriculture and have the elective members selected by con-

gressional district caucuses instead of chosen by the State agricultural convention as a whole, but a bill to that effect which passed the House failed of consideration in the Senate.

A long bill containing a hundred and ten sections proposed to create the office of Commissioner of Land Titles. The measure was introduced by Senator E. H. Campbell but was never reported out of the committee.

Senator Milton B. Pitt proposed the establishment of a central purchasing bureau to be composed of the Superintendent of Banking, the chairman of the Board of Control, and the chairman of the Board of Education, but nothing came of his bill.[46]

In connection with the law regulating the annual settlement of accounts of all State officials handling State funds with the Executive Council, a new provision forbids the State Auditor to draw warrants reimbursing any State officers, except the Governor, Attorney General, Railroad Commissioners, Commerce Counsel, and those under the supervision of the Board of Control or Board of Education, for expenses incurred by attending conventions or conferences outside the State, unless a permit from the Executive Council is filed with the Auditor. This measure was prompted by the disclosure that many State officers were traveling extensively at public expense.[47]

The Governor was made responsible for the certification of Commissioners for Iowa in other States, the publication of a list of them, the keeping of a record of all appointments of such Commissioners, and the preserving of certificates of commissioners of other States in Iowa. Formerly, the Governor was charged only with the appointment of the

[46] House File Nos. 452, 488, 531, 727, 811; Senate File Nos. 417, 422, 519, 520, 578, 651, 680; *House Journal*, 1921, p. 165.

[47] *Acts of the Thirty-ninth General Assembly*, Ch. 221.

Commissioners, while the functions mentioned were performed by the Secretary of State: now the entire administrative supervision of the Commissioners for Iowa in other States and the commissioners of other States in Iowa is centered in the Governor's office.[48]

The services of Commissioners in other States are of the same general character as those of notaries public. The jurisdiction of a notary public in Iowa extends only to the county of his residence and the adjoining counties in which he files a certified copy of his certificate of appointment. Notaries have, however, sometimes acknowledged instruments outside of their jurisdiction and on account of the impossibility of having many of these instruments reacknowledged the Thirty-ninth General Assembly legalized all acknowledgments heretofore taken by notaries outside of their jurisdiction. The fee for a commission as notary public was definitely fixed at five dollars.[49]

The schedule of fees which the Secretary of State may collect was revised. For issuing a commission to Commissioners in other States the fee was changed from $5 to $15; for a certificate the charge was raised from $1 to $2; and for a copy of a law or record for a private person the cost was increased from ten cents to twenty-five cents for every hundred words.[50]

A bill to alter the personnel of the Executive Council by making the Attorney General a member passed the Senate but was lost in the House Sifting Committee. Another act relating to the Executive Council gives that body authority to summon witnesses and require the production of evidence. A person failing or refusing to comply may be

[48] *Acts of the Thirty-ninth General Assembly*, Ch. 233.

[49] *Code of 1897*, Sec. 377; *Acts of the Thirty-ninth General Assembly*, Chs. 80, 151.

[50] *Acts of the Thirty-ninth General Assembly*, Ch. 80.

punished for contempt. There was no law on the statute books previous to 1921 which specifically granted the Executive Council this authority, and inasmuch as the Committee on Departmental Affairs turned over to the Executive Council certain unfinished investigations it was thought advisable that they should be able to procure the necessary witnesses.[51]

The organization of the State Board of Audit, which was established in 1915, was changed by excluding the first assistant secretary of the Executive Council, who might have been a member under the former statute, and naming as secretary of the Board the State Auditor instead of the secretary of the Executive Council or his first assistant.

An attempt was made to have the accounts of the Board of Education and the Board of Control brought under the jurisdiction of the Board of Audit, but the suggestion was not approved by the Senate Committee on Departmental Affairs. Warrants on the State Treasurer for money appropriated for the support of the Iowa National Guard not in active service are now subject to check by the State Board of Audit.[52]

For many years the Governor of Iowa has had the authority to appoint a commission to examine the accounts of any State officer with a view to suspending the officer if the findings warrant. Such a commission, according to the legislation of the Thirty-ninth General Assembly, may now be appointed to investigate any State board, commission, or other person spending State funds.[53]

Since April 15, 1921, the State Treasurer has been re-

[51] Senate File No. 454; *Acts of the Thirty-ninth General Assembly,* Ch. 158.

[52] *Acts of the Thirty-ninth General Assembly,* Chs. 171, 226; Senate File No. 452.

[53] *Acts of the Thirty-ninth General Assembly,* Ch. 171. In the first section of this act as printed in the session laws there is a typographical error, the word "of" at the end of line five appearing in place of the word "or".

quired to keep a daily balance sheet which shows the balance or deficit of each fund and the total amount of money in the treasury.[54]

The so-called crime wave of the past two or three years is probably responsible in part for the act of the Thirty-ninth General Assembly which authorizes the Attorney General to establish a Bureau of Criminal Investigation composed of the State special agents and all other peace officers in Iowa. This measure was endorsed by the Iowa Bankers Association. The Attorney General has inaugurated under this law a system of criminal identification, for which purpose all sheriffs and chiefs of police are required to furnish criminal identification records. The expenses of the Bureau are to be paid out of the contingent fund of the office of Attorney General. The object of this act is to centralize criminal investigation. Thus the Bureau will make the work of local peace officers more effective, afford a means of coöperation with officers of other States and the Federal government, and provide a clearing house for the detection of automobile thieves, the recovery of stolen property, and the accumulation of information relative to criminal activities. The establishment of this system may obviate the organization of a State police force.[55]

Another act relating to the apprehension of criminals amends the law pertaining to rewards offered by the Governor. Such rewards will no longer be offered for the arrest and delivery of persons "charged" with a crime but rather for those "committing" a crime. Moreover, the State is protected against the payment of unearned rewards by the stipulation that no reward is to be paid until the person arrested and delivered has been convicted and the

[54] *Acts of the Thirty-ninth General Assembly*, Ch. 185.

[55] *Acts of the Thirty-ninth General Assembly*, Ch. 186.

conviction affirmed in case of an appeal to the Supreme Court.[56]

The bond of the Supreme Court Reporter was reduced from $10,000 to $1000, because he handles no State funds so that there seemed to be no good reason for requiring the larger bond.[57]

The statute relating to the office of Custodian of Public Buildings was repealed and a new law enacted providing for a Custodian of Public Buildings and Grounds. Formerly, the Adjutant General was ex officio in charge of State buildings and grounds at the capital, but for some time the work of organizing the National Guard has made it impossible for him to attend to the duties of the Custodian's office. The new act provides for the appointment of a Custodian by the Executive Council. When the bill was passed there was an understanding that the Assistant Custodian, who had served the State efficiently for many years, would be elevated to that position. The compensation for the office of Custodian, however, was inadvertently omitted from the salary act, so it appears that the Executive Council has appointed itself Custodian, leaving the Assistant Custodian to continue doing the work. Moreover, the Soldiers Preference Law seems to have interfered with the retention of the former Assistant Custodian in that position. Except for the changes noted and the addition of a penalty clause against the Custodian's having any pecuniary interest in any contracts for supplies or business enterprises involving expenditure by the State, the new act is almost identical with the Code Commission Bill on this subject which restates the provisions of the former statute in simpler and clearer language.[58]

[56] *Acts of the Thirty-ninth General Assembly,* Ch. 250.

[57] *Acts of the Thirty-ninth General Assembly,* Ch. 4.

[58] *Acts of the Thirty-ninth General Assembly,* Ch. 108; Code Commission Bill No. 13.

The annual appropriation for the support of the State Library Commission was doubled by fixing the amount at $12,000 exclusive of the $9000 which formerly came out of the $15,000 appropriation for maintenance. Salaries will now be taken care of in the general salary act.[59]

To the personnel of the Board of Educational Examiners was added a third appointive member to represent the privately endowed colleges of the State which maintain teachers' training courses.[60]

The term of office of the State Veterinary Surgeon and the other members of the Commission of Animal Health was extended from three to four years.[61]

A new statute which applies to all public officers, boards, commissions, departments, and institutions of the State, county, township, municipality, school corporation, and to public libraries requires that on or before December 1, 1921, and every year thereafter these officials shall file an inventory, verified by oath, of all real and personal public property under their charge, care, custody, control, or management. These inventories remain on file in the office wherein they have been prepared for public use and inspection. Moreover, State officials are required to file duplicates with the State Auditor, except that inventories of property under the Board of Control and Board of Education are filed with these boards, and all other public officials must file duplicate inventories with the county auditor. It is the duty of the State and county auditors to see that these duplicate inventories are filed in their offices. A series of forms will be furnished by the State Auditor. Failure to file the inventories is punishable by removal from office.[62]

[59] *Acts of the Thirty-ninth General Assembly*, Ch. 235.

[60] *Acts of the Thirty-ninth General Assembly*, Ch. 248.

[61] *Acts of the Thirty-ninth General Assembly*, Ch. 146.

[62] *Acts of the Thirty-ninth General Assembly*, Ch. 177.

In addition to the changes made in the State administrative offices by acts designed especially for that purpose it appears that a few new officials were authorized by the general salary act. Moreover, no salary seems to have been provided for some well established offices — an assistant county accountant in the office of State Auditor, a lecturer on tuberculosis, and one inspector in the office of Superintendent of Public Instruction.[63]

THE STATE INSTITUTIONS

Support.— The cost of maintaining State institutions has continued to rise and even the substantial increases in the monthly support which were granted by the Thirty-eighth General Assembly were not adequate to meet present demands.

At the Soldiers' Home in Marshalltown the monthly support was increased from $22 to $28 for each inmate. The law now provides that in case there are less than seven hundred and fifty inmates any one month the support for that month shall be $21,000 as compared with a minimum of $18,700 for eight hundred and fifty inmates in 1919. The amount allowed for each employee was increased from $10 to $15 per month.

The monthly support for each inmate of the Institution for Feeble-minded Children at Glenwood was increased from $17 to $21.

The minimum monthly support of the Iowa Soldiers' Orphans' Home was changed from $9000 in any month when there might be less than three hundred and sixty inmates to $10,000 monthly if the number of inmates should fall below four hundred.

The support for each patient in the Sanatorium for Tuberculosis at Oakdale was increased from $50 to $65 per month.

[63] *Acts of the Thirty-ninth General Assembly,* Ch. 340.

For the Colony for Epileptics the total minimum monthly support was changed from $7000 for three hundred patients to $10,000 for four hundred and fifty, but no increase was made in the per capita monthly allowance which, therefore, remains at $24 as fixed by the Thirty-eighth General Assembly.

A comparison of the work of the last two General Assemblies is interesting. Thus, no further change was made in the allowances provided by the Thirty-eighth General Assembly for support of the hospitals for the insane at Mount Pleasant, Clarinda, Cherokee, and Independence, for the Men's Reformatory at Anamosa, or the Penitentiary at Fort Madison. The support funds of the Training School for Boys, the Training School for Girls, and the Industrial Reformatory for Women also remains as fixed by the Thirty-eighth General Assembly. It is to be observed, however, that the institutions for which the per capita support was not increased are those which engage in agriculture or manufacture, the income from which supplements the appropriations. The per capita increase of $6 monthly for the Soldiers' Home at Marshalltown was equal to the increase made by the Thirty-eighth General Assembly in 1919 as was also the $4 per month increase for each inmate of the Institution for Feeble-minded Children at Glenwood. In case of the Tuberculosis Sanatorium, however, the $15 per capita increase in the monthly support was three times the increase allowed for the same purpose by the Thirty-eighth General Assembly.[64]

Educational Institutions.— With one exception all of the legislation of the Thirty-ninth General Assembly relative to the three State educational institutions is in the nature of appropriations. Besides the usual appropriations neces-

[64] *Acts of the Thirty-ninth General Assembly*, Ch. 297.

sary for the maintenance the legislature yielded to the urgent requests for appropriations that would enable these institutions for higher education in the State to construct new buildings which they needed to satisfy the demands imposed upon them by the increased enrollment of the past few years. Because of the desire to practice economy and to keep expenditures as low as possible, the General Assembly did not see its way clear to appropriate all that was asked for building purposes. To the State University of Iowa $500,000 was granted for the purpose of purchasing land and constructing buildings. An equal amount for similar purposes was appropriated to the Iowa State College of Agriculture and Mechanic Arts, while a sum of $230,000 was voted to the Teachers College for the specific purposes of purchasing land and constructing a home economics laboratory and an additional section to the women's dormitory.[65]

In connection with the Iowa State College, the Board of Education was authorized to transfer a certain tract of land to the City of Ames so that the north end of Lynn Avenue could be re-aligned in accordance with the plans of the city to make that thoroughfare safer.[66]

The establishment of three more normal schools was proposed, but nothing came of the suggestion.[67]

The State Historical Society of Iowa on account of the nature of its activities is closely related to the educational institutions of the State. By the addition of $20,500 annually for support the permanent annual appropriation for this institution was nearly doubled.[68]

[65] *Acts of the Thirty-ninth General Assembly*, Chs. 287, 289, 292.

[66] *Acts of the Thirty-ninth General Assembly*, Ch. 334.

[67] Senate File No. 612.

[68] *Acts of the Thirty-ninth General Assembly*, Ch. 294.

Medical Institutions.— In 1904 the bacteriological laboratory of the medical department of the State University of Iowa was established with a rather modest appropriation of $1000 for equipment and $5000 biennially to pay the salaries and all other expenses connected therewith. In the year 1915 this institution was allowed an annual appropriation of $6000, and the Assembly of that year also made the $5000 annually it had previously appropriated for the epidemiology laboratory available for the bacteriological laboratory. The Thirty-seventh General Assembly increased the appropriation for the bacteriological laboratory to $8000 annually, and in 1921 the annual appropriation was raised to $15,000.[69]

A State Psychopathic Hospital was established at Iowa City in connection with the State University of Iowa by an act of the Thirty-eighth General Assembly, carrying an appropriation of $175,000 for the erection and equipment of a building to be used for that purpose. Accordingly the hospital was established with temporary quarters on the upper floors of what had previously been the homeopathic hospital at the State University, and the construction of the new building was begun. It was necessary, however, for the Thirty-ninth General Assembly to appropriate an additional sum of $97,000 to complete this hospital— $35,000 to be used to finish the building and $62,000 for equipment.[70]

Not only did the Thirty-ninth General Assembly appropriate additional funds for the Psychopathic Hospital, but it also paid some attention to its administration. The medical director, the assistant medical director, and one other member of the medical staff of the State Psychopathic Hospital now constitute a board of insanity commissioners

[69] *Acts of the Thirty-ninth General Assembly,* Ch. 293.

[70] *Acts of the Thirty-ninth General Assembly,* Ch. 291.

to decide whether patients referred to the board by the medical director are fit subjects for observation and treatment in a State hospital for the insane. This board is given practically the same powers as those possessed by other commissioners of insanity and provision is made for its organization and for appeal from its decisions. Formerly, power to transfer patients rested with the medical director who was required to appoint some person to accompany the patient from Iowa City to the proper State hospital. As the law now reads the appointment of an attendant seems to be optional with the board. Provisions for the pay and expenses of attendants remain practically the same.

The Thirty-eighth General Assembly made provision for the transfer of patients from the Psychopathic Hospital to the general University Hospital and for the manner of paying the expenses. These provisions were extended to cover the transfer of patients afflicted with abnormal mental conditions from the general hospital to the Psychopathic Hospital, with special reference to public patients. The law relating to the discharge of patients was somewhat simplified so that now only the committing judge need be notified by the medical director of the discharge of a patient, and a provision was added which requires the judge to appoint an attendant, or authorize the medical director to do so, to accompany a discharged patient to a place which the judge may designate. A section was added which makes it possible for a private patient to become a public patient after commitment. Finally, provision was made for the payment of expenses resulting from death and transportation of bodies of persons who may die while at the Psychopathic Hospital in the case of public patients, and for the collection of such expenses when the person was a private patient.[71]

[71] *Acts of the Thirty-ninth General Assembly*, Ch. 245.

In order that the students of the Nurses Training School at the University may be properly housed while receiving instruction, particularly in connection with the Children's Hospital and the Psychopathic Hospital, the Thirty-eighth General Assembly appropriated $150,000 for a nurses' home in the vicinity of these two institutions, but it was necessary for the Thirty-ninth General Assembly to appropriate $25,000 additional for its completion.[72]

Institutions for Defectives.— Emergency appropriations were made for the College for the Blind and for the School for the Deaf. The former institution received for this purpose the sum of $16,000; while $25,000 was voted for the latter.[73]

The replacement of property destroyed by fire at the Institution for Feeble-minded Children was made possible by the appropriation of $35,000 for the construction and equipment of an industrial building.[74]

The sum of $2000 was appropriated to meet the deficiency in funds for paving and improving the highway at the Hospital for the Insane at Cherokee. Although there was a deficit of $4745, the difference will be made up by taxation of the city of Cherokee inasmuch as this paving is adjacent to the Cherokee cemetery.[75]

In accordance with the act of the Thirty-eighth General Assembly ordering the State Hospital for Inebriates at Knoxville to be abolished, the Executive Council was authorized to sell several plots of ground containing about three hundred and forty-five acres upon which the institution was located.[76]

[72] *Acts of the Thirty-ninth General Assembly,* Ch. 290.
[73] *Acts of the Thirty-ninth General Assembly,* Ch. 288.
[74] *Acts of the Thirty-ninth General Assembly,* Ch. 299.
[75] *Acts of the Thirty-ninth General Assembly,* Ch. 336.
[76] *Acts of the Thirty-ninth General Assembly,* Ch. 326.

Institution for Delinquents.— The Board of Control was authorized to purchase a farm of about two hundred and sixty acres in Jones County in connection with the Reformatory for Men at Anamosa, for which purpose a sum not to exceed $52,000 was appropriated.[77]

The Flynn farm, owned by the State of Iowa and used as a prison farm, was ordered to be sold.[78]

Institutions for Dependents.— The purpose for which the Iowa Soldiers' Home at Marshalltown is maintained was restated so as to include any dependent honorably discharged United States soldier, sailor, marine, army or navy nurse, or their dependent widows or wives otherwise qualified. Formerly, the Home was open only to those who had served in the Union army and their dependent widows, wives, fathers, and mothers. Thus, the new statute excludes the fathers and mothers, but adds the veterans of recent wars and navy nurses. A change in rules for admission was also made to include among those eligible, persons who were residents of Iowa when they enlisted or were inducted into service, as well as those who served in Iowa regiments or batteries, or were accredited to Iowa. Women who are the lawful wives of honorably discharged soldiers, sailors, or marines at the time they are admitted to the home may also be admitted.[79]

The customary appropriations were made for the maintenance and repair of charitable, correctional, educational, and penal institutions of the State, and these may be found in the table of appropriations given below on pp. 655–664.

[77] *Acts of the Thirty-ninth General Assembly,* Ch. 300.

[78] *Acts of the Thirty-ninth General Assembly,* Ch. 325.

[79] *Acts of the Thirty-ninth General Assembly,* Ch. 148.

COUNTY OFFICERS AND GOVERNMENT

Several acts of the Thirty-ninth General Assembly affected incidentally the functions of the county board of supervisors, but only two had to do primarily with their activities. The time for the regular June meeting was changed from the first to the second Monday of that month to avoid a conflict with the date of the primary election. This measure was introduced upon the suggestion of the County Auditors Association. To the general powers of the board of supervisors was added that of leasing or selling to school districts any county real estate not needed for county purposes.[80]

Bills were introduced in both houses to change the term of the supervisors to two years and elect them at large, but none of these measures passed the chamber in which they originated, though the proposition of a two year term for all county officers lost in the Senate by a vote of only twenty to twenty-seven. Among other bills relating to county officers which failed of enactment was a proposal to increase the mileage that a sheriff may collect, a bill to increase the general fees of the recorder, and a measure to require the recorder to keep a plat book showing incumbrances.[81]

All county officers are now required to file annually an inventory of the public property under their control. This act is discussed above under the topic of State Administration.

The compensation of county officers has been discussed above under the topic dealing with the compensation of public officials. The only change of salary occurred in the case of the superintendent of schools. That county officer

[80] *Acts of the Thirty-ninth General Assembly*, Chs. 239, 321.

[81] Senate File Nos. 580, 654, 655; House File Nos. 291, 656, 681, 725; *Senate Journal*, 1921, p. 1380.

has been relatively underpaid for several years, so that the Thirty-ninth General Assembly by increasing the maximum salary simply raised the superintendent to the level of the other county officers. The salary of the county superintendent as fixed by the Thirty-eighth General Assembly ranged from $1600 to $2500 according to the population of the county, but the new act specifies a salary of $1800 in all counties and allows the board of supervisors to provide additional compensation up to $3000 a year.[82]

Two acts of the Thirty-ninth General Assembly extend the powers of the county in connection with the maintenance of county public hospitals. Chapter 95 doubles the amount of the tax that may be raised for the support of a county hospital by increasing the maximum levy from one to two mills. Furthermore, by virtue of chapter 83 the county board of supervisors, in counties where there is no county hospital, now have authority to establish one or more county wards in any public or private hospital in the county. The rules relating to the occupancy of such wards are determined by the board of supervisors. The tax levy for this purpose is limited to one-half mill.[83]

TOWNSHIP OFFICERS AND GOVERNMENT

Nearly all of the legislation of the Thirty-ninth General Assembly relating to township government concerns the two offices of assessor and justice of the peace. The statute regulating the venue of justices of the peace — which provides that action may be commenced in an adjoining township if there is no justice in the proper township — was amended to cover the contingency of there being no justice in the adjoining township, by adding that if such should be the situation then the case could be taken to the justice in

[82] *Acts of the Thirty-ninth General Assembly*, Ch. 112.

[83] *Acts of the Thirty-ninth General Assembly*, Chs. 83, 95.

the same county nearest to the township in which the defendant resides. The same amendment applies in cases of forcible entry and detention of real property except that such actions are taken to the township in the same county nearest the one in which the subject of the action is situated.[84]

Three acts deal with the compensation of township officers. Assessors who attend the annual meeting at the office of county auditor to receive instructions are now allowed ten in place of six cents a mile to cover traveling expenses.[85]

In accordance with an act of the Thirty-eighth General Assembly the board of supervisors of Polk County was allowed to fix the compensation of the Des Moines assessor at not over $2500 a year and the pay of two head deputy assessors at not over $1500 a year each. The Thirty-ninth General Assembly extended this privilege to all commission governed and special charter cities with a population exceeding forty-five thousand — Des Moines, Sioux City, Cedar Rapids, and Davenport.[86]

Chapter 101 of the acts of the Thirty-ninth General Assembly purports to extend the salary basis of compensation for justices of the peace and constables to townships having a population over ten thousand. Formerly, these officers were paid a salary from the county treasury only in townships with over twelve thousand inhabitants. For the purpose of harmonizing this change with another part of the existing statute, the number of townships in which justices of the peace and constables are allowed to retain part of the civil fees collected was increased by including all with a population exceeding ten thousand instead of twelve

[84] *Acts of the Thirty-ninth General Assembly*, Ch. 193.

[85] *Acts of the Thirty-ninth General Assembly*, Ch. 121.

[86] *Acts of the Thirty-ninth General Assembly*, Ch. 23.

thousand as before. These officers, however, must still pay into the county treasury all criminal fees collected in townships having a population of twelve thousand or more. Another part of the existing statute, which was allowed to remain unchanged, now appears to be inconsistent with the amended provisions. Justices of the peace and constables in townships having under twelve thousand population must pay into the county treasury all fees collected above stipulated amounts which they are allowed to retain as compensation. Thus in a township with eleven thousand population the justices of the peace and the constables are ordered in one part of the law to pay into the county treasury *all fees* except $800 and $600 respectively which they may retain; in another place they are authorized to pay into the county treasury *all civil fees* except what the county board of supervisors may allow them to retain; while in a third place they are to receive salaries of $1000 and $800 respectively in full compensation for their services in criminal cases.[87]

MUNICIPAL LEGISLATION

Legislation relating to cities and towns, as usual, occupied much of the attention of the General Assembly. The thirty-eight acts dealing directly with municipal government contain some important developments. In addition to these acts, thirty legalizing acts were required to validate the actions of cities and towns about which doubts of legality had arisen.

City Officials.— One of the most noteworthy changes in municipal government is the act, sponsored by Representative A. O. Hauge of Des Moines, which requires candidates for nomination and election to commissions in certain com-

[87] *Acts of the Thirty-ninth General Assembly*, Ch. 101.

mission governed cities to announce the department of which they desire to be the superintendent. The act, which repeals the existing regulations, applies only to those cities which adopt the commission form of government hereafter, and to the cities now operating under that plan in which the voters approve of the change at an election. Thus, apparently there is no law determining whether candidates for the office of commissioner in the nine commission governed cities shall run for a particular department or not, until the voters decide that they shall. Where the scheme is adopted the names of candidates will be printed on both the primary and regular election ballots under the title of the office to which they seek election, and only the two highest candidates for each office in the primary will be nominated.

This act has the effect of emphasizing the administrative functions of the commissioners above their activities as a council. Heretofore the mayor has been the only commissioner elected to a particular administrative office, while the other superintendents of departments were elected to the commission and appointed to the department. The original method tended to secure a commission composed of men possessing such general qualifications as business ability, good judgment, and political sagacity; while the new arrangement seeks more expert administration by attempting to place at the head of each department the commissioner who is best fitted for that office. Some of the arguments against the measure were that it would cause the formation of "slates", that the ablest candidates might be rivals by running for the same office, and that the commission should be a council rather than a group of administrative officials.[88]

Three acts of the Thirty-ninth General Assembly refer

[88] *Acts of the Thirty-ninth General Assembly*, Ch. 109.

to officials of manager governed cities. Chapter 103 makes the law regulating pensions for retired and disabled firemen and policemen applicable to cities that have or may hereafter adopt the city manager plan.[89] Two acts, however, were passed providing for a civil service commission in manager governed cities. Chapter 102, which was approved on April 2, 1921, proposed to make the law providing for a civil service commission in commission governed cities applicable to all cities which may hereafter adopt the city manager plan. The only alterations deemed necessary in transplanting the scheme were that the powers and duties of the mayor and superintendent of public safety in connection with the civil service commission were to devolve upon the city manager.[90] Ten days later another act was approved which provides for a civil service commission for all manager governed cities, and supersedes the first act. While this measure is based upon the civil service commission law for commission governed cities it is reworded in a number of places and two sections are entirely omitted, thus adapting it to manager governed cities.[91]

Two technical changes were made in the law regulating the selection and tenure of library trustees, the more important of which was to the effect that the mayor can no longer fill vacancies on the board without the approval of the city council. Contracts of library trustees with school corporations, townships, counties, or municipalities for the free use of the library by residents of any such governmental area must hereafter provide the rate of tax to be levied during the period of the contract, and instead of remaining in force for five years as formerly such contracts

[89] *Acts of the Thirty-ninth General Assembly*, Ch. 103.

[90] *Acts of the Thirty-ninth General Assembly*, Ch. 102.

[91] *Acts of the Thirty-ninth General Assembly*, Ch. 216.

will be terminated now only by a majority vote of the electors in the district using the library.[92]

A noteworthy bill which passed the House but was lost in the Senate Sifting Committee, authorized cities to appoint city planning commissions. These commissions were designed to investigate and report on zoning and districting, improvements in city parks, streets, and recreation places, the plotting of additions, the location and design of works of art and public buildings, the location of transportation lines and terminals, and formulate a comprehensive plan for the development of the city. The bill was introduced by Representative L. B. Forsling of Sioux City.[93]

Ordinances.— For many years municipalities have been required to publish certain ordinances in a local newspaper; or if there was no such newspaper then the ordinance could be published by posting it in three public places, two of which should be the post office and the mayor's office. As amended in 1921 the mayor's office and the post office are not designated as two of the public places in which ordinances must be posted.[94]

Municipal Courts.— Officers of the municipal court were granted an appreciable raise in salary by the Thirty-ninth General Assembly. Each municipal judge in cities with less than thirty thousand inhabitants will receive $3000 instead of $2000 a year, while the judges in cities with a population between thirty thousand and seventy-five thousand will receive $3400 instead of $2500, and those in cities with a population above seventy-five thousand will receive $3600 instead of $2500. Clerks, whose former salary

[92] *Acts of the Thirty-ninth General Assembly,* Chs. 234, 265.

[93] House File No. 599.

[94] *Acts of the Thirty-ninth General Assembly,* Ch. 84.

ranged from $1000 to $1750, were raised to $1800, $2200, and $2600 according to the size of the city. Bailiffs, who were formerly paid the same salaries as clerks, will now receive $1500, $1750, and $2000, depending upon the size of the city.[95]

The jurisdiction of a municipal court ordinarily includes all civil townships in which the city is located and all other inferior courts therein are abolished. An exception was made by the Thirty-ninth General Assembly in case another town is situated in the same township. Such a town will retain its mayor's court with exclusive jurisdiction over violations of its own ordinances. The immediate occasion for this act was the existence of such a condition in connection with the municipal court in Waterloo — the town of Cedar Heights being in the same township.[96]

The superior court of Cedar Rapids has in the past been the subject of considerable special legislation, and the Thirty-ninth General Assembly continued the practice. The salary of the judge of that court was increased from $3000 to $3700. Moreover, the description of the city to which the special provisions for the superior court apply was changed by raising the population specification from forty thousand to forty-five thousand, and omitting the clause limiting it to commission governed cities. This removed all immediate likelihood of Council Bluffs being required to pay the increased salary to its superior court judge.[97]

[95] *Acts of the Thirty-ninth General Assembly*, Ch. 61.

[96] *Acts of the Thirty-ninth General Assembly*, Ch. 202.

[97] *Acts of the Thirty-ninth General Assembly*, Ch. 128. This amendment appears to conflict with a previous section. Section 280-f of the *Supplement to the Code, 1913*, as now amended, provides that the five preceding sections shall apply to cities of 45,000 or more, though the first of these said five sections still contains the specific declaration that those sections apply to cities of 25,000 or more.

Street Improvements.— There is a provision in the *Code of 1897* which requires that contractors must keep street improvements and sewers in repair at least one year. The Thirty-eighth General Assembly increased the period to four years. On February 14th an act of the Thirty-ninth General Assembly was approved which made an exception in case the improvement consisted of graveling the street. Later, however, this act and the Code section as amended in 1919 were repealed and a new section enacted which retains all of the former provisions, except that contractors are required to keep sewers in repair only two years instead of four.[98]

Assessments for oiling streets if not paid within thirty days will hereafter bear interest at the rate of six per cent from the date of assessment until paid.[99]

The power of cities to improve the streets by grading, parking, curbing, paving, graveling, macadamizing, and guttering was extended to include also the construction of electric lighting fixtures along the streets.[100] Assessments for such street improvements and sewers may now be paid in ten instead of seven annual installments.[101] For the purpose of establishing, maintaining, and improving streets, wharves, public grounds, or market places assessments may be extended over a period of twenty years, payable in equal annual installments, and the city may issue certificates or bonds in anticipation of such assessments. This statute may be made retroactive to cover such improvements as

[98] *Code of 1897*, Sec. 814; *Acts of the Thirty-ninth General Assembly*, Chs. 2, 210.

[99] *Acts of the Thirty-ninth General Assembly*, Ch. 242. New legislation relating to the maintenance of primary roads in cities and towns is discussed in connection with highway legislation.

[100] *Acts of the Thirty-ninth General Assembly*, Ch. 284.

[101] *Acts of the Thirty-ninth General Assembly*, Ch. 255.

were ordered and for which certificates have been issued subsequent to January 1, 1918.[102]

Public Utilities.— Doubtless the most important measure relating to public utilities was the bill introduced by Representative Arthur Springer of Wapello. The principal features of this bill were new rate fixing regulations, a requirement that all franchises should be for indeterminate terms, and the establishment of a Court of Public Service composed of three district judges, appointed by the Chief Justice of the Supreme Court, who would decide disputes as to whether rates were just, reasonable, adequate, and compensatory. The measure included water, gas, heat, electricity, and street car service. Having passed both houses of the legislature by decisive majorities, the Governor vetoed the bill. His chief objections were that the provision for indeterminate franchises would, according to the wording of the bill, make all existing franchises perpetual and that the Court of Public Service as constituted would be unconstitutional. No attempt was made to pass the bill over the Governor's veto, and a substitute bill introduced by the House Sifting Committee, which omitted the objectionable features of the Springer bill, was defeated.[103]

The power of cities to levy a tax for the purpose of purchasing or erecting waterworks was extended to include not only cities of the first class as heretofore but also cities of the second class with a population over ten thousand.[104]

The Thirty-eighth General Assembly empowered Des Moines to construct or acquire, own, and operate its waterworks. Bonds in anticipation of the tax to pay for such waterworks and mortgages on the waterworks were to bear

[102] *Acts of the Thirty-ninth General Assembly,* Ch. 184.

[103] House File No. 623; *House Journal,* 1921, pp. 1088, 1821, 1822, 2009; *Senate Journal,* 1921, p. 1405.

[104] *Acts of the Thirty-ninth General Assembly,* Ch. 49.

five per cent interest, which apparently was not high enough to attract investors, and so the Thirty-ninth General Assembly increased the rate to six per cent.[105]

The usefulness of city and town halls was increased by adding that the waterworks may be located there. Another rather technical amendment in the same act provided that city or town halls could be used for municipal as well as community purposes.[106]

The statute empowering municipalities to regulate jitney busses was entirely rewritten. The new measure specifically enumerates special charter cities and manager governed cities as coming within the scope of the act. Cities may exclude busses, with a few obvious exceptions, from streets upon which there is a street car line — a power which was specifically denied to cities under the former statute. Moreover, the provisions regulating the licensing of jitney busses were made much more stringent. Applicants must file with the county clerk an indemnity bond or a liability insurance policy for $5000 or $10,000, depending upon whether the capacity of the bus is less or more than ten passengers, to inure to the benefit of anyone who is injured or whose property is damaged by reason of the negligence or misconduct of the persons responsible for the operation of the bus. The application for a license must state details concerning the character of the car to be used, the name of the owner, and the age, name, residence, qualifications, and experience of the drivers. Drivers must be over eighteen years of age. Cities may grant or reject any applications for licenses. Operating a jitney bus without a license is a misdemeanor punishable by a fine of from $50 to $300 or a jail term not exceeding sixty days.[107]

[105] *Acts of the Thirty-ninth General Assembly*, Ch. 82.

[106] *Acts of the Thirty-ninth General Assembly*, Ch. 21.

[107] *Acts of the Thirty-ninth General Assembly*, Ch. 115.

Cemeteries.— The tax which cities and towns may levy for the support and maintenance of a cemetery was increased from one-half to one mill.[108] Furthermore, a city or town may now use the money raised by taxation for the maintenance and support of a cemetery located in another county if the cemetery is not over a mile outside the corporate limits and is used by the city or town for burial purposes. Cemeteries so situated existed in several places and, according to the opinion of the Attorney General, taxes levied on property in a town could not be spent on a cemetery in another county. This limited the support of such cemeteries to the difficult and unsatisfactory lot assessment plan instead of allowing community support.[109]

Finance.— The State Constitution fixes the limit of indebtedness of municipalities at five per cent of the value of the taxable property within the city or town. By statute law one and one-fourth of the five per cent is the limit established for general or ordinary purposes, thus reserving three and three-fourths per cent for special purposes. An act of the Thirty-ninth General Assembly for the benefit of Dubuque provides that the limit of indebtedness of a city, whose actual indebtedness at the date of adopting the manager plan of government exceeded one and one-fourth per cent, shall be determined by adding to the indebtedness limit the actual value of municipally owned and operated utilities. The effect of this statute seems to be an interpretation of the constitutional provision limiting city indebtedness to five per cent of the taxable property. Municipally owned utilities are taxable by the city but are obviously never taxed, though for borrowing purposes it is

[108] *Acts of the Thirty-ninth General Assembly*, Ch. 111.

[109] *Acts of the Thirty-ninth General Assembly*, Ch. 89. This act also applies to townships that support and use a cemetery in another county.

proper to include them as taxable property. Apparently this has not been done before.[110]

The cost of municipal government has increased so much that the annual ten mill tax for general and incidental expenses has not been sufficient. Accordingly, the Thirty-ninth General Assembly authorized cities and towns to levy an additional two mill tax in 1921 and 1922 to meet any deficiency of the regular ten mill levy.[111]

The General Assembly in 1921 empowered all cities and towns to levy a tax sufficient to pay any drainage project special assessments levied against "any street, alley, highway, public way or park". Formerly, the only method suggested by law for raising money to pay such assessments was by the issuance of bonds, and inasmuch as the amounts were small in many instances the bonds could not be sold to advantage so it seemed advisable to provide for the payment of drainage assessments by taxation.[112]

Municipalities have for many years been permitted to levy a three mill tax to maintain an institution donated to the city, but only since April 9, 1921, has it been permissible to use the proceeds from such a tax to pay annuities to the donor. Now an annuity not exceeding five per cent of the amount of the gift may be paid out of taxes, but all such annuities and other support must come within the amount produced by the three mill tax levy.[113]

In 1915 an act, which applied particularly to Council Bluffs, authorized an additional tax levy of one-half mill annually from 1916 to 1920, which was extended to 1925 by the Thirty-eighth General Assembly, to improve any mean-

[110] *Compiled Code, 1919*, Sec. 4054; *Acts of the Thirty-ninth General Assembly*, Ch. 41.

[111] *Acts of the Thirty-ninth General Assembly*, Ch. 329.

[112] *Acts of the Thirty-ninth General Assembly*, Ch. 137.

[113] *Acts of the Thirty-ninth General Assembly*, Ch. 167.

dered lake used as a public park. That tax levy has now been increased to one mill for each of the remaining years.[114]

The tax which special charter cities may levy for a fire fund was increased from three to five mills. This act will probably be utilized chiefly by Davenport.[115]

For the purpose of maintaining or employing a band for musical purposes any city or town in Iowa with a population not exceeding forty thousand — all except Des Moines, Sioux City, Davenport, and Cedar Rapids — may levy a tax not exceeding two mills. The question of levying a band fund tax must be submitted to a vote of the people and approved by a majority of the votes cast at the election. If the proposition is so approved the council is obliged to levy the tax. The tax may be discontinued in the same manner as it is authorized.[116]

Cities and towns were empowered to levy a tax to be used exclusively in the payment of sewer bonds and interest thereon, but this tax can not be levied on property wholly outside the benefits of such sewers. The date of maturity of street improvement or sewer bonds was made more flexible by allowing the council to determine whether they should become due on the first day of April, May, or June of the years when the special assessments are payable. Formerly, the first day of April of such years was fixed by law. The purpose of the act is to afford more time between the payment of the assessments and the date when the bonds mature.[117]

Bonds of all cities and towns, no matter what their form of government, may now be sold to the citizens of the

[114] *Acts of the Thirty-ninth General Assembly*, Ch. 26.

[115] *Acts of the Thirty-ninth General Assembly*, Ch. 11.

[116] *Acts of the Thirty-ninth General Assembly*, Ch. 37.

[117] *Acts of the Thirty-ninth General Assembly*, Chs. 64, 179.

municipality by popular subscription. Bids may be received and the bonds sold to one or more of the bidders. The principal restriction is that such bonds can not be sold below par and the accrued interest.[118]

Heretofore no definite method has been prescribed by which balances remaining in the judgment fund of a city or town after the payment of the judgment and bonds issued against the fund might be transferred to the general fund. The Thirty-ninth General Assembly provided that this may be done by a majority vote of the city council.[119]

The limitation that a municipal warrant can not be issued for a sum larger than $1000 was removed.[120]

Miscellaneous Powers.— A new law in Iowa makes provision for the recording in the office of the county recorder a plat of all restricted districts, building lines, and fire limits established by cities. The recorder must also keep an index of all such plats and the ordinances establishing them. This legislation is for the protection of persons who might unknowingly purchase property in residence districts for commercial purposes.[121]

Since 1913 Des Moines has had authority to levy a tax and issue bonds to construct and maintain a garbage disposal plant, and this power has been extended to all commission governed cities whose population exceeds seventy thousand. In other words Sioux City as well as Des Moines may now own a garbage disposal plant.[122]

The law relating to the power of municipalities to regulate railroads within their limits was amended and later rewritten. Formerly only cities with five thousand popu-

[118] *Acts of the Thirty-ninth General Assembly*, Ch. 43.

[119] *Acts of the Thirty-ninth General Assembly*, Ch. 96.

[120] *Acts of the Thirty-ninth General Assembly*, Ch. 3.

[121] *Acts of the Thirty-ninth General Assembly*, Ch. 200.

[122] *Acts of the Thirty-ninth General Assembly*, Ch. 54.

lation could require a railroad to maintain gates on public streets at railroad crossings. Chapter 57 of the *Acts of the Thirty-ninth General Assembly* authorizes cities of less than five thousand population to apply to the Railroad Commission for an order compelling the railroad to erect, construct, maintain, and operate gates at crossings. Later chapter 152 was passed which repeals the section of which chapter 57 is amendatory and empowers all cities and towns to require gates, flagmen, or suitable mechanical signal devices at such places. Controversies over the necessity of these safety precautions will be settled by the Railroad Commissioners. Cities and towns can now, however, regulate the speed of trains within their limits only with the approval of the Railroad Commissioners. It is hoped that such municipal regulations will in this way be more uniform and that railroad companies will not be subjected arbitrarily to unneccessary requirements, while at the same time the smaller cities and towns will have power to protect the public at dangerous crossings.[123]

A bill was introduced to make the housing law applicable to all cities exceeding five thousand population instead of only cities of the first class, but it failed of consideration. Only one change was made in the housing law as passed in 1919, namely, the addition of a special provision that concerns only Des Moines and Davenport. Cities of over one hundred thousand population and special charter cities whose population exceeds fifty thousand, if they maintain a department of building inspection in charge of a person who spends all his time supervising building construction, may provide by ordinance that this person, rather than the board of health and the health officer, shall approve building plans and grant building permits.[124]

[123] *Acts of the Thirty-ninth General Assembly*, Chs. 57, 152.

[124] *Acts of the Thirty-ninth General Assembly*, Ch. 160.

That phase of the housing problem which has to do with the scarcity of houses was touched upon in a bill exempting a dwelling house under $10,000 in value from assessment for taxation for ten years after its construction. This proposal was indefinitely postponed.[125]

The Thirty-seventh General Assembly gave all cities and towns in the State power to adopt ordinances prohibiting the sale of milk to the inhabitants of the city or town except from cows that have been tested for tuberculosis. This act was repealed by the Thirty-ninth General Assembly and a more elaborate measure substituted. According to the provisions of the new law cities and towns may not only prohibit the sale of milk or cream from cows other than those tested for tuberculosis, but they may also prescribe a system of inspection for all dairy products, lay down sanitary regulations for the production and handling of dairy products, and require all milk to be pasteurized except that from herds which are under State or Federal supervision for the eradication of tuberculosis. Dairymen who are required by city ordinance to test their herds for tuberculosis are allowed six months after the passage of the ordinance to have the test made. The tuberculin tests must be made by accredited veterinarians defined in the act.[126]

SCHOOL LEGISLATION

While the principal problems relating to school legislation in the Thirty-ninth General Assembly were financial in character there were a number of other questions that received consideration.

School Government.— The term of the board of directors in school townships which are not subdistricted was

[125] House File No. 566.

[126] *Acts of the Thirty-ninth General Assembly*, Ch. 169.

changed from one to three years, one member being elected each year. This is the same arrangement that exists in rural independent districts. The only directors now elected for one year are in the subdistricted school townships.[127]

The most pretentious piece of school legislation enacted in 1921 was an act which almost entirely revises the law for the organization of consolidated school districts. The new act was based upon the Code Commission bill on the same subject. While the process of organizing such districts was changed in a number of instances the main purpose of the new act seems to have been the rearrangement of the statute to make the language more exact and specific and to improve the form.[128] Some entirely new sections were added, most of which relate to the hearing of objections by the county superintendent in regard both to the organization and the dissolution of consolidated districts. Indeed, the provisions for dissolution are much more elaborate, including an appeal to and hearings before the county board of education and requiring a majority of the voters to sign the petition for dissolution instead of one-third. The right of appeal either in the organization or dissolution of a district is now extended to any interested person rather than being confined to those who have previously objected and been overruled. Where more than one county is concerned the boards of education of the several counties must act jointly on appeals. Among other important changes in the law are provisions that the county superintendent shall have charge of the reorganization of the territory of former school corporations remaining outside the consolidated district; that the expenses of the county superintendent and board of education in organizing consolidated districts shall

127 *Acts of the Thirty-ninth General Assembly*, Ch. 47.

128 The new act contains forty-two sections whereas before there was only one which covered more than four pages of the *Compiled Code*.

be audited by the board of supervisors and paid from the county general fund; that in the establishment of new districts it is not necessary to follow the boundaries of existing districts or subdistricts; and that a separate ballot box must be provided for the voters in the new territory when an election is held on the question of enlarging an existing district that does not contain a town of two hundred or more inhabitants.[129]

Considerable litigation in this State has resulted from questioning the legality of the organization of school districts; and many legalizing acts have been passed by the legislature on the same account. To prevent some of this litigation and forestall some of the legalizing acts, a statute of the Thirty-ninth General Assembly declares that no action shall be brought questioning the legality of the organization of any school district after it has exercised the franchises and privileges of a district for a period of six months. The act also defined the date of organization.[130]

A measure requiring the Superintendent of Public Instruction to call an annual convention of school board members in each congressional district was reported favorably in the Senate. Several bills relating to teachers failed of enactment. A proposition to repeal the law providing for the lapse of teachers' life certificates was introduced, and two bills increasing the normal training qualifications passed the House. The House also passed a bill to increase the examination fees for teachers' certificates, and another to increase the fees for certificates and diplomas.[131]

[129] *Acts of the Thirty-ninth General Assembly*, Ch. 175.

[130] *Acts of the Thirty-ninth General Assembly*, Ch. 211.

[131] Senate File No. 458; House File Nos. 390, 776, 821, 858, 859; *Senate Journal*, p. 859.

School House Sites and Grounds.— The power enjoyed by school boards in cities of the first class and special charter cities to levy a four mill tax for the purchase of school sites was extended to cities of the second class and to manager governed cities.[132] Although the law governing the reversion of school sites was rewritten in 1919 the Thirty-ninth General Assembly again repealed that statute and substituted a new one. Besides more exact terminology the principal change was the insertion of provisions regulating the procedure of appraising such real estate.[133]

Senator J. J. Rainbow of Waterloo wanted abandoned school sites to become a part of the State park system and be used as experimental plots in botany, forestry, zoölogy, nature study, and allied subjects, but his bill was defeated in the Senate by a vote of twenty-three to twelve. A House bill proposing to create the office of public school architect was withdrawn.[134]

Curriculum.— Only one act of the Thirty-ninth General Assembly relates to the course of study in the schools. Beginning with the school year, 1921, regular courses of instruction in the constitutions of the United States and Iowa must be given in all public and private schools beginning not later than the eighth grade and continuing in the high school to an extent to be determined by the Superintendent of Public Instruction.[135]

A number of other bills on the subject of patriotism and Americanization failed. A measure was introduced in both houses requiring that all teachers in Iowa, including those

[132] *Acts of the Thirty-ninth General Assembly,* Ch. 67.

[133] *Acts of the Thirty-ninth General Assembly,* Ch. 183.

[134] Senate File No. 387; House File No. 707.

[135] *Acts of the Thirty-ninth General Assembly,* Ch. 91.

in colleges and parochial schools, must be citizens of the United States. It was never reported in the Senate and in the House it was indefinitely postponed. Another bill which required all teachers to take an oath to support the Constitution of the United States and the Constitution of Iowa and provided for the permanent disqualification as a teacher of any person who should refuse to take such an oath or who should publicly speak or act in a disrespectful way toward the United States flag, Constitution, officers, or the system of government in the United States was re-referred although recommended for passage by the House Committee on Schools. The raising of the United States flag over all public school buildings in good weather would have been made mandatory if a bill which passed the House without a dissenting vote had not died in a Senate committee.[136]

Another group of bills which failed related to physical education. The Senate indefinitely postponed a measure to establish compulsory physical education in all public elementary and secondary schools of the State, to require students who are candidates for teachers' certificates in high schools that offer teachers' training courses and at the Iowa State College, the Teachers College, and the State University to take courses in physical education, and to create the office of State Supervisor of Physical Education. A companion bill in the House was withdrawn after the action of the Senate. Two Senate bills on this subject were likewise withdrawn. One proposed to give county boards of education authority to employ a director of physical education at the expense of the county and the other proposed to create the office of State Director of Physical Education.[137]

[136] House File Nos. 720, 749; Senate File Nos. 543, 739.

[137] House File No. 596; Senate File Nos. 586, 691, 692.

A bill to specifically permit foreign languages to be taught and studied below the eighth grade was indefinitely postponed. The House passed a bill to require the reading of the Bible in the public schools, but the measure was never reported in the Senate.[138]

School Finance.— At the beginning of the year, 1921, the funds of probably half of the school corporations in Iowa were so depleted that there was danger of the schools being closed. The total deficit amounted to millions of dollars, and the banks in many places refused to honor school warrants.[139] The problem was taken to the legislature and several relief measures were enacted. An emergency law provided that the school boards of districts which did not have sufficient funds to pay the running expenses for the year ending June 30, 1921, or any previous year could certify to the county board of supervisors before April 15, 1921, such an amount as would cover the deficits if the total levy for the year did not exceed $100 per person of school age in the district or $1000 for the district if the number of children was less than ten. The board of supervisors was required to levy the tax certified, one-half of which would be due on January 1, 1922, and one-half on January 1, 1923. In anticipation of these taxes the school board may sell at par warrants bearing six per cent interest to pay running expenses for past years.[140]

Another emergency measure provided that school boards in districts where a building was under construction on April 5, 1921, and which did not have sufficient funds to complete the structure could, if the people approved at an election on the question, certify to the supervisors as much

138 Senate File No. 377; House File No. 504.

139 *The Des Moines Register,* January 13, 1921.

140 *Acts of the Thirty-ninth General Assembly,* Ch. 36.

as a ten mill levy for a period not longer than ten years (in addition to the regular school house levy), the proceeds to go into a special school house fund. In anticipation of this tax, certificates or bonds bearing six per cent interest may be issued. Such bonds may not run longer than twelve years, or be sold below par value.[141]

The inability of the former school taxes to furnish sufficient funds was so thoroughly demonstrated that the General Assembly raised the maximum amount that may be levied for the general fund from $80 to $100 per person of school age in consolidated districts which maintain a high school and from $65 to $80 in those that do not. The limit in practically all other school corporations was changed from $60 to $80 per person of school age and the maximum total in small districts with less than thirteen pupils was increased from $650 to $1000. School corporations with a population exceeding fifty thousand, however, may levy as much as $90 per person of school age.[142]

That school bonds might sell more readily the maximum interest rate on those voted, but not issued, and those voted before January 1, 1923, was increased from five to six per cent. Such bonds, however, must reserve to the corporation the option of paying them any time after five years from the date of issue.[143] In order that the taxes should be sufficient to pay the increased interest, the maximum annual levy for the purpose of paying principal and interest on bonds was increased from five to seven mills.[144]

An act which will save interest charges and enable school districts to operate more nearly on a cash basis provides that school funds shall be paid by the county treasurer

[141] *Acts of the Thirty-ninth General Assembly,* Ch. 335.

[142] *Acts of the Thirty-ninth General Assembly,* Ch. 93.

[143] *Acts of the Thirty-ninth General Assembly,* Ch. 6.

[144] *Acts of the Thirty-ninth General Assembly,* Ch. 65.

monthly instead of quarterly. It has been the practice of school boards to issue warrants against incoming funds which were carried by the banks until the quarterly installment of taxes was available from the county treasury.[145]

The law relating to the publication of financial statements by the school directors was rewritten. All school boards must publish two weeks before the annual school election in March a summarized statement of receipts and disbursements for the preceding year and a detailed estimate of the several amounts necessary to maintain the school during the next succeeding year. In consolidated and city or town independent districts this statement must be published in a newspaper of general circulation in the district, if a newspaper is published in the district, but in other school districts the publication may be in such a newspaper or by posting in three or more conspicuous places in the district. Formerly the statement of receipts and disbursements was required to be detailed rather than summarized. Furthermore, in consolidated and city or town independent districts the board must publish during the first week in July a statement of all claims paid during the preceding year. This is an entirely new feature.[146]

Tuition.— Closely related to school finance is the subject of tuition. School corporations which do not offer a four year high school course are required to pay as much as $12 a month tuition for all residents who attend high school in other districts. Since 1919 the tuition fee had been $8 a month.[147]

In counties that maintain a county high school, however, the school corporations are not required to pay tuition for

[145] *Acts of the Thirty-ninth General Assembly,* Ch. 46.

[146] *Acts of the Thirty-ninth General Assembly,* Ch. 232.

[147] *Acts of the Thirty-ninth General Assembly,* Ch. 53.

pupils except in the county high school. This tuition was formerly fixed at $3.50 a month for each pupil, but the Thirty-ninth General Assembly changed it to a "reasonable" amount in no case exceeding the cost of instruction.[148]

State Aid.— In 1919 a solution of the problem of maintaining adequate educational facilities in the fifty or more coal mining camps was attempted by appropriating $50,000 from the State treasury for the next two years. The small amount of taxable property in such camps seemed to make this necessary. Apparently the amount appropriated by the Thirty-eighth General Assembly proved to be insufficient, as the Thirty-ninth General Assembly doubled the sum by appropriating $50,000 annually for the ensuing biennium.[149] A bill to raise revenue for the support of public schools in mining camps was introduced requiring coal owners and operators to pay to the State an occupation and privilege tax of two cents per ton of merchantable coal produced and sold, but after having been reported favorably in the House it was withdrawn by the author after a companion bill was defeated in the Senate.[150] The defeat of this bill was largely responsible for the increased appropriation for such schools.

The State Board for Vocational Education is required by law to report to each General Assembly the amount of money to be appropriated in order to equal the Federal allotment for vocational education in this State. For the year ending June 30, 1922, the Thirty-ninth General Assembly appropriated $50,000 — the same as for 1921 — and

[148] *Acts of the Thirty-ninth General Assembly,* Ch. 94.

[149] *Acts of the Thirty-ninth General Assembly,* Ch. 295.

[150] House File No. 468; Senate File No. 515.

for the year ending June 30, 1923, the sum of $60,000 was appropriated.[151]

CHILD WELFARE

Four acts of the Thirty-ninth General Assembly aim to promote the moral and physical welfare of the children of Iowa. Ever since 1904 there has been a law in this State defining and providing for the punishment of persons contributing toward the dependency of children. Following the example of the legislatures of most other States the law has now been extended to cover contributory delinquency as well — an act which juvenile court officials have advocated for some time. As the law now stands it is not only the child that is punished for delinquency, but any person who encourages a child under the age of sixteen years to commit any act of delinquency or any one who sends or permits a child to enter or remain in any house of prostitution, pool room, gambling place, or where intoxicating liquors are sold contrary to law or who causes a child to violate any law or ordinance is liable to punishment by a fine not to exceed $100, imprisonment in the county jail not more than thirty days, or both. Moreover conviction for contributory delinquency is not a bar to prosecution for any indictable offense which caused or contributed to such delinquency, so that the adult in the case may face two charges.[152]

In 1917 the judge of the district court acting as the juvenile judge in Polk County was empowered to appoint a chief probation officer at a maximum annual salary of $1500

[151] *Acts of the Thirty-ninth General Assembly*, Ch. 296.

[152] *The Des Moines Register*, March 11, 1921; *Acts of the Thirty-ninth General Assembly*, Ch. 238. The first section of this measure as it was originally introduced was struck out and the remaining sections renumbered, but inadvertently the number of the section to which the penalty clause applies was not changed to correspond, with the result that the penalty is meaningless unless construed as it was intended.

and not to exceed two deputy probation officers, one of whom was to be a woman, at a maximum salary of $1200. This arrangement, however, proved to be entirely inadequate. To obtain qualified probation officers it was necessary for the city of Des Moines to supplement the county support. The Thirty-ninth General Assembly, therefore, raised the population limit for counties to which this privilege was extended from 100,000 to 125,000 — so that the act will continue for some time to apply only to Polk County — and empowered the juvenile judge in Polk County to appoint in addition to the chief probation officer, whose maximum annual salary is to be $3000, five deputy probation officers at maximum annual salaries of $1800.[153]

Iowa has since 1902 attempted to protect the physical welfare of children by prohibiting their employment in cleaning or operating dangerous machinery. Since the introduction of vocational training in public schools it has been essential that children under sixteen years of age learn to operate and care for machinery used in manual training. A question arose as to whether this practice violated the child labor law. In order to remove all doubt the Thirty-ninth General Assembly, at the suggestion of the Commissioner of Labor, passed an act excluding pupils under an instructor in manual training departments of public schools or in school shops or industrial plants approved by the State Board for Vocational Education from the law applying to child labor.[154]

Chapter 40 of the *Acts of the Thirty-ninth General Assembly* aims to prevent infant blindness by requiring every physician or person authorized to act as obstetrician to instill a prophylactic solution into the eyes of the child im-

[153] *Acts of the Thirty-seventh General Assembly*, Ch. 405; *Acts of the Thirty-ninth General Assembly*, Ch. 156.

[154] *Acts of the Thirty-ninth General Assembly*, Ch. 180.

mediately after birth. A maximum fine of $500 or imprisonment for six months is prescribed as a penalty for violation of this act and also for failure of any person who, during the first six months of the child's life, detects any inflammation, swelling, or redness in the eyes or any unnatural discharge therefrom, and fails to report such condition or have it treated. Christian Scientists and others whose religious convictions are opposed to medical treatment for disease are not required to allow the eyes of their minor children to be treated.[155]

SOCIAL WELFARE

One of the measures which excited the widest popular interest in the State is the act authorizing the sale of cigarettes. Until the enactment of this statute the cigarette law in Iowa has been one of the most anomalous on the statute books. The manufacture, sale, or giving away of cigarettes or cigarette papers was prohibited and heavy penalties were prescribed. Selling or giving cigarettes to minors under sixteen years of age constituted a special offense. Moreover, a mulct tax of $300 a year was supposed to be levied in addition to all other taxes and penalties, and the payment of this tax was not a bar to prosecution. There was no penalty for persons over twenty-one years of age smoking cigarettes, but it was unlawful for a minor to smoke cigarettes on the premises of another person or in public places except in the company of his parent. Needless to say this law was not generally enforced.[156]

The new act prohibits the sale or gift of cigarettes or papers to minors and requires minors in possession of cigarettes, except at home, to give information as to where they were obtained. The sale of cigarettes to adults is

[155] *Acts of the Thirty-ninth General Assembly*, Ch. 40.

[156] *Compiled Code, 1919*, Secs. 8866–8872, 8879.

authorized in case the person selling them obtains a permit from the city or town. These permits are good for two years, subject to revocation, and granting of them is contingent upon the grantee having an established place of business, filing a bond of $1000 or more to insure observance of the law and cover damages that may result from the sale of cigarettes, and paying a mulct tax. Permits are granted by the council in cities and towns and the board of supervisors for places outside of the cities or towns. The tax varies in proportion to the size of the municipality — $50 annually in towns and places outside of a city or town, $75 in cities of the second class, and $100 in cities of the first class. This tax is payable on July 1st and if not paid by July 20th the assessor will report the delinquency to the county auditor and the State Treasurer, the tax will become a lien upon the real estate wherein the cigarettes were sold, and a penalty of twenty per cent will be added plus one per cent per month thereafter until paid. The proceeds from the mulct tax will go into the general fund of the city or town. The State will also collect a sales tax of from one mill to one cent on cigarettes and cigarette papers depending upon their weight or number. The tax is to be collected by means of stamps issued by the State. To administer this part of the law the State Treasurer was authorized to appoint an additional assistant treasurer and clerks. In addition to the other penalties prescribed, a person maintaining a place where cigarettes are sold illegally may be enjoined and the place abated as a nuisance.[157]

This measure aroused much opposition, especially from those who favored complete prohibition of the sale of cigarettes. It was charged that the tobacco interests were behind the bill. Opponents refused to believe that the use of cigarettes by minors could be prevented while adults were

[157] *Acts of the Thirty-ninth General Assembly*, Ch. 203.

permitted to smoke them. Proponents argued that the people did not want complete cigarette prohibition, that the new measure could be enforced, and that it would prove to be a splendid revenue measure. Members of the American Legion were particularly active in support of this act.[158]

To the list of habit forming drugs which can not be retailed without prescription were added cannabis indica, or Indian hemp, and cannabis americana or their derivatives. Preparations containing less than one-half grain of these drugs to the ounce and liniments or ointments for external use are excepted.[159]

A serious effort was made to provide censorship for motion pictures shown in Iowa. Companion bills were introduced in both branches of the General Assembly authorizing the State Board of Education to exercise such censorship, neither of which were considered. Another measure, however, introduced jointly by four Representatives passed the House but was lost in the Senate Sifting Committee. This bill proposed to create a special board of three censors with salaries of $3000 a year.[160]

There are in Iowa many people who wish to have boxing matches legalized in this State. In response to this opinion, voiced chiefly by the American Legion, a bill to create an athletic commission with power to license and regulate boxing matches passed the House but was defeated in the Senate by a vote of thirty-two to fifteen.[161]

The law regulating fire escapes was amended to permit fire escapes of class C or other approved means of escape to be used on three-story dwelling houses used in part for lodging purposes, when not more than five persons none of

158 *The Des Moines Register*, March 14, 16, 1921.

159 *Acts of the Thirty-ninth General Assembly*, Ch. 282.

160 House File Nos. 435, 703; Senate File No. 414.

161 House File No. 387.

whom are under sixteen years of age occupy the third floor. This amendment was made primarily for the benefit of rooming houses in college towns. Because of large college registration and the resultant need for housing, attics with narrow, quick burning stairways have been used by students for rooming purposes. Heretofore lodging houses have all been required to be equipped with fire escapes of class A or B, a requirement which was thought to be excessive both as to the needs and expense in the case of private residences used in part as rooming houses.

Under the new amendment the Bureau of Labor Statistics has made the following ruling: "Where not more than five male students, all of whom are above sixteen years of age, occupy the third floor of a house otherwise used for residence purposes, either a rope fire escape or a rope of three-quarter inch size or larger with knots about every sixteen or eighteen inches, securely fastened inside the window and of sufficient length to reach the ground, will meet the approval in lieu of steel fire escapes. Houses of the above description occupied by females must be equipped with ladder fire escapes, and sorority and fraternity houses regularly used for such purposes must be equipped with stairway fire escape."[162]

A thoroughly accurate and complete system of vital statistics is absolutely essential to scientific study of public health and sanitation. The vital statistics of Iowa have never been accepted by the United States Census Bureau, the registration of births and deaths being entirely inadequate, while morbidity statistics were completely ignored. The new act which supplants the former statute makes it possible for Iowa to be included in the Federal registration area if the registration of births and deaths is ninety per cent complete. Based upon the so-called model law of the

[162] *Acts of the Thirty-ninth General Assembly*, Ch. 241.

American Public Health Association and endorsed by a multitude of organizations in the interest of social welfare, it constitutes the nearest approach to a satisfactory vital statistics law in the history of this State. The usefulness of the measure is seriously impaired, however, by the failure of the legislature to properly harmonize it with the existing law on related subjects and because it contains provisions in regard to public health only indirectly related to vital statistics which were already fully covered by existing law. The new act provides for the establishment of a Bureau of Vital Statistics headed by the Secretary of the State Board of Health who continues to be the State Registrar of Vital Statistics. He is responsible for the administration and uniform enforcement of the law. Each city, town, and township is constituted a primary registration district, though two or more of them may be combined. The Federal Census Bureau will not consider admitting a State to the registration area unless the unit of territory for registration purposes is smaller than a county. Local registrars are appointed by the county board of supervisors (one of the defects of the new law) for terms of four years, subject to removal by the State Registrar. In order to facilitate the registration of births and deaths the local registrar must appoint a deputy and, wherever necessary in rural districts, one or more sub-registrars. Each local registrar is paid by the county a fee of twenty-five cents for each birth or death certificate registered. Permanent alphabetical indexes of all births and deaths will be preserved by the State Registrar as heretofore and information from these records is available for a nominal fee. Any record of births and deaths in the possession of a private person, church, cemetery association, historical society, or similar organization which may be of any value in establishing the genealogy of a resident of Iowa may be deposited with the State Regis-

trar. The sum of $10,000 annually was appropriated to cover the expenses incident to the collection of vital statistics.

The methods of obtaining statistics on births and deaths as well as the facts recorded follow in the main the most approved practice. No person can be buried or otherwise disposed of without a burial or removal permit issued by a local registrar, and no such permit can be issued until a death certificate is filed. The death certificate in the standard form approved by the Federal Census Bureau has been required since 1917. It is the duty of the undertaker to secure the facts recited in the death certificate, and persons other than undertakers who sell caskets must report monthly to the State Registrar. Cemetery caretakers are responsible for endorsing burial permits and returning them to the local registrar. All births must be reported to the local registrar within ten days by the person in attendance, parent, or other specified persons, and birth certificates as under the former law must be of the United States standard form. A stillborn child is registered both as a birth and a death. All physicians, midwives, undertakers, and casket dealers are required to register their name, address, and occupation with the local registrar. That data for birth and death certificates may be available if necessary persons in charge of hospitals are required to make a personal and statistical record of each inmate, the nature of the disease, and where it was contracted.

The final section of the new vital statistics act contained a blanket repeal of "all laws and parts of laws" inconsistent with the new statute "only as far as it refers to this act".[163] Before the bill passed it became apparent that this provision was unsatisfactory, for on the same day that the bill passed — next to the last of the session —

[163] *Acts of the Thirty-ninth General Assembly*, Ch. 222.

another bill was introduced by the House Sifting Committee and rushed through the Assembly specifically repealing the former vital statistics law. The latter act also inadvertently repealed the law providing for statistics relative to marriages and the law dealing with the disinterment of dead bodies.[164]

Some proposed legislation affecting labor might have had an important bearing upon social welfare if it had gained enactment. A Senate bill fixing a penalty for unwarranted strikes and lockouts was indefinitely postponed; but the proposition of establishing an industrial court for the settlement of labor disputes, patterned after the Kansas Court of Industrial Relations, was accorded more consideration. This measure — the second to be introduced in the House — was ardently advocated and as vigorously opposed. The committee to which it was referred reported without recommendation, and on the question "Shall the bill pass?" the vote was forty-three ayes and fifty-nine nays. For nearly a month after the bill failed to pass a motion to reconsider pended in the House but was finally voted down.

At the beginning of 1920 Iowa was one of six States which had no laws regulating the hours of work for women. Companion bills were introduced into both branches of the General Assembly to establish a nine hour day and fifty hour week for women except those employed in executive positions or engaged in canning establishments during harvest season. The measure was bitterly attacked by employers of all classes, and some women were found to oppose shorter hours. After several hearings the Senate Committee on Labor recommended indefinite postponement, which was accordingly done, whereupon the House bill was withdrawn. Another bill introduced in both houses in the

[164] *Acts of the Thirty-ninth General Assembly*, Ch. 229.

interest of women workers proposed to establish a minimum wage commission to determine minimum wages for women and minors and to otherwise protect their health, morals, and welfare; but this measure, after resting with the committee more than a month in the House and over two weeks in the Senate, was withdrawn.[165]

The provisions of the act of Congress passed in 1920 to promote vocational rehabilitation of persons disabled in industry or otherwise were accepted by the General Assembly on the part of Iowa. The State Treasurer was designated custodian of the funds received from the Federal government for this purpose and the administration of vocational education of disabled persons was intrusted to the State Board for Vocational Education with the coöperation of the Federal authorities, the State Commissioner of Labor Statistics, and the State Industrial Commissioner. The State is bound to duplicate the Federal appropriation for this purpose. Aside from $800 for additional office equipment, $2000 was appropriated to cover expenses until June 30, 1921, while for the two years ending June 30, 1923, $22,836.45 each was appropriated.[166]

The appropriation of $15,000 annually in 1919 for the prevention and control of venereal diseases was increased to $25,000 annually for the next biennium.[167]

A bill was introduced in the Senate to require applicants for marriage certificates to present certificates of health and fitness, and prohibiting the marriage of all persons unfit by reason of disease or mental defects. Another meas-

[165] House File Nos. 272, 442, 481; Senate File Nos. 474, 614, 642; *House Journal*, 1921, pp. 497, 883, 1208; Commons and Andrews's *Principles of Labor Legislation*, pp. 237, 238.

[166] *Acts of the Thirty-ninth General Assembly*, Ch. 14.

[167] *Acts of the Thirty-ninth General Assembly*, Ch. 301.

ure for the promotion of good health proposed to appoint a State director of public school nurses and a county public school nurse in each county. After being referred to three different committees this bill passed the Senate by a vote of twenty-nine to five, but it never came up in the House for consideration.[168]

PUBLIC PARKS

Very closely related to social welfare legislation are the statutes providing for the preservation of scenic, scientific, or historic sites and the maintenance of such places for the common benefit of the people of this State. The Thirty-ninth General Assembly passed an act to extend the activities of the State in the maintenance of parks. The ultimate purpose is to bring the privately or locally owned parks under central administration in order to form a system of State parks. With this object in mind the State Board of Conservation in coöperation with the Executive Council was empowered to purchase lands which have been previously acquired by private individuals for park purposes. Condemnation proceedings may be instituted if necessary to obtain the desired tracts at reasonable prices.

The county board of supervisors may now purchase lands for park purposes if authorized to do so by a vote of the people of the county. After purchase, however, title to the land must be transferred to the State and the tract placed under the management of the State Board of Conservation and used as a State park. The Board of Conservation is also authorized to assume control and management of all meandered streams and lakes belonging to the State which are not already under some other jurisdiction. In this connection Gitchie Manito or Jasper Pool in Lyon County

[168] Senate File Nos. 461, 541.

is specifically turned over to the State Board of Conservation for park and scientific purposes.[169]

Not only are these provisions made to expand the system of State parks, but the powers of cities relating to parks were also materially extended. The Thirty-eighth General Assembly provided that all cities, where the park board had, prior to January 1, 1919, acquired property for park purposes, were empowered to levy a yearly tax of one mill up to 1950 to be used for improving such lands in a manner definitely prescribed in the act. By virtue of an amendment by the Thirty-ninth General Assembly this tax may also be used for the "construction of buildings in public parks". Tax levies and bond issues made for this purpose previous to the amendment of the amendment were also legalized.[170]

In cities of twenty-five hundred inhabitants the park board may now submit to the electors of the city the question of levying an additional tax not exceeding five mills over a period of years not exceeding thirty, for park purposes. Formerly only cities of twenty-five thousand population enjoyed this power.[171]

DEPENDENTS, DEFECTIVES, AND DELINQUENTS

Dependents.— Since 1842 the board of commissioners or other county officials in charge of poor relief have had power to establish a county home and purchase as much land as may be necessary. The *Code of 1851* required that the question of establishing a county home should always be referred to the people. By 1897 it was not necessary to submit this question if the estimated cost did not exceed $5000. In 1915 the exemption was raised to $10,000; and

169 *Acts of the Thirty-ninth General Assembly,* Ch. 135.

170 *Acts of the Thirty-ninth General Assembly,* Ch. 125.

171 *Acts of the Thirty-ninth General Assembly,* Ch. 162.

in 1921 it was increased to $15,000. The Thirty-ninth General Assembly also struck out the provision specifically authorizing the purchase of land because the board of supervisors already has that power under another section of the Code.[172]

The statute protecting people against the fraudulent collection of funds for alleged charitable purposes was materially strengthened by requiring licensed charitable organizations or institutions to make an annual report to the Secretary of State containing the names and addresses of its officers and detailed statements of money received and disbursed. The application for a license must now contain recommendations from at least three reputable freeholders of the State, and a fee of $1 is charged for such a license. A fee of $2 must be paid for filing the annual report. All licenses expire at the end of the year.[173]

Defectives.— Heretofore only those feeble-minded adults who were under forty-six years of age were eligible for admission to the Institution for Feeble-minded Children. The Thirty-ninth General Assembly removed the age restrictions, thus enabling any feeble-minded resident of the State to become an inmate of that institution. This measure is clearly in the interest of more complete segregation. The Institution at Glenwood, however, has been overcrowded for many years, and in 1919 a waiting list was authorized.[174] In recognition of this condition and of the policy of providing a place of detention as well as a school for the feeble-minded, the Thirty-ninth General Assembly

172 *Revised Statutes of the Territory of Iowa*, 1842, Ch. 119; *Code of 1851*, Sec. 828; *Code of 1897*, Sec. 2241; *Supplemental Supplement to the Code, 1915*, Sec. 2241; *Acts of the Thirty-ninth General Assembly*, Ch. 273.

173 *Acts of the Thirty-ninth General Assembly*, Ch. 59.

174 *Acts of the Thirty-ninth General Assembly*, Ch. 129.

authorized the commitment of such persons to the Hospital and Colony for Epileptics at Woodward. The Board of Control may transfer feeble-minded inmates of either institution to the other. Training and instruction of the feeble-minded will be provided at Woodward as well as at Glenwood.[175]

Two acts of the Thirty-ninth General Assembly amend the same section of a law enacted in 1917 relating to State financial aid for the education of deaf children. The amount allowed for that purpose was increased from $11 a month for each deaf child under ten years of age to $20 a month for each deaf child under twelve years of age.[176]

In 1919 the Board of Control was ordered to abolish the Hospital for Inebriates at Knoxville, to transfer the patients addicted to the use of narcotic drugs to other State institutions, and to discharge all other patients. Apparently prohibition has not prevented inebriety, inasmuch as the Thirty-ninth General Assembly saw fit to reinclude persons who habitually use intoxicating liquors excessively, along with drug addicts, as proper subjects to be committed to various State institutions. The hospitals for the insane are no longer specifically excepted from the State institutions in which wards for drug addicts and inebriates may be established.[177]

According to the statute appropriating money in 1917 for the erection of the Children's Hospital in Iowa City this building could be used only for the treatment of sick or deformed children of destitute parents. Since that time the scope of the so-called "Perkins Law" has been extended and the Thirty-ninth General Assembly removed the former limitation upon the use of the hospital by allowing other

[175] *Acts of the Thirty-ninth General Assembly,* Ch. 5.

[176] *Acts of the Thirty-ninth General Assembly,* Chs. 63, 98.

[177] *Acts of the Thirty-ninth General Assembly,* Ch. 187.

children and indigent crippled adults to be treated there, though no adults are treated there and probably will continue to be treated in the general university Hospital. The provision permitting other children than those admitted under the "Perkins Law" to be cared for in the Children's Hospital was probably made for the benefit of the pediatrics department of the University Hospital which is housed in the Children's Hospital.[178]

Delinquents.— When the execution of sentence is suspended the trial judge may now place the convicted person under the supervision of the Board of Parole subject to the same rules as paroled convicts. Formerly, convicted persons whose sentence had been suspended were placed under the guardianship of some suitable citizen of Iowa, though at that time the Board of Parole had power to parole certain convicts before commitment. Thus, under the new arrangement whether paroled by the trial judge or the Board of Parole before commitment the convicted person may be placed under the jurisdiction of the Board of Parole. Furthermore, it relieves the judge of the administrative work connected with the parole. Probably the sentences of more first offenders will now be suspended and many potentially good citizens saved the stigma of prison confinement.[179]

The life of a paroled convict is at best not an easy one and often circumstances arise which might overcome the moral stamina of the most resolute person. For the relief of paroled prisoners who are in distress on account of sickness or loss of employment $1250 was appropriated to provide a fund of $1000 for paroled men and $250 for paroled women. Upon the recommendation of the Board

[178] *Acts of the Thirty-ninth General Assembly*, Ch. 90.

[179] *Acts of the Thirty-ninth General Assembly*, Ch. 8.

of Parole as much as $25 may be loaned to a person on parole on condition that it be repaid by the parolee during the period of parole.[180]

The penalty for escaping from prison is reincarceration for a term not exceeding five years. Hitherto the violation of any condition of parole or regulation of the Board of Parole has constituted prison breach, but it has been difficult to obtain convictions for any violation except absconding. The Thirty-ninth General Assembly provided that while no act except absconding should be considered as escape the violation of any other conditions of parole or any regulation of the Board of Parole does, nevertheless, constitute as serious a felony as escape and is punished by the same term of imprisonment.[181]

Pardon and reprieve warrants, commutations of sentence, and remissions of fines issued by the Governor will henceforth be returned to the Board of Parole instead of the Secretary of State.[182]

The statute governing the granting of pardons was amended so that the Governor is now required to obtain the advice of the Board of Control before pardoning any felon who is an inmate of an institution over which the Board of Control exercises the power of parole. This act has particular reference to the Reformatory for Women.[183]

CRIMINAL LAW

From the standpoint of public morals probably no act of the Thirty-ninth General Assembly was more important than the one which increased the age of consent. Juvenile court judges, leaders of the W. C. T. U., and others inter-

[180] *Acts of the Thirty-ninth General Assembly*, Ch. 217.

[181] *Acts of the Thirty-ninth General Assembly*, Chs. 9, 10.

[182] *Acts of the Thirty-ninth General Assembly*, Ch. 24.

[183] *Acts of the Thirty-ninth General Assembly*, Ch. 73.

ested in the public welfare worked earnestly in behalf of the bill as originally drafted — providing eighteen years as the age of consent and a single standard against sex crimes. It was argued that a girl's virtue should be protected as long as her property is safeguarded and that it is as important to protect the immature boy against seduction as the immature girl. With three minor amendments the bill passed the House by a vote of ninety-three to six. The Senate Judiciary Committee, however, reported in favor of indefinite postponement, but the measure was sent to the Sifting Committee which substituted an entirely new and less thorough bill which was passed and later accepted by the House.[184] The law as enacted makes the age of consent sixteen years in case the man is under twenty-five years of age and seventeen years in case he is over twenty-five. The age of consent was formerly fifteen years.[185]

The minimum penalties prescribed by law for seventeen specified crimes were repealed for the purpose of bringing the penalty clauses of various statutes into harmony with the indeterminate sentence law, according to which the maximum penalty is imposed, except in case of a few specified crimes, and the prison authorities are allowed to determine the exact extent of the punishment. In the case of kidnapping for ransom and train robbery the effect of the repeal is to fix the penalty at imprisonment for life. In two instances a maximum was substituted for a minimum penalty — for the third conviction of felony not more than forty years instead of not less than fifteen years imprisonment, and for being a habitual criminal not more instead of not less than twenty-five years imprisonment. No maxi-

[184] *House Journal*, 1921, pp. 1114, 2005; *Senate Journal*, 1921, pp. 1383, 1384, 1698.

[185] *Acts of the Thirty-ninth General Assembly*, Ch. 192.

mum penalties were changed.[186] The prison penalty for the second violation of an injunction against the sale of intoxicating liquor was reduced from one year of imprisonment in the State penitentiary or reformatory to six months or a year in the county jail.[187]

JUDICIAL PROCEDURE AND LEGAL PROCESSES

The procedure of bringing a criminal offender to trial on information was facilitated by allowing the county attorney to swear to such information before any officer competent to administer oaths. Formerly he had to appear before a judge, the clerk, or the deputy clerk of the district court. In case the county attorney did not reside at the county seat this was often inconvenient.[188]

The schedule of naturalization fees was revised. In place of twenty-five cents for the declaration of intention and fifty cents for all other naturalization services, a fee of $1 will be required for receiving a declaration of intention, $2 for making, filing, and docketing the petition for admission to citizenship, and $2 for issuing the certificate of citizenship. Furthermore, the petitioner for citizenship must deposit with the county clerk a sum of money sufficient to cover the expense of obtaining witnesses. Whatever amount of this sum is not used will be returned to the petitioner. These provisions simply conform to the Federal law and remove the ambiguities as to the collection and disposition of naturalization fees which have led to confusion and misinterpretation.[189]

Jury.— Although veterinarians were exempted from

[186] *Acts of the Thirty-ninth General Assembly,* Ch. 231.

[187] *Acts of the Thirty-ninth General Assembly,* Ch. 271.

[188] *Acts of the Thirty-ninth General Assembly,* Ch. 204.

[189] *Acts of the Thirty-ninth General Assembly,* Ch. 42.

jury service a bill introduced in the Senate and two in the House to extend the same privilege to women were defeated. The Senate bill was indefinitely postponed and the House bills were withdrawn. The Senate passed a measure to abolish the jury commission and remodel the law as to the selection of jurors by county officers, but it was indefinitely postponed by the House.[190]

The date of the meeting of the jury commission to select jurors has been subject to frequent change. When the jury commission was established in 1917 the time was fixed as the first Monday after the tenth day of November annually. In 1919 the date was changed to the second Monday after the general election in each year such election is held, and the first Monday in November of other years. The Thirty-ninth General Assembly, not to be outdone, provided that the jury commission should meet only in election years, and consequently extended the term of jurors from one to two years.[191]

The costs in civil cases tried before a jury were increased by raising the jury fee from $6 to $10.[192] When the place of any civil or criminal action is changed to any county other than the one in which it was commenced the original county must pay $3 a day for each juryman if the trial consumes more than one day. Formerly the cost was $2 and this provision did not apply to criminal cases.[193]

Civil Actions.— The statute which declares that a man's personal earnings shall not be exempt from an order, judgment, or decree for the support of his minor children was

190 *Acts of the Thirty-ninth General Assembly,* Ch. 259; Senate File Nos. 291, 469; House File Nos. 385, 386.

191 *Acts of the Thirty-ninth General Assembly,* Ch. 278.

192 *Acts of the Thirty-ninth General Assembly,* Ch. 275.

193 *Acts of the Thirty-ninth General Assembly,* Ch. 106.

made more definite by a technical amendment of phraseology.[194]

A paragraph defining sufficient proof of possession was added to the law regulating actions for the recovery of real estate based on claims arising or existing prior to 1900.[195]

Liens and Mortgages.— The Thirty-eighth General Assembly extended the time during which a sub-contractor may file a mechanic's lien from thirty to sixty days. The law since 1919 has not required any such lien to be filed in less than sixty days, so the Thirty-ninth General Assembly changed the word thirty to sixty as it appeared in the statute of limitations stating the time when actions to enforce a mechanic's lien must be brought.[196]

To the statute governing the filing of chattel mortgages, bills of sale, and other instruments affecting the title to or encumbrance of personal property was added a section covering cases where there is a provision in a real estate mortgage creating an encumbrance upon personal property or providing for a receivership in the event of foreclosure. Among other things such a real estate mortgage need not be kept in the office of the county recorder. This act corrects a defect in the law on the same subject passed by the Thirty-eighth General Assembly.[197]

Probate.— Hitherto the compensation of executors and administrators has been definitely fixed by law, although the court had authority to allow reasonable sums in addition for actual, necessary, and extraordinary expenses and services. The fees for the settlement of estates were in-

[194] *Acts of the Thirty-ninth General Assembly,* Ch. 149.

[195] *Acts of the Thirty-ninth General Assembly,* Ch. 55.

[196] *Acts of the Thirty-ninth General Assembly,* Ch. 27.

[197] *Acts of the Thirty-ninth General Assembly,* Ch. 246.

creased in 1919, and provision was made for an attorney's fee equal to the fee of the administrator or executor. The Thirty-ninth General Assembly decided that the new schedule might be excessive in some instances especially in the case of large estates and particularly in respect to attorney's fees. The bill as originally introduced proposed to reduce the fee for settling estates valued between $1000 and $5000 from four to two per cent and for estates over $5000 from two to one per cent. The Judiciary Committee, composed entirely of lawyers, reported in favor of indefinite postponement, but the author of the bill asked that it be placed on the calendar and the motion passed. At the end of the debate on the measure a compromise was adopted whereby the court is empowered to fix the compensation of executors, administrators, and administrators' attorneys, but not above those prescribed by law.[198]

A change of phraseology makes more specific the responsibility of persons not in charge of the settlement of an estate who meddle with such property without authority from the regular executor or administrator.[199]

No investment of trust funds can be made except under order of the court, unless a mode of investment is pointed out by statute. Formerly an order of the court was necessary only in case of investment in city, town, county, school, or drainage bonds. The list of securities in which trust funds may now be invested (with permission of the court) was enlarged by the addition of Federal farm loan bonds. Inasmuch as the State and Federal governments do not issue stock that word was eliminated from the statute.[200] The petition of the owner of a cemetery to the district

[198] *Acts of the Thirty-ninth General Assembly*, Ch. 22; *Senate Journal*, 1921, pp. 456, 487–489.

[199] *Acts of the Thirty-ninth General Assembly*, Ch. 117.

[200] *Acts of the Thirty-ninth General Assembly*, Ch. 126. The act permitting guardians or executors to invest in Federal farm loan bonds was the only one

court for the appointment of a trustee to manage trust funds may now contain statements of the amount of the proposed trust fund, the manner of its investment, the disposition of surplus not needed for care and upkeep, and the compensation of the trustee. Any surplus above the amount necessary for care and upkeep must, however, be used for charitable, eleemosynary, or public purposes.[201]

The section of the Code which requires a notice to be served upon the interested parties before the court can order an executor to sell real estate was supplemented by a provision that in case any of the persons interested in the real estate are unknown this notice can be served by publication of an affidavit in a newspaper.[202] Later another act which aims to accomplish the same result was passed by the Thirty-ninth General Assembly providing that notice of a civil action by an executor or guardian to sell or mortgage real property, or a guardian's petition to sell or mortgage real property of a ward, may be served in the same manner as an original notice in ordinary civil actions. The Code section, which had previously been amended by adding the new provision for serving notice on unknown parties by publication, was rewritten in more exact language and in harmony with the other new regulations for serving notices.[203]

All decrees and orders of court for the sale of real estate by a guardian obtained before January 1, 1921, where the notice was served on the ward outside of Iowa were legalized.[204]

of five bills authorizing investment in such securities which gained enactment. The other bills extended the privilege to savings banks, life insurance companies, accident insurance companies, fire insurance companies, and fraternal insurance companies.

201 *Acts of the Thirty-ninth General Assembly,* Ch. 276.

202 *Acts of the Thirty-ninth General Assembly,* Ch. 174.

203 *Acts of the Thirty-ninth General Assembly,* Ch. 263.

204 *Acts of the Thirty-ninth General Assembly,* Ch. 88.

The statute relating to the release of liens by foreign executors was entirely rewritten and clarified. The officials affected were definitely indicated by a more extensive enumeration, and new regulations were prescribed relative to the contents and filing of the certificate of appointment of foreign executors. In the case of judgments such certificates must now be filed with the clerk and, in case of mortgages and deeds of trust, with the recorder, but wherever it is filed a record of the certificate and release must be kept.[205]

PENSION LEGISLATION

An unusually large number of bills relating to pensions were proposed in the Thirty-ninth General Assembly. Three of those which were enacted amend the law regulating pensions for firemen and policemen. The pensions for widows or dependent parents of firemen or policemen who were pensioned or died while in service were raised from $20 a month to $30 a month and for each surviving child under the age of sixteen the pension was raised from $6 to $8 a month. The provision that the total sum paid to such dependents may not exceed one-half the monthly salary of the fireman or policeman at the time of his death or retirement on pension remains unaltered.[206]

Hitherto special charter cities have been the only type specifically mentioned as coming under provisions of the policemen's and firemen's pension law along with other cities and towns. Because of this partial enumeration there seems to have been some question — probably unfounded — as to whether this law also applied to cities operating under the manager plan. To obviate any future difficulty the law was so amended as to specifically include this class of cities,

[205] *Acts of the Thirty-ninth General Assembly*, Ch. 17.

[206] *Acts of the Thirty-ninth General Assembly*, Chs. 31, 32.

thus securing pensions for their policemen and firemen.[207]

Destitute widows who are capable guardians of their own children are now allowed $3 a week for each child under fourteen years of age instead of $2 a week as formerly. The county, however, can not furnish such aid to a widow who is not a resident thereof.[208]

An interesting development of the mother's pension act is found in a bill which failed to be enacted. This measure provided that in case both parents of a child were dead and the grandparents were willing but unable to care for their grandchildren they would be allowed aid from the county. In the same bill was included a provision to extend the aid to mothers who had been granted divorces on grounds of desertion, if the whereabouts of the husband were unknown or if he were unable to provide for the care of the children, on condition such divorce had been granted two years prior to giving the aid.[209]

There are only two instances of pensions being granted by Iowa for military services. In 1913 the surviving members of the Spirit Lake Relief Expedition were granted a pension of $20 a month for the rest of their lives to be paid out of the State treasury, and in 1917 the survivors of the Northern Border Brigade, organized during the Civil War for the protection of the northwestern frontier, were given a similar pension. The Thirty-ninth General Assembly extended these pensions to the widows of such survivors, by amending only the latter act.[210]

[207] *Acts of the Thirty-ninth General Assembly*, Ch. 103. Commission governed cities are not specifically mentioned but there seems to be no difficulty in their case because they have had such a pension for some time.

[208] *Acts of the Thirty-ninth General Assembly*, Chs. 51, 252. As originally drafted this act would have raised the amount of the mother's pension to $4 a week.— Senate File No. 610.

[209] Senate File No. 386.

[210] *Acts of the Thirty-ninth General Assembly*, Ch. 225.

Among the pension bills which failed of enactment was one that proposed to allow all independent school districts of forty thousand population or over to establish a pension and annuity retirement system for teachers. As the law now stands only independent school districts with a population exceeding seventy-five thousand have this power.[211]

AGRICULTURE AND ANIMAL HUSBANDRY

No class of people in Iowa profited more by the legislation of the Thirty-ninth General Assembly than the farmers. Working through the powerful Farm Bureau Federation the agricultural interests secured the enactment of almost all the legislation they desired. The only measure actively supported by the Farm Bureau which was defeated was the mortgage foreclosure bill. This was a proposal to require thirty days notice before foreclosure of farm mortgages. Under the Iowa law, if the interest on a farm mortgage is not paid promptly on the date specified, both interest and principal become due and are subject to foreclosure. Many mortgages executed several years ago and bearing five per cent interest have found their way into the hands of remote parties unknown to the mortgagee. When the place of residence of the holder of a mortgage is unknown, interest has sometimes been withheld and the mortgage has become subject to foreclosure. Actual foreclosures have rarely occurred, however, because the holder of a mortgage usually forces a compromise by offering the alternative of a new mortgage at a higher rate of interest. The bill was opposed by the Bankers Association.[212]

Of the bills which were passed probably the most far-reaching are those which promote coöperation among the

[211] *Acts of the Thirty-seventh General Assembly*, Ch. 387. House File No. 302.

[212] Senate File No. 353; *The Des Moines Register*, March 12, 1921.

farmers. In 1915 the Iowa legislature authorized the organization of coöperative associations for conducting agricultural, dairy, mercantile, mining, manufacturing, or mechanical business. The aggregate par value of shares that may be owned by one stockholder was increased in 1921 from $1000 to $5000.[213] This coöperative association law, however, applied only to such associations as were incorporated and operated for pecuniary purposes. The farmers have also formed similar coöperative associations without capital stock and not operated for profit. An act of the Thirty-ninth General Assembly — modeled as much as possible upon the one of 1915 — authorized the incorporation of these mutual non-pecuniary associations, thus changing their general character from partnerships to corporations. While this law is obviously intended to benefit agricultural interests primarily, manufacturing and mining enterprises operated on the coöperative plan were included, as they were in the former coöperative association law of 1915, to avoid the criticism that this is class legislation. The object is not to give the farmers special privileges, but to provide a new method of doing business.

Such a corporation may be formed by five or more persons and, in addition to conducting business on a coöperative plan, may act as a coöperative selling agency for its members. The members must be actual producers or consumers of the commodity handled by the association: this includes landlords who receive part of the crop as rent. It is possible to form associations whose membership consists of other non-pecuniary coöperative associations, "the purpose being to federate local associations into central coöperative associations for the more economical and efficient performance of their marketing or other operations."

[213] *Acts of the Thirty-ninth General Assembly*, Ch. 251.

These associations may by contract require members to sell or buy all or part of specifically enumerated products exclusively through the association, and the association may collect damages from a member who fails to deliver or procure his supplies from the association. Money may be borrowed, and the personal liability of members may be limited to the amount of their membership fee. The costs of operation are met by dues, assessments, and service charges. Ten per cent of any annual surplus must be set aside as a reserve fund, between one and five per cent goes into an educational fund to be used for teaching coöperation, and the remainder is returned to members in the form of patronage dividends. The life of these associations is set at twenty-five years, but the term of their existence may be renewed by filing new articles of incorporation.[214]

Lest the non-pecuniary coöperative associations just described should appear to be engaged in restraint of trade, another act was passed which in a sense legalizes their activities. The members of all coöperative associations, whether operating for profit or not, were specifically authorized to act together "for the purpose of collectively producing, processing, preparing for market, handling and marketing the products of their members." It was thought that the formation of these associations engaged in collective bargaining would conflict with the State Constitution, and so the farmers organizations at one time favored a constitutional convention, but when it was ascertained that their purpose could be accomplished by legislation they lost interest in the convention.[215]

If somewhat less unique, the act of the Thirty-ninth General Assembly which regulates the operation of bonded warehouses for the storage of agricultural commodities is

[214] *Acts of the Thirty-ninth General Assembly,* Ch. 122.

[215] *Acts of the Thirty-ninth General Assembly,* Ch. 176.

probably of more immediate practical importance. This measure — passed without a dissenting vote — is a modification of the United States Warehouse Act. Anyone who has proper facilities for storing cotton, wool, grains, tobacco, and flaxseed may obtain a license to operate a bonded warehouse. Such a license is good for not over one year and can be granted only after the warehouse has passed inspection and the warehouseman has executed a good and sufficient bond to secure the faithful performance of his obligations. Licenses may also be obtained to classify, grade, and weigh agricultural products stored in a bonded warehouse, and all fungible products must be inspected and graded. While the products of each depositor are to be kept separate if possible, fungible products may be mingled by agreement, though in such cases the grain must be all of the same grade. Original receipts must be issued to each depositor by the warehouseman for all products actually stored and the form and contents of these receipts are specified by law. These bonded warehouse receipts are negotiable and therein lies the advantage to the farmer who is thus enabled to borrow and hold his grain for a better market. The entire administration of the bonded warehouse law is vested with the Railroad Commissioners.[216]

There has never been a comprehensive credit system for the benefit of farmers. If the warehouse act were to be of much financial benefit it was necessary to provide the means of disposing of warehouse receipts readily. This was done by an amendment to the law limiting the indebtedness of corporations — the first step toward a credit system for farmers. Companies with not less than $1,000,000 capital stock may issue debentures and bonds to the amount of one hundred per cent of the actual value of security in the form of rediscounted notes with bonded warehouse receipts

[216] *Acts of the Thirty-ninth General Assembly*, Ch. 119.

as collateral, upon which has been loaned not over seventy-five per cent of the market value of the commodity represented by the receipt. In the case of loans on live stock the bank may advance eighty per cent of the value of the live stock, rediscount the note, and the company may issue debentures in an amount not exceeding ninety per cent of the obligation. Debentures may be issued in the same percentage against obligations endorsed by a bank or secured by collateral authorized as investments for savings banks in Iowa. In compliance with the terms of this law the Iowa Farm Credit Corporation, composed of bankers and farmers throughout the State, has been organized with a proposed capitalization of $5,000,000.[217]

To facilitate the organization of these farm credit corporations capable of handling the rediscounted paper of live stock and warehouse receipt loans, State banks and trust companies are allowed to invest in one such corporation as much as ten per cent of their capital and surplus, subject to the approval of the Superintendent of Banking.[218]

A bill was introduced in both houses to create a rural credits system by reinvesting the Agricultural College endowment fund consisting of $750,000. An appropriation of $100,000 was proposed for the establishment of a department. The bill passed the House but was lost in the Senate Sifting Committee, while the Senate bill was recommended for indefinite postponement.[219]

The creation of a Department of Agriculture for the State to be known as the State Board of Agriculture of the State of Iowa was contemplated by a bill introduced in the lower house of the General Assembly. This bill was with-

[217] *Acts of the Thirty-ninth General Assembly*, Ch. 131.

[218] *Acts of the Thirty-ninth General Assembly*, Chs. 157, 161.

[219] House File No. 546; Senate File No. 552.

drawn by its author, but its provisions are noteworthy. The Board was to be composed of the Governor, the Attorney General, and the Dean of the State Agricultural College as ex officio members. Besides these there was to be one member elected by the presidents of duly accredited farmers' institutes and county fair boards from each of the congressional districts in the State. All members of the board were to serve without pay. They were to organize and elect a secretary, who was to be "a practical farmer and well versed in agricultural science", at an annual salary of $3600 and an assistant at $2500 together with other necessary assistants and clerks — the latter with consent of the Executive Council. The bill charged the board with the duty of supervising all of the legalized departments and institutions of the State which aim to encourage agriculture, except the State Agricultural College. It was to gather statistics relative to agriculture, publish an agricultural year book, conduct short courses in the various phases of farming in counties where fifty persons signified their desire to have such a short course, and constitute the board of directors of the State Fair. The bill further provided for an appropriation of $40,000 to carry out its provisions.[220]

The law relative to the State Horticultural Society was changed in several respects. According to a provision of the Code the purpose of the Society is to encourage the organization of district and county associations, to give such organizations representation in the State Society, and to further fruit and tree growing interests in every way. As restated by the Thirty-ninth General Assembly the "society shall encourage the affiliation with itself of societies organized for the purpose of furthering any horticultural, honey bee or forestry interest of the state." Formerly the officers to be elected at the annual meetings

[220] House File No. 727.

were enumerated and their terms of office prescribed. This has been changed so that instead of enumerating the officers to be selected the law merely states that the officers and board of directors are to be chosen in the manner and for the terms prescribed in the constitution of the Society. From the changes in various parts of the law it is evident that the Society now encourages forestry and the honey bee industry more than formerly, though its appropriation of $8000 for annual support remains the same as it was fixed by the Thirty-eighth General Assembly. Some changes were also made in the distribution of the reports of agricultural and horticultural societies. Three thousand copies will be printed instead of four thousand. Of these the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, and Attorney General, as well as each of the Judges of the Supreme Court and the members of the General Assembly, will receive one copy instead of six. The same number will be delivered to the county auditor and the county clerk. Iowa State College at Ames was formerly given one hundred copies while to the State University of Iowa were allotted five copies. Now, however, twenty-five copies will be given to each of these institutions and two to each incorporated college in the State.[221]

The salaries of inspectors and instructors for both the Iowa State Dairy Association and the Iowa Beef Cattle Producers' Association were raised from $2000 to $3000 annually. One or more inspectors may now be appointed for the Iowa Corn and Small Grain Growers' Association instead of two or more. The appropriation for these three associations, which was raised from $20,000 to $32,500 by the Thirty-eighth General Assembly, was not changed by the last legislature.[222]

221 *Acts of the Thirty-ninth General Assembly*, Ch. 254.

222 *Acts of the Thirty-ninth General Assembly*, Ch. 304.

Not least among the laws relative to agriculture enacted by the Thirty-ninth General Assembly is the act which rewrites and in a sense codifies the provisions relative to the Weather and Crop Service Bureau under the supervision of the State Board of Agriculture. It is not surprising then that the act as it now stands should be based to a certain extent upon the Code Commission bill, although a number of important sections were added by the legislature. In restating the existing law several important changes were made. The principal object of revision was to improve the weather and crop service by eliminating the county auditor and Secretary of the State Board of Agriculture from participating in the system of reports. The administration of the service is now centralized in the Director of the Bureau. He — not the auditors — is responsible for the distribution of blanks to the assessors for the collection of data, and the assessors report directly to him, instead of making their returns to the county auditor who in turn sent a summary to the Secretary of the Board of Agriculture for publication. The Director also represents and works in close coöperation with the United States Weather Bureau. It is hoped that the new organization will eliminate much inefficiency and make more accurate and up to date statistics available. The Bureau remains under the general supervision of the State Board of Agriculture. The former specifications in regard to the publication of reports were omitted. The appropriation for the Bureau which was raised from $2700 to $3700 annually in 1919 was further increased to $7500, including the salary of the Director which was fixed at not over $2520 a year.[223]

The law relating to the standards of purity of agricultural seeds was thoroughly revised as far as possible in conformity with the Model Seed Law recommended by the

[223] *Acts of the Thirty-ninth General Assembly*, Ch. 178.

National Association of Seedmen which was the basis of the Code Commission bill on this subject. The definitions of noxious weeds and of agricultural seeds were made more detailed and specific — quack grass and several varieties of mustard and thistles being specifically enumerated. The maximum penalty for violating the act was increased to a fine of not more than $500, and the Attorney General is directed to prosecute all violators. Prior to the revision of this law seeds sold for pasture or lawn purposes, and those marked "not absolutely clean" and held for sale outside of the State, were not subject to its provisions. Now the law contains elaborate provisions regulating the labeling of all agricultural seeds sold for seeding purposes. Indeed, the chief emphasis in the new statute is placed upon labeling rather than upon purity of seeds. Finally a very important provision in the new act provides that plants which threaten to become a menace to the agricultural industry may be placed in the category of noxious weeds without further legislative action. When it appears to the State Dairy and Food Commissioner, who is in charge of the administration of the act, that a plant is or threatens to become a menace to agriculture it is his duty to "call a committee of three experts in plant life, one of whom shall be the botanist of the state college of agriculture and mechanic arts", and if this committee reports to the Commissioner that such plant is a noxious weed he shall declare it to be so by posting a notice in the court house of every county, and thirty days afterward the provisions of the act shall also apply to that plant.[224]

Not alone did the Thirty-ninth General Assembly aim to prevent the growth of noxious weeds, but it amended the law relative to their destruction. The legislature which met in 1913 compelled owners of lands infested with noxious

[224] *Acts of the Thirty-ninth General Assembly*, Ch. 236.

weeds to destroy them before maturity after individual notice by the board of township trustees or the city council, depending upon the location of the land. If the owner failed to do so the authorities might do the work, assess the costs against the property, and serve a notice of the assessment. An amendment to this law provides that in cities and towns notice need not be given to each individual but a general notice requiring all property owners to destroy noxious weeds may be given by publication in the town newspaper or if there is none then by posting in three public places. Notices of assessment of costs may be given by mail.[225]

Since 1894 the law relative to partition fences has required owners of adjoining lands to erect and maintain partition fences between the lands if they derived revenue therefrom, unless the lands are used solely for timber. If the partition fence consisted of a hedge the owners were required to trim it once in two years to within five feet of the ground unless they agreed otherwise in writing and filed such an agreement with the township clerk. In the new law the mandatory provision for construction of fences is changed so that such construction is not necessary unless either land owner requests that it be done. Hedges used as partition fences must now be trimmed during the month of June and September of each year to within five feet of the ground unless owners otherwise agree in writing and file such agreement with the township clerk.[226]

The boards of supervisors in counties that have acquired real estate for county or district fair purposes and in which there is a fair association may levy a tax of one-half of one mill for the purpose of erecting and repairing buildings and making other permanent improvements. The limit on the

[225] *Acts of the Thirty-ninth General Assembly*, Ch. 280.

[226] *Acts of the Thirty-ninth General Assembly*, Ch. 76.

amount to be raised by the county as fixed by the Thirty-seventh General Assembly was $1000 annually.[227]

The Thirty-eighth General Assembly authorized the State to contribute certain sums to county or district fairs to be used for premiums. The State promised to contribute seventy per cent of the first $1000 and sixty per cent of subsequent amounts in excess of $1000 paid by the fair association as cash premiums, but not more than $1500 in any one year to any one fair. A bill was introduced in the Thirty-ninth General Assembly providing for the contribution by the State of eighty per cent on the first $1000, seventy per cent on the second $1000, sixty per cent on the third $1000, and forty per cent of all amounts in excess of $3000 paid in cash premiums at an annual fair. The proposed limit on the amount to be given to any fair in any one year was $5000. The purpose of this bill was to increase the aid to the small fairs and at the same time allow larger fairs such as the Oskaloosa Fair and the Waterloo Cattle Congress to derive a larger benefit. Supporters of the smaller fairs, however, were able to defeat the latter purpose of the bill by reducing the limit to be paid to any one fair in any one year to $2000. In this form the bill finally passed, so that although a greater advantage has been given to smaller fairs the larger fairs are not given much greater aid because eighty per cent of the first thousand plus seventy per cent of the second thousand plus fifty per cent of the third thousand in itself amounts to $2000, the specified limit. Thus, ten per cent of the third $1000 and the forty per cent of all amounts over $3000 as provided in the law have no force.

A number of sections were also added to the same law providing that the secretary of each society receiving money from the State shall file a statement with the board of

[227] *Acts of the Thirty-ninth General Assembly*, Ch. 213.

supervisors showing the legal disbursement of the money and that the president of the association may issue permits to persons who wish to sell fruit, provisions, and other lawful articles at the fair, appoint peace officers and otherwise guard against the violation of the provisions of this statute, and seize all intoxicating liquors and gambling devices as well as prevent the obstruction of thoroughfares leading to the fair grounds. Cities are prohibited from interfering with the management or conduct of a fair by ordinance while it is being held. A maximum penalty of three years imprisonment and a fine of $1000 is fixed for fraudulent entry of horses or entering them out of their proper class. The method of determining the class of a particular horse is based upon its previous public record. Due to a faulty repealing clause a number of existing sections of the law in this subject were reënacted.[228]

A lien held on the progeny of stallions or jacks shall now be in force for one year instead of for only six months, and the law specifically states that it shall not be lost because the progeny is sold, exchanged, or removed from the county. The new law prescribes a penalty of not less than $25 nor more than $50 fine for the sale, exchange, or permanent removal from the county of the animal subject to lien without the consent of the person who holds the lien.[229]

The manufacture, sale, and administering of anti hog cholera serum and hog cholera virus is now closely regulated by an act of the Thirty-ninth General Assembly which rearranges, restates, supplements, and amends the previous law on the subject — a measure advocated by the Farm Bureau with the hope of breaking the monopolistic control of the business. Manufacturers are required to pay a fee of $25 for each plant, and dealers are required to pay $15 for

[228] *Acts of the Thirty-ninth General Assembly*, Ch. 264.

[229] *Acts of the Thirty-ninth General Assembly*, Ch. 267.

each distributing agency or warehouse they propose to maintain, for which they will be given a permit to operate one year. Such permits will not be issued to dealers, however, unless a bond of $5000 is given which may be used to compensate persons damaged through fault of the dealer. Damages to the full amount can be recovered if they are due to the negligence of the manufacturer. In case of negligence, whether by dealers or manufacturers, permits may be revoked. It is not the purpose of this provision, however, to compel dealers and manufacturers to guarantee results. As was the case in the previous law only persons who hold a permit from the Commission of Animal Health are permitted to use these biological products, and according to the new act manufacturers and dealers must sell to all permit holders without discrimination in price. The penalty for violation remains unchanged.

The revised hog cholera serum law makes provision for instruction of individuals so as to enable them to administer the serum and virus to their own herds. This instruction is to be given under the direction of Iowa State College which is required to send an instructor to any county when seven persons make application and pay a fee of $5 to the county agent. The instructor will then hold a school of instruction, give necessary demonstrations, and conduct examinations the results of which he shall report to the Commission which may then issue permits to the persons instructed to use virulent blood or virus upon animals owned by himself. Similar schools of instruction will be held at Ames regularly twice a year and at other times upon application of ten persons without payment of fees. Persons, firms, companies, or corporations, who hold licenses to manufacture, sell, or distribute serum and virus are prohibited either directly or indirectly to solicit or attempt to induce any persons to make application for hold-

ing a school. The purpose of this provision is not to encourage farmers to treat their own diseased animals.[230]

The functions of the hog cholera serum laboratory at Ames were enlarged by the provision that the State Board of Education may use the laboratory for other purposes in the veterinary division as well as for the manufacture and distribution of hog cholera serum, toxines, vaccines, and other biological products. When the law relative to this laboratory was revised by the Thirty-ninth General Assembly the provision was omitted whereby the director was empowered to furnish serum to veterinarians at cost and sell the surplus outside of the State at a reasonable profit, and a provision to the effect that when an emergency is declared to exist by the State Board of Education serum may be furnished at cost by the director to any person, together with specific instructions for the use of the same. The money derived from this source constitutes the serum fund which may now be used for the maintenance and development of the laboratory, grounds, and buildings for any purpose in connection with the study, control, or treatment of animal diseases.[231]

To the act of the Thirty-eighth General Assembly relative to the control and suppression of contagious and infectious diseases among domestic animals was added a provision requiring the Commission of Animal Health to consider and act upon first those applications for the testing for tuberculosis of dairy herds from which milk and milk products are sold for human consumption in cities and incorporated towns.[232]

Another act which amends this same law increases the appropriation of $100,000 annually to $250,000 so that the

[230] *Acts of the Thirty-ninth General Assembly,* Ch. 173.

[231] *Acts of the Thirty-ninth General Assembly,* Ch. 274.

[232] *Acts of the Thirty-ninth General Assembly,* Ch. 44.

Commission of Animal Health may more effectively combat diseases among domestic animals.[233]

A third amendment to the act of the Thirty-eighth General Assembly relative to the control of diseases among animals provides that animals which have been placed under quarantine by the Commission of Animal Health because of tuberculosis, but left under direction of the owner and used for breeding purposes may not be made the basis for any claim against the State if they are later slaughtered. Records pertaining to animals affected with tuberculosis must be open for public inspection.[234]

An exception to the law requiring all bodies of dead animals to be disposed of by burning, cooking, burying, or rendering permits bodies of animals that have not died from a contagious disease to be fed to hogs. Vehicles used to transport carcasses of animals may not be driven on the premises of a farmer without his permission, nor may carcasses be unloaded except at the place of final disposal. After unloading, the wagon bed, wheels, coverings, the outer clothing of persons handling the dead animal, and the feet of horses drawing the vehicle must be disinfected.[235]

FISH AND GAME

Black bass may be taken from the waters in Iowa only by hook and line, and no commercial institution, restaurant keeper, or fish dealer may have in possession any of this variety of fish whether caught within or without the State, lawfully or unlawfully. One day's catch of black bass taken in a lawful manner may be sold by an individual to another individual for his family consumption in the locality where it was caught. A fine of $10 for each offense is the penalty

233 *Acts of the Thirty-ninth General Assembly*, Ch. 302.

234 *Acts of the Thirty-ninth General Assembly*, Ch. 194.

235 *Acts of the Thirty-ninth General Assembly*, Ch. 99.

fixed for violation of this law.[236] Another act forbids the taking of fish from any of the lakes of Iowa by trolling from a motor power boat.[237]

It is unlawful to kill raccoons between the first day of February and the fifteenth day of October.[238]

The Thirty-seventh General Assembly extended the closed season on prairie chickens until 1922, but the Thirty-ninth General Assembly changed the law so as to say that no person shall shoot, trap, or kill any prairie chicken prior to 1927. By virtue of the general law which fixes the open season for prairie chickens from September first to December first these birds are really protected until September 1, 1927.[239] Protection for imported game birds and quail was also extended from 1922 until 1927 — for the former until October first and for the latter until November first of that year.[240]

DRAINAGE LEGISLATION

Legislation regulating the drainage of swamp land has occupied the attention of almost every General Assembly in Iowa since 1862, but the construction of large ditches and extensive systems of tile drains is a comparatively new development, and being of recent origin much of the legislation relating thereto is naturally tentative in character, thus leading to continual revision. The Thirty-ninth General Assembly contributed its share of amendments.

Levees were specifically defined to include approved constructions to prevent the erosion of the banks of streams

236 *Acts of the Thirty-ninth General Assembly,* Ch. 256.

237 *Acts of the Thirty-ninth General Assembly,* Ch. 212.

238 *Acts of the Thirty-ninth General Assembly,* Ch. 87.

239 *Compiled Code, 1919,* Sec. 1124; *Acts of the Thirty-ninth General Assembly,* Ch. 25.

240 *Acts of the Thirty-ninth General Assembly,* Chs. 33, 85.

and the protection of wet and overflowed lands. This amendment makes possible important improvements along the Missouri River.[241]

For the purpose of keeping a complete record of all drainage projects and for accurate information in connection with the location of a new drainage district, the law now permits any person who has put in a private drainage system to have a plat of the same recorded. In accordance with this privilege the county recorder is required to keep a plat book for such plats and a record book to contain various facts concerning the private drainage systems recorded. The recorder is entitled to collect fees for this service.[242]

The fees allowable for the publication of notices in connection with the administration of drainage legislation were fixed at a maximum of thirty-three and one-third cents for each insertion of ten lines of type, instead of simply that amount for the ten lines without reference to the number of times they were inserted. The amendment performs the function of clarifying the former law, and possibly increasing the fee.[243]

A technical change in the statute regulating the assessment of costs and damages in a drainage district which is located in more than one county makes it necessary to publish the notice of the meeting of the boards of supervisors in *each* of the counties concerned.[244]

Another act relating to inter-county drainage makes clearer the duties of the respective county auditors in the matter of serving notice of the meeting of the boards of

241 *Acts of the Thirty-ninth General Assembly*, Ch. 45.

242 *Acts of the Thirty-ninth General Assembly*, Ch. 237.

243 *Acts of the Thirty-ninth General Assembly*, Ch. 130.

244 *Acts of the Thirty-ninth General Assembly*, Ch. 257.

supervisors for consideration of the petition for the establishment of such a drainage district.[245]

The Board of Supervisors can not name a date for the commencement of work on a drainage project that is prior to the date on which they fix the assessment.[246]

Drainage contractors have sometimes been seriously hampered in carrying ditches and levees across railroads and electric lines. To guard against such a contingency in the future and to facilitate coöperation between drainage contractors and railroads or electric companies, two acts were passed by the Thirty-ninth General Assembly. Upon fifteen days notice in the case of telephone, telegraph, or other electric lines and thirty days notice in the case of railroads, those companies must permit the passage of the contractor's equipment without dismantling it. The costs of crossing electric lines is payable by the contractor, but the costs incurred in crossing a railroad are considered a part of the company's damages — unless the railroad fails to give passage within the time allowed, in which case the railroad is liable for the costs. The engineer in charge of the drainage project is required to provide plans for the most economical and practicable method of passing equipment across highways and railroads.[247]

The time when the second installment of drainage assessments becomes due was changed from ten to twenty days after the work is half done and the third from ten to twenty days after the improvement is accepted by the supervisors. Furthermore, the county auditor is now required to notify the land owners within two days after the work is half done

[245] *Acts of the Thirty-ninth General Assembly,* Ch. 150.

[246] *Acts of the Thirty-ninth General Assembly,* Ch. 127.

[247] *Acts of the Thirty-ninth General Assembly,* Chs. 205, 206.

and again when it is accepted so that there can be no mistake about the date when the assessments are due.[248]

By virtue of an amendment, warrants drawn upon the funds of a drainage district are acceptable in payment of drainage assessments no matter in whose favor the warrants were originally drawn. Formerly such warrants were good for the payment of assessments only on land owned by the person to whom they were issued. Sometimes assessments have not been made until long after the drainage project has been completed. Thus, persons who received drainage warrants for damages or services were unable to cash them without heavy discounts. It is hoped that by making drainage warrants fully negotiable so far as payment of drainage assessments is concerned a better market for them will be created. Persons whose assessment exceeds their damages will probably buy drainage warrants to pay their assessment.[249]

Hitherto it has been permissible to pay drainage contractors either with warrants or improvement certificates, and now drainage bonds have been added.[250] Probably somewhat on account of this fact drainage bonds, or the proceeds from them, must henceforth be available for the use of the district at a date not later than ninety days after the actual commencement of the work. Moreover, these drainage bonds may now be issued not only when the district is established but also for the payment of any subsequent repairs or improvements.[251]

HIGHWAY LEGISLATION

The principal deficiency of the primary road law of 1919

248 *Acts of the Thirty-ninth General Assembly*, Ch. 214.

249 *Acts of the Thirty-ninth General Assembly*, Ch. 118.

250 *Acts of the Thirty-ninth General Assembly*, Ch. 116.

251 *Acts of the Thirty-ninth General Assembly*, Chs. 39, 124.

as demonstrated by two years of experience appears to have been in coördinating rural and municipal hard surfacing. At all events several acts of the Thirty-ninth General Assembly contribute to the solution of that problem.[252] The act of 1919, for example, gave the board of supervisors plenary jurisdiction to hard surface town streets which are continuations of primary roads, but the draining and grading of the street preparatory to hard surfacing as well as the maintenance of the paving was to be done at the expense of the town. In many instances this proved to be an expense which the town did not wish to undertake. Moreover, there was a strong feeling among many people who live in town that some of the money which accrues from the automobile tax should go to the improvement of streets instead of being spent almost entirely on country roads. Indeed, a bill was introduced in the Senate to apportion part of the proceeds from automobile licenses to cities and towns in proportion to their unpaved streets, but this measure was withdrawn late in the session.[253]

Two acts, however, were passed to alleviate the situation in towns. One, which was approved on March 22, 1921, relieves the towns of the obligation to drain and grade the street preparatory to paving and gives the supervisors the authority not only to pave town streets that are continuations of primary roads but to drain, grade, and gravel them as well — part of the expense being paid from the primary road fund.[254]

The other act further amended the regulations for hard surfacing in towns by making the jurisdiction of the supervisors in the matter of paving "subject to the consent and

[252] For a general summary of highway legislation see also the March-April number of the *Iowa State Highway Commission Service Bulletin, 1921.*

[253] Senate File No. 301.

[254] *Acts of the Thirty-ninth General Assembly,* Ch. 56.

approval of the council''. This simply preserves the jurisdiction of town officials over their streets.[255]

A slight concession was made for the benefit of cities. The act of 1919 contains a provision that the county supervisors can not drain, grade, or hard surface any highway within city limits. Under an act of the Thirty-ninth General Assembly, however, the county may pay for that portion of paving on extensions of primary roads within a city which is not especially assessable on property and would otherwise have to be met by a tax on the city as a whole. Such improvements must meet the approval of the county supervisors and the State Highway Commission, and payment is made from the primary road fund. This expenditure is permissible without a popular vote even though hard surfacing of primary roads has not been authorized in the county.[256]

In case a city does not wish to pave the streets which constitute main traveled highways into and out of the city the law now provides that such streets may be graveled. But part of the expense of such graveling will be paid from the primary road fund.[257]

The road law of 1919 provided that when a primary road was located along the corporate line of any city the county should have the power to pave it and charge the city with half of the expense. In this connection the Thirty-ninth General Assembly defined the word city in such a way as to include those operating under special charters.[258]

The statute on the purchase of gravel beds for road building material was amended to allow the county supervisors to purchase any number of acres in one place.

[255] *Acts of the Thirty-ninth General Assembly*, Ch. 104.

[256] *Acts of the Thirty-ninth General Assembly*, Ch. 230.

[257] *Acts of the Thirty-ninth General Assembly*, Ch. 138.

[258] *Acts of the Thirty-ninth General Assembly*, Ch. 145.

Formerly they were limited to five acres in one place by an act passed in 1913 when permanent road building activities were just beginning. In some counties which contain extensive gravel deposits it is profitable to erect a screening and washing plant to prepare the material for concrete work if the whole tract may be purchased. Due to a misunderstanding as to the use of primary road funds the original bill was amended by the addition of a provision requiring that half of the cost should be paid out of the primary road funds instead of all the expense being met from the county road funds. This is apt to result in confusion and the diversion of primary road funds from their proper use. Formerly the entire cost of gravel pits was paid from the county road funds and then the county reimbursed from the primary road fund for all gravel used on the primary road system.[259]

A measure which makes possible further centralization of road building in the county provides that the people in a township may vote to turn over to the county supervisors the work of grading, improving, and draining the township roads. This work, however, will still be paid for by the township, and while one of the anticipated advantages is a saving of money, the township may levy an additional tax of two mills if this arrangement is followed. The dragging and repair of township roads will continue under the control of the township trustees.[260]

In 1919 the State was made liable for highway improvement assessments against State property to the same extent as private property and in addition shared the remainder of the expense equally with the county. This arrangement has now been changed so that the State is liable only for its share (not exceeding fifty per cent) of the cost of draining,

[259] *Acts of the Thirty-ninth General Assembly*, Ch. 79.

[260] *Acts of the Thirty-ninth General Assembly*, Ch. 227.

grading, oiling, or paving a street or road adjoining a State institution. These improvements may be undertaken by a city, town, or county without the consent of the State authorities. Whenever a road which is being improved extends through State property, the State is liable for the entire cost of the improvements through that property as it was under the law of 1919. The former law, however, did not cover improvements undertaken by towns.[261]

The purpose of the law prohibiting trees and shrubbery along a highway, except certain hedges and windbreaks, was made clearer by excluding them also from "within the limits" of the highway.[262]

The compensation of commissioners to locate a road was changed from $2 a day to a sum not over $3 a day to be fixed by the county supervisors, plus ten cents for each mile travelled in going to and returning from the place.[263]

Ninety-four per cent of the proceeds from the automobile tax go into the primary road fund, and the State Highway Commission will now be responsible for apportioning this fund among the counties. This function has practically been performed by the Commission heretofore, though technically it was done by the State Treasurer. Some changes were made in the law specifying the methods of accounting for the primary road fund. It appears that, although the law did not so provide, some counties have issued certificates in anticipation of allotments of funds. This practice was legalized and definite regulations for such actions in the future were adopted.[264]

Various items of current expense in the maintenance of primary roads, such as labor and freight, should be paid

261 *Acts of the Thirty-ninth General Assembly,* Ch. 207.

262 *Acts of the Thirty-ninth General Assembly,* Ch. 277.

263 *Acts of the Thirty-ninth General Assembly,* Ch. 272.

264 *Acts of the Thirty-ninth General Assembly,* Ch. 188.

promptly. For that purpose the State Treasurer was directed to set aside a revolving primary road contingent fund of $150,000. This fund is maintained from the money in the primary road fund. In connection with the administration of this fund it was deemed necessary that the auditor of the State Highway Commission should be under $10,000 bond.[265]

Hitherto interest on special assessments against property for hard surfacing has begun to accrue from the date on which the levy was made. By the terms of an amendment such interest charges will not begin until twenty days after the date of the levy.[266]

Bonds for the improvement of primary roads were declared to be general obligations of the county. If there are not sufficient funds to retire such bonds when they mature the board of supervisors is required to refund them by issuing county funding bonds. This was made retroactive.[267]

One of the most important changes in the road law is in the act which authorizes the use of primary road funds for the elimination or improvement of railroad crossings and the construction of bridges and culverts on the primary road system. This measure was vigorously opposed in the legislature, chiefly on the ground that it diverts the highway improvement funds contributed by the Federal government to a purpose for which they are not intended; but the measure passed both houses by very decisive votes.[268]

The maximum amount of money which may be appropriated for a bridge without a vote of the people was changed

[265] *Acts of the Thirty-ninth General Assembly*, Ch. 220.

[266] *Acts of the Thirty-ninth General Assembly*, Ch. 50.

[267] *Acts of the Thirty-ninth General Assembly*, Ch. 215.

[268] *Acts of the Thirty-ninth General Assembly*, Ch. 20; *The Des Moines Register*, February 18, 1921.

from $25,000 in counties with a population under 15,000, and $35,000 in the other counties to $50,000 in all counties. If a bridge is located on a county line, however, the maximum amount for each county is $25,000; whereas before it was $15,000 or $20,000 depending on the size of the county.[269] If adjoining counties began the construction of a bridge on the county line prior to January 1, 1921, and the cost has exceeded the amount allowed under the former law ($15,000 or $20,000), such a deficiency to the extent of $5000 may be met with money from the county bridge funds.[270]

A measure which is intended to keep the roads in better condition during the winter provides that after January 1, 1923, no new, first hand bobsled or "draft sleigh" shall be sold for use in Iowa or used on the highways of this State unless the opposite runners are four feet and eight inches apart. To guarantee observation of the law there is a maximum penalty of $25 fine for violation.[271]

MOTOR VEHICLES

Nine out of eleven acts relating to motor vehicles that were passed by the Thirty-ninth General Assembly are amendatory to the comprehensive statute on that subject enacted in 1919. The large number of amendments can be explained perhaps by the fact that the decentralized method of registration and collection of automobile license fees provided for by the Thirty-eighth General Assembly was new and experimental in this State. Naturally all the exigencies could not be foreseen. There were also a few technical errors to be corrected — as for example, the substitution of the word "data" for "date" in line thirty-two, section 22, chapter 275 of the *Acts of the Thirty-eighth*

269 *Acts of the Thirty-ninth General Assembly*, Ch. 107.

270 *Acts of the Thirty-ninth General Assembly*, Ch. 328.

271 *Acts of the Thirty-ninth General Assembly*, Ch. 110.

General Assembly. One of the amendatory acts of 1921 contains twenty sections, of which eighteen make changes in the law of 1919.

To the persons included in the definition of chauffeur were added those engaged as drivers of hearses, ambulances, consolidated school busses, passenger cars, trucks, light delivery, and similar conveyances. Employees who drive motor trucks for farmers and business concerns have not been considered chauffeurs, but under the terms of the new law only those who operate trucks for farmers are not classed as chauffeurs. A "used car dealer" was defined and various provisions of the motor vehicle law were made applicable to such dealers.

The county treasurer must forward to the Secretary of State a duplicate receipt for applications for licenses for trailers instead of the original applications. Thus, it appears that the original applications will now be on file at the county seat instead of at Des Moines. The Thirty-eighth General Assembly empowered the county treasurer to register and assign numbers to motor vehicles, but made it the duty of the Secretary of State to register and number trailers. This obvious inconsistency was corrected by giving the county treasurer the same jurisdiction over trailers as over motor vehicles. The letters "U. D." must now appear upon the numbers issued to used car dealers in the same manner that the letter "D" appears on number plates issued to concerns dealing in new automobiles. Whenever any manufacturer, dealer, and used car dealer are the same concerns they must apply for both "D" and "U. D." number plates and shall be assigned the same number for both sets. Duplicate numbers for general licenses of automobile concerns and used car dealers may now be obtained for $3 a set as contrasted with the former fee of $15. "D" or "U. D." plates may not be used, however, on the service

trucks of automobile concerns or on the sales cars of dealers or manufacturers of accessories. The certificate container must be attached to the vehicle in front of the driver's compartment so that it may be seen by anyone passing to the right of the vehicle. License plates and certificates of registration must be removed from cars that are sold outside of the State and surrendered to the county treasurer for destruction.

Delinquencies, according to the revised law, begin and penalties accrue the first month following the purchase of a new vehicle or the first month after cars are brought into the State. It is no longer the duty of the Secretary of State each year to furnish to the county treasurer a list of cars for which the fee has not been paid. In publishing the list of delinquencies the county treasurers need not include the cars held or used by dealers if they have been registered with him: used car dealers must report all cars held by them before the fifth of January each year. One-half of one per cent of fees and penalties must be forwarded to the Secretary of State to be used in paying refunds. The Secretary of State was vested with authority to determine the form of remittance sheets.

On behalf of better roads the practically meaningless provisions of the law regulating the load weight per wheel were made more explicit. According to the new law the total weight on any wheel may be only eight hundred pounds per inch width of tire measured between the flanges of the rims. No distinction is made, however, between weights on hard surfaced, gravel, and dirt roads. Formerly eight hundred pounds per inch width of tire in contact with the ground was allowed on each wheel on hard surfaced roads with a concrete base, and only four hundred pounds for roads with dirt or gravel surface.

Garage records must be signed by the car owner or in

the owner's name by the driver, and each record must be verified by the director of the garage. Manufacturers and dealers may have automobile light lenses examined by the State Highway Commission to decide whether they comply with the law. If they do, such lenses are to be placed upon the approved list which must be furnished to the county treasurers by the Department of State, and the use of any such lenses is to be presumed lawful. The fee for each examination of lenses is $25, and the money thus obtained is to be applied to the primary road fund.[272]

A bill containing twenty-five sections proposed to revise the method of licensing motor vehicles. The most interesting change suggested was to number automobiles by counties so that each car would bear the county number and its own serial number.[273]

Six of the nine acts amendatory to the motor vehicle law of 1919 relate to license fees. All licenses expire at the end of the calendar year and the amount of the fee is now based upon the length of time that the license will be valid. If a vehicle is registered in April, May, or June, the fee is three-fourths of the annual charge; in July, August, or September, the amount is one-half; in October or November, it is one-fourth; while cars are registered in December free of charge for that year.[274] Under the law of 1919 the minimum fee charged for any vehicle was fixed at $10. This provision still holds for full year licenses, but provision is made whereby cars may be licensed for less than that amount for part of a year.[275]

The automobile tax in Iowa is comparatively high — in the opinion of most motorists much too high, especially

[272] *Acts of the Thirty-ninth General Assembly*, Ch. 159.

[273] House File No. 533.

[274] *Acts of the Thirty-ninth General Assembly*, Ch. 16.

[275] *Acts of the Thirty-ninth General Assembly*, Ch. 72.

upon old cars. A bill proposing relief in this direction by reducing the license fee ten per cent annually until it reached thirty per cent of the original was considered in the Senate but finally withdrawn.[276]

County treasurers were authorized by an act approved on the third day of the session to keep ninety-four per cent of all fees and penalties collected on motor vehicles until April 16, 1921.[277] Another measure was passed toward the close of the session. It requires the treasurer in each county to retain and report the total amount collected to the Secretary of State who in turn reports the amount to the State Treasurer. The latter officer is required to keep in the State Treasury from this money a balance of not over $500,000. When this balance goes below $100,000 he must draw upon the county treasurers, in proportion to the amount held by each, a sum of money sufficient to replenish the fund. Ninety-four per cent of the revenue derived from automobile licenses still goes into the primary road fund which is apportioned by the State Highway Commission among the counties in proportion to their area.[278]

A fee of twenty-five cents is to be retained from the total amount collected by the county treasurer for each license issued, and this sum is to be credited to the fund of each county for the payment of salaries, postage, and other office expenses incurred in the collection of motor vehicle licenses.[279]

The schedule of license fees for trailers was revised. All trailers weighing less than one thousand pounds or with a

[276] Senate File No. 282.

[277] *Acts of the Thirty-ninth General Assembly*, Ch. 1. The remaining six per cent accrues to the State as follows: two and one-half per cent for the support of the State Highway Commission and three and one-half per cent for the maintenance of the State motor vehicle department.

[278] *Acts of the Thirty-ninth General Assembly*, Ch. 155.

[279] *Acts of the Thirty-ninth General Assembly*, Ch. 68.

loading capacity of less than one thousand pounds are not required to pay any license fee. Under the former statute a license fee was charged for all trailers. Those with all pneumatic tires having a loading capacity of less than six tons were licensed for sums varying from $10 to $60. The new schedule for this class of trailers begins with a license fee of $10 for those with a loading capacity of one-half of a ton and ends with a fee of $60 for those with a capacity of not more than seven tons. Trailers with two or more solid rubber tires with loading capacities of less than six tons were licensed under the old law for sums varying from $10 to $70, while at present the license fees for this class with capacities ranging from one to seven tons vary from $5 to $70. Trailers with iron, steel, or hard tires with a loading capacity of from one to three tons may obtain a license for an amount ranging from $15 to $30. Under the old law such trailers with capacities ranging from one-half ton to two tons were licensed for fees ranging from $3 to $30.[280]

The county treasurer must now be supplied with an impression seal which is to be affixed to each registration certificate. This is the only use that the county treasurer has for such a seal.[281]

No one is allowed to sell motor vehicles unless such vehicles are equipped with proper rear and head lights. Penalties in the form of fines will be imposed upon offenders.[282]

The date for manufacturers to file lists of models, weights, and prices of cars was changed from June 1st of each year to September 1st.[283]

Automobile drivers who have caused an accident must

280 *Acts of the Thirty-ninth General Assembly*, Ch. 253.

281 *Acts of the Thirty-ninth General Assembly*, Ch. 141.

282 *Acts of the Thirty-ninth General Assembly*, Ch. 219.

283 *Acts of the Thirty-ninth General Assembly*, Ch. 168.

now furnish necessary aid to the person injured, report the accident to the nearest peace officer and to the county attorney or the county sheriff, and give his name, his complete post office address, and the registration number of the car.[284]

RAILROADS

Although not all of the important measures relating to railroads which were considered by the legislature were adopted the number of acts on that subject is nevertheless rather large. Safety, both for travel on the railroads and across them, seems to have been uppermost in the minds of the legislators.

The law relative to interlocking switches where two or more railroads cross each other was elaborated. The approval of the Railroad Commission is still required before such devices may be installed and after installation they can not be put into operation until they have been inspected and a certificate of approval has been issued by the Railroad Commission. All contemplated changes in such devices must be approved before being installed; any interlocking switch or other safety device which is deemed to be unsafe or dangerous may be condemned; and the installation of an interlocking system or safety device may be ordered by the Railroad Commission.[285]

Where the tracks of an interurban railway cross those of a steam railway the law formerly required the interurban cars to stop when within fifty feet of the track crossing and to proceed only after being signalled that the track was clear. The law was amended so as to bring all such crossings under jurisdiction of the Railroad Commissioners who may order steam railways to make the stops and regulate

[284] *Acts of the Thirty-ninth General Assembly*, Ch. 154.

[285] *Acts of the Thirty-ninth General Assembly*, Ch. 247.

the speed at the crossings. Prior contracts existing between steam and interurban roads are not affected by this act.[286]

The ever increasing use of automobiles and the consequent increase in the number of accidents has made it necessary for the legislature to pass laws from time to time which will promote the safety of travel upon the highways, especially at railroad crossings. Two such measures, the object of which was to promote safety at railroad crossings outside of cities and towns were considered by the Senate.[287] One of these provided that danger signs should be erected at all crossings at the expense of the railroads. A zone of three hundred feet in length on each side of the track was designated as a danger zone. While in this area automobiles were not to run at a greater speed than ten miles an hour and no driver was to be allowed to pass another going in the same direction. If the Railroad Commission should deem the crossing especially dangerous drivers might have been required to come to a complete stop within the danger zone before crossing the tracks. A clause was added during the debate providing that this would not exempt or relieve railroads from liability for injuries caused by collision of trains and automobiles. Nothing came of this bill, however, because after it had passed the Senate the vote was reconsidered and the measure failed.[288]

Senate File No. 376 aimed to accomplish the same end by requiring the State Highway Commission and other authorities in charge of road construction and maintenance to

[286] *Acts of the Thirty-ninth General Assembly*, Ch. 34.

[287] For a discussion of the legislation relating to safety devices at railroad crossings in cities and towns see the topic Municipal Legislation.

[288] Senate File No. 375; *Senate Journal*, 1921, pp. 776, 779, 924; *The Des Moines Register*, March 11, 1921.

construct a hump across the road between fifty and one hundred feet on each side of the crossing. This hump, the bill provided, should be constructed out of concrete or other suitable material and be not less than seven and one-half feet wide across the base, sloping ten degrees on each side and meeting in a rounded apex formed to a radius of two feet at the top. The hump was to be at least six inches thick at the toe and sixteen inches thick at the center. The apex of the hump was to rise six inches above the surface of the road. Signs to tell of the location of the hump were to be erected about one hundred and fifty feet down the road. The Senate postponed this bill indefinitely.[289]

Every railroad at least seventeen miles in length when so ordered by the Board of Railroad Commissioners is now required to maintain two passenger trains each way every twenty-four hours. The law formerly required railroads of more than twenty-five miles in length to maintain such passenger service, but the mileage was reduced to include a short line in Allamakee County and another in Clayton County.[290]

If another bill relative to passenger service on railroads had passed, all railroads that charge three and six-tenths cents per mile as interstate passenger rates would have been required to turn over to the State the proceeds from the six-tenths of a cent and retain only three cents of the rate.[291]

Several acts concerning various other phases of railroad transportation change or supplement the existing law. Jurisdiction over investigations of the valuation of property of common carriers and matters pertaining to it was transferred from the Governor to the Board of Railroad

[289] Senate File No. 376.

[290] *Acts of the Thirty-ninth General Assembly*, Ch. 153.

[291] House File No. 487.

Commissioners.[292] Common carriers, except street railway companies, that own property liable to assessment for public improvement must be notified of such assessment by registered letter at least ten days before the assessment is made if they have filed with the city clerk or county auditor a statement containing a description of the property and the name of the person to be notified.[293] Railroad companies and other common carriers are forbidden to appropriate coal or other fuel for their own use which is consigned to them for shipment, unless they have first obtained permission to do so from the Railroad Commission. If fuel is appropriated the owner, at the discretion of the Railroad Commission, must be notified and paid for his property. No fuel consigned to the State or to any public utility can be taken by a common carrier under any circumstances.[294]

When spur tracks of not over three miles in length are required for the successful operation of industrial establishments railroad companies are required to construct such tracks and charge the cost of right of way and construction to those who require it. Other establishments wishing to connect with these spurs later may be charged a proportionate share of the construction cost.[295] The construction specifications of caboose cars on freight trains were supplemented by a provision requiring all cars used for that purpose to be equipped with a cupola and necessary closets and windows.[296] An annual appropriation of $30,000 was made to enable the Railroad Commission to

[292] *Acts of the Thirty-ninth General Assembly*, Ch. 337.

[293] *Acts of the Thirty-ninth General Assembly*, Ch. 196.

[294] *Acts of the Thirty-ninth General Assembly*, Ch. 285.

[295] *Acts of the Thirty-ninth General Assembly*, Ch. 86.

[296] *Acts of the Thirty-ninth General Assembly*, Ch. 195.

prepare and submit cases involving rates or services affecting Iowa, to investigate and determine all cases within its jurisdiction, and to defray the general expenses of railroad administration.[297]

Iowa as one of the Mississippi Valley States is vitally interested in a direct waterway from the Mississippi River to the Atlantic Ocean. The establishment of such a route would have a revolutionary effect upon the railroads and transportation of this State. Under the leadership of James B. Weaver of Des Moines a concurrent resolution was passed by the Thirty-ninth General Assembly reciting the importance of building the Great Lakes and St. Lawrence Waterway and petitioning the congressmen from this State to give it their support. A little later in the session Mr. Weaver proposed a bill which was introduced by the committee on appropriations, appropriating $5000 annually for the next two years that Iowa may coöperate with other States in supporting this project. The measure passed both houses by overwhelming majorities.[298]

BANKS AND BANKING

The bankers of Iowa seem to be very well satisfied with the banking laws of the State. In 1921 only four bills were proposed by the legislative committee of the Iowa Bankers Association, three of which became laws. One prescribes a penalty of $10 for each day that a savings or State bank is delinquent in filing the quarterly statement or any other report with the State Superintendent of Banking. Heretofore there has been no penalty.[299] Another act declares that a statement of the condition of a bank published by the

[297] *Acts of the Thirty-ninth General Assembly*, Ch. 309.

[298] *Acts of the Thirty-ninth General Assembly*, Ch. 339; *House Journal*, 1921, pp. 1071, 1072; *Senate Journal*, 1921, p. 934.

[299] *Acts of the Thirty-ninth General Assembly*, Ch. 69.

Superintendent of Banking shall not contain an itemized statement of the reserve, but the total amount of cash on hand and due from Banks may be shown in one sum.[300]

In 1919 Iowa savings banks were permitted to use a sliding scale for determining the number of directors, similar to the plan followed by national banks. A bill extending the same privilege to State banks, which passed the Senate but died in the House Sifting Committee during the session of 1919, was enacted by the Thirty-ninth General Assembly. There may not be less than five directors, however, nor more than the maximum number fixed by the articles of incorporation.[301]

The fourth measure proposed by the Bankers Association was a requirement that the minimum capital of new savings banks should be $50,000 in cities of over three thousand population and $25,000 in other places. A bill to that effect passed the House, but the Senate struck out the enacting clause.[302]

The Thirty-eighth General Assembly specifically exempted banks from paying taxes on Liberty bonds owned by them. The State Supreme Court, however, in the case of the Des Moines National Bank *vs.* Thomas Fairweather, et al., declared this act to be unconstitutional on the ground that the title of the act was defective. Instead of reënacting this law in conformity to the opinion of the court, the Thirty-ninth General Assembly repealed the law — probably because there was such an emphatic protest against the exemption of banks from paying taxes on that kind of property.[303]

300 *Acts of the Thirty-ninth General Assembly,* Ch. 71.

301 *Acts of the Thirty-ninth General Assembly,* Ch. 70.

302 House File No. 824.

303 *Iowa Bankers Association Bulletin,* No. 874, pp. 2–5, March 1, 1921; *Acts of the Thirty-ninth General Assembly,* Ch. 15.

State banks and trust companies were authorized to invest an amount not exceeding ten per cent of their capital stock and surplus in the capital stock of foreign trade financing corporations organized under the terms of the Edge Act (Section 25-a of the Federal Reserve Act). The privilege of investing the same amount in farm credit corporations has been discussed in connection with the legislation relative to agriculture, but no bank may invest an aggregate exceeding twenty per cent in both such corporations.[304]

BUILDING AND LOAN ASSOCIATIONS

Two acts of the Thirty-ninth General Assembly affect building and loan associations. No person has been permitted to hold more than $10,000 worth of stock in any such association — a provision which was enacted at a time when no building and loan association in Iowa had assets exceeding $1,000,000; but now if an association has assets exceeding $1,000,000 — and there are several — one person may hold stock to the value of one per cent of its assets, which is simply extending the same ratio above $1,000,000 as $10,000 bears to $1,000,000. This will enable such associations to extend their operations to apartment houses and store buildings. The disability of owners of fully paid up stock to vote at a stockholders' meeting was removed. With the tacit consent of parent or guardian minors may become members of a building and loan association. This will make it possible for a person to invest in such stock in the name of his children.[305]

The expenditures of building and loan associations for management are limited by law. Under the terms of this statute as amended by the Thirty-ninth General Assembly the maximum percentages for associations with assets

[304] *Acts of the Thirty-ninth General Assembly*, Chs. 157, 161.

[305] *Acts of the Thirty-ninth General Assembly*, Ch. 258.

under $500,000 remain the same, but the percentages of expenses of all associations with assets over $500,000, instead of being fixed at two per cent with a maximum of $12,000, are placed on a sliding scale. Associations with assets between $500,000 and $800,000 are allowed to spend one and three-quarters per cent; those with assets between $800,000 and $1,000,000 are allowed to spend one and one-half per cent; and those with assets in excess of $1,000,000 are allowed to spend one per cent. Thus the associations with assets close to the maximum in their class may actually spend a larger amount than those with assets close to the minimum of the next higher class. For example, an association with $900,000 assets may spend $13,500 for management, while one with $300,000 more assets is limited to $12,000. The new arrangement is, however, a distinct advantage to associations with assets exceeding $1,200,000. Another amendment in the same statute makes it possible for a building and loan association as such, as well as a shareholder or borrower in the name of the association, to recover any compensation paid to officers, employees, or agents for services not actually rendered.[306]

BUSINESS, TRADE, AND COMMERCE

For several years the health and safety of hotel guests has been protected by laws regulating fire escapes and sanitation.[307] Now restaurants, which have hitherto been under the "Food Sanitation Law" administered by the Dairy and Food Commissioner, are brought under the provisions of the law regulating hotels. Persons who engage in the business of conducting a restaurant, cafe, cafeteria, dining hall, lunch counter, lunch wagon, or any place where food is

[306] *Acts of the Thirty-ninth General Assembly,* Ch. 269.

[307] *Acts of the Twenty-ninth General Assembly,* Ch. 150; *Acts of the Thirty-fifth General Assembly,* Ch. 186.

served for pay — except churches, fraternal societies, and civic organizations — must procure an annual license for which a fee of $3 is charged. The proceeds from license fees are placed in the hotel inspection fund up to the sum of $10,000. Sanitary conditions are specified by law, and the inspector of hotels is made responsible for the issuance of licenses, the enforcement of the regulations, and the inspection of restaurants. Penalties are prescribed both for false reports by inspectors and violation of regulations by restaurant keepers. In extreme cases the further operation of a restaurant may be enjoined.[308]

The statute limiting the liability of hotel keepers for the loss of valuables by their guests was entirely rewritten. The keepers of hotels, inns, eating houses, and steamboat owners are not liable for losses of money, jewelry, precious stones, personal ornaments, or papers suffered by any patron to an amount exceeding $100, unless they have refused the custody of such articles. If they do provide safes for such purposes they are not required to keep more than $500 worth of such property. The liability for the loss of baggage is the same as that of a depository for hire, and the maximum amount for each type of baggage is named in the law. The terms of the new law are similar to those in most of the other States. The more limited liability is justified on the basis that all patrons must be treated alike and the modest guest pays the same rate, including the insurance of the hotel keeper's risk, as the guest who carries much valuable jewelry.[309]

The small loan business has been put on a reputable basis in Iowa by the adoption of the Uniform Small Loan Law, sponsored by the Russell Sage Foundation. This measure backed by social workers, the Iowa State Federa-

[308] *Acts of the Thirty-ninth General Assembly*, Ch. 199.

[309] *Acts of the Thirty-ninth General Assembly*, Ch. 100.

tion of Labor, and numerous public welfare organizations is in force in about twenty States and is intended to eliminate the loan shark, thus saving small borrowers thousands of dollars in interest. According to the terms of the law all persons — except banks, trust companies, building and loan associations, licensed pawnbrokers, and Morris plan concerns — who engage in making loans of $300 or less must secure a license from the State Superintendent of Banking and submit to inspection, or be restricted to the legal rate of eight per cent interest. The issuance of such a license is contingent upon the person making application, filing a bond for $1000, and paying a fee of $100. Persons who secure such a license are entitled to charge as much as three and one-half per cent a month, but this interest can not be collected in advance or compounded, and must be computed on unpaid balances. No charge in addition to interest is permissible. The borrower is further protected by the requirement that all terms of agreements must be in writing and receipts given for all payments. Not more than ten per cent of the borrowers' salary or wages may be pledged for the payment of such loans. Violation of the law involves a maximum penalty of $500 fine or six months in jail, or both.[310]

The tax on peddlers plying their trade in the country was revised to cover motor vehicles — both motor cycles and automobiles.[311]

Gasoline pumps or meters were made subject to the statute requiring automatic weighing machines to be licensed by the Dairy and Food Commissioner.[312]

The regulations governing the use of trade marks and

[310] *Acts of the Thirty-ninth General Assembly*, Ch. 35; *The Des Moines Register*, March 14, 1921.

[311] *Acts of the Thirty-ninth General Assembly*, Ch. 52.

[312] *Acts of the Thirty-ninth General Assembly*, Ch. 182.

labels was revised at the request of the Secretary of State who is responsible for preventing the false use of such forms of advertisement. The amended statute requires labels and trade marks to be distinctive and bear no near resemblance to any other. Under the former law the Secretary of State had very limited authority; but now he has power to decide when labels and trade marks are legitimate or not, and alterations and modifications must be approved in the same manner as originals. The former statute applied specifically to labor unions, but as the law now stands labor unions are presumed to be included under the term "associations".[313]

Two acts of the Thirty-ninth General Assembly amend the law relating to the bonds of public contractors as enacted by the Thirty-eighth General Assembly. Contractors are required to give bond when the price of the public work exceeds $1000, and the law now covers contracts for maintenance as well as those for construction, finishing, furnishing, or repairing. But the amount of the bond may be as low as seventy-five per cent of the contract price, whereas a bond equal to the contract price has hitherto been required. The surety upon the bond need not be a surety company, but if not the party must be a resident of the State and be worth double the amount secured.[314] The period during which a claim may be filed against a public contractor was extended from sixty days to four months after the work is finished.[315]

The very prosperous business of selling fraudulent securities and the promotion of spurious enterprises led inevitably to blue sky legislation. Senator Joseph R. Frailey introduced a bill similar to the Maryland Fraud Act and

[313] *Acts of the Thirty-ninth General Assembly*, Ch. 29.

[314] *Acts of the Thirty-ninth General Assembly*, Ch. 28.

[315] *Acts of the Thirty-ninth General Assembly*, Ch. 147.

the Volstead measure before Congress providing a heavy penalty for violations of the Blue Sky Law, but this bill was indefinitely postponed.[316]

Previous to the convening of the Assembly a very comprehensive measure regulating stocks, bonds, securities, and investment companies was prepared in the office of the Secretary of State. The bill was thoroughly revised by the Judiciary Committees with the assistance of the attorneys of the Iowa Farm Bureau Federation, the Iowa Bankers Association, and other interested parties. In its revised form it passed the House without a dissenting vote. In the Senate, however, considerable opposition was encountered, and a series of amendments to the existing Blue Sky Law were adopted. Some of the more important features added by the new legislation were the limitation of the promotion fee to ten per cent of the selling price (except Iowa industrial concerns which may not exceed fifteen per cent); the insertion of a heavy penalty clause; the prohibition of resale contracts under various conditions; forbidding State officials or employees from using their names in any official capacity for the recommendation of any company; making the activities of so-called "bird-dogs" or secret agents a misdemeanor; and increasing the fee for the examination of investment companies from $6 to $10 a day and the fee for registering agents from $1 to $3.[317]

The construction, maintenance, and operation of electric lines was placed under the supervision of the Railroad Commissioners.[318]

CORPORATIONS

The potential autocracy of incumbent officers of corpora-

[316] Senate File No. 577.

[317] *Acts of the Thirty-ninth General Assembly*, Ch. 189.

[318] *Acts of the Thirty-ninth General Assembly*, Ch. 262.

tions has been jeopardized. That the stockholders may exercise their initiative the secretary of each corporation, if requested to do so, is required to furnish to stockholders between thirty and sixty days preceding the annual meeting a list containing the names of the stockholders, their address, and the number of shares held by each. Such a request has sometimes been refused in the past.[319]

Hitherto foreign mercantile and manufacturing corporations doing business in Iowa have not been obliged to file a copy of their articles of incorporation with the Secretary of State and obtain a permit, but an act of the Thirty-ninth General Assembly makes that requirement applicable to all foreign corporations doing business in this State. Furthermore, some new provisions were added which govern law suits to which foreign corporations are a party.[320]

A number of other acts of the Thirty-ninth General Assembly pertain to particular kinds of corporations. Such laws are reviewed in connection with the various subjects to which they relate.

INSURANCE

To prevent fraud in the organization of insurance companies, the supervision of their organization and the sale of stock and other securities of either domestic or foreign insurance companies was placed under the control of the Commissioner of Insurance. The maximum amount that insurance companies are allowed to spend in promoting the sale of stock is fixed in this law at fifteen per cent of the subscription price of the stock. Any violation of the prescribed regulations constitutes a criminal offense, and buyers of stock wrongfully sold may collect damages to the full amount of the stock purchased. Appeals from orders

[319] *Acts of the Thirty-ninth General Assembly*, Ch. 208.

[320] *Acts of the Thirty-ninth General Assembly*, Ch. 139.

of the Insurance Commissioner may be taken to the district court.[321]

Since April 16, 1921, the issuance or sale of stock as an inducement to facilitate the sale of insurance has been illegal in this State. Moreover, no insurance company which issues stock for that purpose is permitted to do business in Iowa, but this does not apply to existing Iowa companies during 1921.[322]

Various kinds of insurance companies were required to increase the amount of their capital stock. Any domestic insurance company authorized to insure against the risks enumerated in subsection five of section 5627 of the *Compiled Code* may also insure persons against loss or injury caused by the explosion of steam boilers and insure plate glass against breakage, if they possess $250,000 paid up capital stock. Formerly only $150,000 of paid up capital stock was required. Stock life insurance companies which were hitherto allowed to do business when only twenty-five per cent of their required $100,000 capital stock was paid up must now have the full amount paid up. Notes in payment for stock in such companies will no longer be accepted. No insurance company, other than life, incorporated to do business upon the stock plan, is allowed to operate with less than $200,000 paid up capital stock. This provision doubles the previous requirement. Furthermore, any increase in capital stock must also be fully paid up in cash, and before a certificate of authority is applied for and issued such a company must possess a surplus in cash or invested securities equal to twenty-five per cent of the capital.[323]

[321] *Acts of the Thirty-ninth General Assembly,* Ch. 224. The Blue Sky Law, which is administered by the Secretary of State, does not cover insurance companies.

[322] *Acts of the Thirty-ninth General Assembly,* Ch. 181.

[323] *Acts of the Thirty-ninth General Assembly,* Ch. 261.

It appears that the definition of an insurance agent might have been construed to include the members of mutual assessment associations who receive no commission or reward for procuring applications for membership. Inasmuch as the law requires insurance agents to secure a license and meet various other regulations the implication that members of mutual assessment associations were agents was removed by making a specific exemption of them.[324] A detailed system of licensing insurance agents and prescribing their qualifications was proposed, but the bill was indefinitely postponed.[325]

The Iowa Supreme Court upheld the protest of insurance companies against paying taxes on certain premium receipts, and as a consequence it was necessary to appropriate $125,000 to refund amounts erroneously collected during the past five years.[326]

A bill giving the Insurance Commissioner new powers and duties in connection with insolvent or otherwise financially delinquent insurance companies was introduced by the Committee on Insurance, but it failed to pass the House.[327]

The amortization method for the valuation of bonds and other securities held by life insurance companies, assessment life associations, and fraternal beneficiary associations was established by a new act. A rule of calculating values is stated in the law and the Commissioner of Insurance is given full discretion in determining the method.[328]

Technically, all beneficiary societies, orders, and associ-

[324] *Acts of the Thirty-ninth General Assembly,* Ch. 123.

[325] Senate File No. 508.

[326] *Acts of the Thirty-ninth General Assembly,* Ch. 310.

[327] House File No. 497.

[328] *Acts of the Thirty-ninth General Assembly,* Ch. 198.

ations have been required to submit their articles of incorporation to the Commissioner of Insurance before obtaining a certificate to commence business. But some such societies are not incorporated. This circumstance was recognized by the Thirty-ninth General Assembly and the submission of articles of incorporation is no longer required if the society is not incorporated.[329]

Any fraternal beneficiary society whose members belong to one occupation or guild may itself become the beneficiary of life insurance carried by its members.[330]

Two technical changes were made in the law governing assessment life insurance companies. The plan of business of such an association may be shown in its by-laws and is not necessarily confined to the articles of incorporation. If such a foreign association is examined by a person not receiving a regular salary in the office of the Insurance Commissioner he is allowed $10 a day for his services instead of $5 as heretofore.[331]

Level premium life insurance companies were authorized in 1919 to enter into group life insurance contracts. This is primarily for the benefit of employers who wish to insure their liability for work accident indemnity. Now the privilege of issuing group health and accident insurance has been extended to stock and mutual life insurance companies, although the statute providing for group life insurance was not amended in harmony with this change.[332]

The section of the law requiring all persons to whom life insurance policies are issued to pass a medical examination was amended to make an exception in favor of

[329] *Acts of the Thirty-ninth General Assembly*, Ch. 270.

[330] *Acts of the Thirty-ninth General Assembly*, Ch. 240.

[331] *Acts of the Thirty-ninth General Assembly*, Ch. 58.

[332] *Acts of the Thirty-eighth General Assembly*, Ch. 197; *Acts of the Thirty-ninth General Assembly*, Ch. 133.

persons insured under an industrial policy when the amount of insurance is $500 or less. Experience has demonstrated that the loss ratio on such policies is so low that the thorough medical examinations required of larger policy holders is not necessary. Moreover, the expense of medical examination made the business of handling industrial policies unprofitable.[333]

The statute regulating the organization and operation of State and county mutual assessment insurance associations was entirely rewritten and rearranged. The language of the new law is much more explicit and several important changes of content have been incorporated. Such associations may now insure against any loss, expense, and liability resulting from the ownership, maintenance, or use of automobiles, except that county mutuals can not insure against the bodily injury of the person. Some of the facts to be contained in the application for insurance and the type of policy are now specified by law. This will avoid confusing interpretations by successive Insurance Commissioners. All of these associations are specifically permitted to reinsure risks of other associations or companies and to organize reinsurance associations. The requirement that all State mutual fire insurance associations must maintain a reinsurance reserve and the regulations pertaining to that requirement were repealed. There is no real need of such a requirement; furthermore, it is impossible to reinsure these mutual companies for any rate near that collected by them. Any mutual assessment association may collect assessments for more than one year in advance if they do not exceed five mills on the dollar of insurance in force. Formerly the advance assessment was limited to three mills on the dollar, but the additional amount will now be put into an emergency fund when there is a surplus

333 *Acts of the Thirty-ninth General Assembly*, Ch. 223.

after paying losses. Such a fund has been maintained in the past but without specific statutory authority. When the emergency fund reaches one hundred per cent of the average cost per thousand on all policies in force and amounts to $100,000 or more, policies of fixed premiums may be issued. Associations using a basis rate whose risks consist chiefly of buildings in towns or stocks of implements or automobiles must maintain net assets equal to forty per cent of one annual assessment. The liability of members of the association is not changed. The annual report must now contain the same facts, so far as they apply, that are required in the reports of ordinary domestic insurance companies other than life. New sections were added regulating proof and notice of loss, presumption in regard to the value of insured property, the power of the Insurance Commissioner to enjoin and dissolve associations violating the law or conducting business that is hazardous to the public or its policy holders, and the exemption of county mutual assessment insurance associations from taxation. Solicitors of insurance for such an association, other than county mutuals, must now be licensed as agents.[334]

Insurance companies other than life have been required to keep a reserve of forty per cent of the amount received as premiums on unexpired risks and policies. This flat rate of forty per cent was repealed by the Thirty-ninth General Assembly and provision was made for a flexible unearned premium reserve based upon the aggregate gross premiums, the percentage varying according to the date of the policies and the length of time for which they run. For mutual companies, however, there is a uniform rate of forty per cent of the aggregate gross premiums less deductions for reinsurance.[335]

[334] *Acts of the Thirty-ninth General Assembly*, Ch. 120.

[335] *Acts of the Thirty-ninth General Assembly*, Ch. 190.

A bill drafted by the Abstractors Association to provide for title insurance as a substitute for the Torrens System failed to pass the House. The vote was reconsidered, but the bill was again defeated.[336]

THE PROFESSIONS

The Practice of Law.— Two laws affecting the legal profession relate to admission to the bar. For the special benefit of members of law college faculties, persons admitted to the bar in other States who have become residents of Iowa may be admitted to the bar of this State if they have taught law regularly for one year in a recognized law school in the State of Iowa.[337] The provision, enacted by the Thirty-seventh General Assembly, which allowed persons who had practiced law before the bar of the United States Supreme Court for five years to practice in Iowa without further proof of competency, was repealed.[338]

The pay of shorthand reporters in municipal courts was raised from $6 to $8 a day. In cases where the amount in controversy is less than $100 and one of the parties requests a reporter, such reporter is supplied at the discretion of the judge. As the law stood before, the judge had no option in the matter if the party paid in advance for the services of the reporter.[339]

The Practice of Medicine.— The definition of a medical practitioner was amended by excluding from the list those "who shall publicly profess to cure or heal". This was done to avoid conflict with the new Chiropractic Act, the Supreme Court having held that such practitioners were

336 House File No. 403.

337 *Acts of the Thirty-ninth General Assembly*, Ch. 143.

338 *Acts of the Thirty-ninth General Assembly*, Ch. 48.

339 *Acts of the Thirty-ninth General Assembly*, Ch. 244.

engaged in the practice of medicine under the clause just quoted.[340] Persons holding certificates showing that they have passed the examination given by the National Board of Medical Examiners of Washington, D. C., with an average grade of at least seventy-five per cent may be admitted to practice medicine in Iowa on the same basis as those having passed the examinations of boards of examiners of other States which grant Iowa reciprocal registration privileges.[341]

The Practice of Podiatry.— The Thirty-ninth General Assembly defined the practice of podiatry as "the diagnosis and medical and surgical treatment of ailments of the human foot." It also provided a board composed of two physicians from the Board of Medical Examiners and two licensed podiatrists to examine persons who wish to practice this profession. Persons examined must be at least twenty-one years old and have had at least one year of instruction and be graduates of some school of podiatry recognized by the State Board of Medical Examiners. After July 1, 1923, the Board may not recognize any school giving a course of less than two years. The fee for the first examination is $15 and for a second after failure of the first $10. Subjects must be passed with a general average of seventy-five per cent with none below fifty per cent. Licenses are issued annually upon payment of a fee of $2. If the fee is not paid within three months after July 1st the existing license will be revoked and not reissued unless the examination is taken over again. The license will state specifically that its holder is limited to the practice of heal-

[340] *Acts of the Thirty-ninth General Assembly*, Ch. 243.

[341] *Acts of the Thirty-ninth General Assembly*, Ch. 136.

ing ailments of the foot. Persons who have practiced podiatry in Iowa for one year prior to July 1, 1921, will be given a license upon payment of a fee of $15. Podiatrists from other States who wish to practice in Iowa may do so upon payment of $50, provided that the State from which they come maintains similar statutory requirements and grants reciprocal privileges to this State.[342]

Drugless Healing.— The purpose of House File No. 532 was to regulate drugless healing and to obviate the necessity for establishing separate examining boards for each of the various systems employed. The bill proposed to establish a board of examiners composed of three recognized drugless healers, no two of whom used the same system, to test the qualifications of all persons wishing to practice osteopathy, chiropractic, or other systems of drugless healing. This bill, however, seems to have been lost in the House Committee on Public Health.[343]

Obviously the Thirty-ninth General Assembly did not deem it expedient to provide for the examination of all types of drugless healers by one board or to regulate all drugless healing by one law, since it not only refused to consider a bill to that effect but passed a comprehensive statute regulating the practice of chiropractic and revised the law relative to osteopathy.

The practice of chiropractic is definitely recognized as a profession in this State for the first time. A board of examiners was established to be composed of three members "who are fully equipped and qualified chiropractors" to be appointed by the Governor for a term of three years. This board will examine applicants for licenses to practice chiropractic. All applicants are required to be graduates

[342] *Acts of the Thirty-ninth General Assembly,* Ch. 113.

[343] House File No. 532.

of some recognized incorporated school or college of chiropractic which requires actual attendance for at least three school years. The subjects in which chiropractors are to be proficient are enumerated. After January 1, 1923, every applicant must have had at least a preliminary high school education. Having passed the examination, licenses will be issued upon payment of a fee of $5. Persons already engaged in the practice will be given a license if they are of good moral character and can show that they possess the necessary knowledge. All others already engaged in the practice must pass the examinations. Licenses may be revoked by the board if the person is not of good character, if he solicits professional patronage by agents, if he is incompetent or guilty of unprofessional conduct, or if he is addicted to the use of liquor or narcotic drugs. Anyone attempting to practice without a license or obtaining a license by fraud is to be deemed guilty of misdemeanor and fined not less than $300 or more than $500 and be subject to imprisonment in the county jail until the fine and costs are paid.[344]

The practice of osteopathy has been regulated in Iowa since 1902. This law provided for the examination of osteopaths by the Board of Medical Examiners along with those who wished to practice medicine. These provisions were repealed and a substitute law enacted which makes the regulations of the practice more elaborate and provides for a special Board of Osteopathic Examiners to examine persons who wish to be admitted to the practice. This board is composed of three persons who have been engaged in the practice of osteopathy for at least five years to be appointed by the Governor. Before being allowed to take the examination the applicant must have completed a course in a recognized standard school of osteopathy as defined in

[344] *Acts of the Thirty-ninth General Assembly*, Ch. 7.

the law. In order to practice as an osteopathic physician and surgeon the person must also have had two years of practical or graduate work after completing the college course. Thus the act creates a class of surgeons whose educational qualifications are lower than those licensed under the Medical Practice Law but who nevertheless have full authority to perform any surgical operation. The license fee is $10 for those admitted by examination and $25 for those who have been licensed outside of Iowa. The license may be revoked for cause by the Board of Osteopathic Examiners, and penalties are fixed for attempting to practice without a license. Itinerant osteopaths will be licensed for $250 as under the provisions of the old act.[345]

Real Estate Brokers and Auctioneers.— Two bills aiming to create professions were introduced in the House, but failed of enactment. One of these proposed to regulate the real estate business and create an Iowa Real Estate License Board to examine and license persons who undertake to sell real estate other than their own or that which has been placed in their trust. This bill, however, was withdrawn by its author.[346]

The other bill, introduced by request, provided for the creation of a board composed of three auctioneers to examine and license persons who wish to practice auctioneering. Nothing came of this measure because the House, acting in accordance with the recommendation of the Committee on Trade and Commerce, voted to postpone the bill indefinitely.[347]

345 *Acts of the Thirty-ninth General Assembly,* Ch. 77.

346 House File No. 492.

347 House File No. 420.

MILITARY AFFAIRS

Most of the legislation of the Thirty-ninth General Assembly relative to military affairs is the result of the World War. The question of providing a bonus for soldiers attracted more attention no doubt than any other military measure. There was some agitation for such a law in 1919, but the Thirty-eighth General Assembly took no action. A bonus bill was introduced in each house of the Thirty-ninth General Assembly on February 1st, and with the insistent support of the American Legion an act was approved on March 23rd which provides that $22,000,000 shall be raised by the sale of bonds to pay a bonus to war veterans and nurses who joined the United States forces between the declaration of the war against Germany and the signing of the armistice. Because of the constitutional limitation on the State debt it will be necessary for the people to approve of the bond issue and so the law provides that the question shall be submitted to the voters at the general election in November of 1922.

The law to be voted upon in 1922 provides for the creation of a Bonus Board, composed of the State Auditor, State Treasurer, Adjutant General, and the Adjutant of the Iowa Department of the American Legion, to administer the law. From the money raised by the sale of the bonds each war veteran and nurse will receive fifty cents for each day they were in service but no one is to receive more than $350. An amendment to include the men who had served in the Students' Army Training Corps was passed by the Senate. It was maintained, however, that the law did not propose to pay for patriotism — that it only aimed to give adjusted compensation to those who had incurred heavy financial losses due to their enlistment — and the will of the House prevailed. In case the soldier or nurse has

died the bonus will be paid to near relatives. December 31, 1924, is the final date set for payment of claims for adjusted compensation and any surplus remaining after that time up to $2,000,000 shall be used by the Bonus Board to aid those who suffered disability. The bonds are to be paid in twenty annual installments of $1,100,000 each.[348]

An annual tax of eight mills may now be levied for the purpose of liquidating liberty memorial bonds issued for the purpose of constructing memorial buildings in cities — an increase of three mills over the amount authorized in 1919. The three mill tax authorized by the Thirty-eighth General Assembly to provide for the maintenance and development of memorial buildings was also found to be insufficient and increased to five mills.[349]

Vacancies on the committee to administer funds for memorials and monuments, if not filled by Grand Army posts within six months after such vacancies occur, may be filled by the Spanish-American War Veterans' Association, and if not done by them within one year then the duty devolves upon the American Legion posts. Formerly, the law provided that if vacancies were not filled by the G. A. R. then the clerk of the district court, the county sheriff, and the county auditor should become ex officio members of the committee in the order named.[350]

Camp Dodge is now being used for National Guard encampments. Chapter 327 of the *Acts of the Thirty-ninth General Assembly* authorizes the Adjutant General to enter into an agreement with the Secretary of War to operate the water plant at Camp Dodge for the use and benefit of the United States and Iowa. The terms of the agreement must be approved by the Governor.[351]

348 *Acts of the Thirty-ninth General Assembly*, Ch. 332.

349 *Acts of the Thirty-ninth General Assembly*, Ch. 81.

350 *Acts of the Thirty-ninth General Assembly*, Ch. 142.

351 *Acts of the Thirty-ninth General Assembly*, Ch. 327.

The existing soldiers' preference law was amended by including with Civil War veterans the nurses, soldiers, sailors, and marines of the Spanish-American War, the Philippine Insurrection, the China Relief Expedition, and the War with Germany as persons who should be given preference in appointments made by the State, county, city, or town officials and school boards. School teachers, however, do not come within the scope of this act. After soldiers have been appointed they can be removed only because of incompetency or misconduct and then only after notice and hearing.[352]

The Thirty-eighth General Assembly provided for the compilation of a roster of Iowa soldiers, sailors, and marines who served on the Mexican Border in 1916 and 1917 and in the World War of 1917, 1918, and 1919. For this purpose $20,000 was appropriated and the Thirty-ninth General Assembly voted $15,000 more to complete the work.[353]

The military code was amended in several particulars. Members of the National Guard who are drafted by the United States shall upon discharge from Federal service continue to serve the balance of their enlistment in the Guard the same as though their period of enlistment had not been interrupted by draft. The provision for service badges was amended so that a member of the National Guard who serves in the Federal forces during an emergency by order of the President, may count such time toward the procurement of his service badge.

The compensation of enlisted men in the Guard was changed from a per diem fixed by law to the same pay received by soldiers of their grade in the United States army. In case a member of the National Guard becomes

[352] *Acts of the Thirty-ninth General Assembly*, Ch. 166.

[353] *Acts of the Thirty-ninth General Assembly*, Ch. 306.

sick while on active duty and remains so beyond the period of active service he shall receive medical attention and his usual military pay until able to resume his civil occupation.

The statutory sums allowed to commanding officers of military units for various expenses of their commands were repealed and the amounts allowed for armory rent and headquarters expenses are now fixed by an Armory Board consisting of the Adjutant General and four other commissioned officers of the active, reserve, or retired Guard. The Board is also charged with the construction and maintenance of State owned armories. Its actions are subject to review by the Governor.

Each unit of the National Guard showing an average attendance at drills of at least one-half of its enlisted strength for one and one-half hours a week will receive $4 per member (based on its average enlisted strength) semi-annually for miscellaneous military expenses. If the attendance falls below fifty per cent it is judged to be inefficient and is entitled to no allowance. Formerly, the amount paid was in proportion to the attendance at drill for two hours a week, but no unit was to receive more than $500.

The appropriations for rifle ranges were increased. Five thousand dollars instead of $2000 is now allowed for the construction of each of four regimental rifle ranges which the Governor may authorize, and $600 instead of $200 may be used annually for their maintenance and rental. The appropriation of $100 for company rifle ranges was increased to $300. Money derived from salvage from permanent camp grounds and rifle ranges of the National Guard is to constitute a fund for the improvement of the permanent camps and rifle ranges of the Guard. Section one of chapter 327 of the *Acts of the Thirty-ninth General Assembly* is practically identical with section five of chapter 163.

Sheriffs or other persons who execute process are now required to call upon the Governor for military aid when it is necessary, but their power to command the aid of male inhabitants remains unaltered.[354]

The Thirty-ninth General Assembly appropriated $20,000 to care for and entertain the Grand Army of the Republic if that organization should choose to hold its national encampment in Iowa in 1921 or either of the two years following. This money was voted because the Iowa members were desirous of inviting the national organization to this State.[355]

LEGALIZING ACTS

All of the powers exercised by cities and towns, counties, townships, and school districts are delegated to them by the State government. Sometimes the officers of these local areas overstep their authority or exercise the powers granted in a manner contrary to law. Usually these acts are done in good faith, and in order to obviate any difficulties which might arise from such illegal actions every General Assembly is asked to legalize the procedure in particular instances. The record of the Thirty-ninth General Assembly presents no exception in this respect. Indeed, the practice has become so well established in Iowa that an entire section of the session laws is now devoted to legalizing acts.

Besides the sixty-eight legalizing measures that were passed in 1921, the Thirty-ninth General Assembly enacted a law regulating the procedure to be followed in the passage of such legalizing acts. No bill which proposes to legalize the proceedings, bonds, or warrants of public corporations may now be placed upon passage until it has first been

[354] *Acts of the Thirty-ninth General Assembly*, Ch. 163.

[355] *Acts of the Thirty-ninth General Assembly*, Ch. 305.

published in a local newspaper, and proof of such publication must be entered upon the House or Senate journal. If, however, the bill is amended after its publication that fact will not affect its legality.[356]

Thirty legalizing acts relate to cities and towns, and by far the greatest number of these have to do with bonds and warrants. Twelve acts legalize warrants and the issuance of bonds for the purpose of funding the warrants.[357] Two acts validate the warrants only;[358] while three legalize the issue of bonds.[359] One of these, however, is general in its scope, stating that all street improvement and sewer bonds maturing on dates other than April 1st of the years in which installments of special taxes come due (the date fixed by law) shall be legal.[360] A special assessment and issuance of sewer bonds in Churdan was also brought within the law.[361]

The uses for which a park tax may be levied were broadened to include the construction of buildings within public parks. Apparently some cities had construed the former statute in this sense, for in connection with the interpretative amendment any certificates or bonds which had been issued for the purpose of building construction were legalized. While this measure is in part legalizing in its effect it is of course not classified as such in the statutes.[362]

That there may be no question about the validity of the water works and electric light bonds issued by the town of Milford it was necessary that the legislature legalize the

356 *Acts of the Thirty-ninth General Assembly*, Ch. 228.

357 *Acts of the Thirty-ninth General Assembly*, Chs. 350, 351, 352, 353, 355, 356, 359, 361, 367, 369, 372, 373.

358 *Acts of the Thirty-ninth General Assembly*, Chs. 357, 366.

359 *Acts of the Thirty-ninth General Assembly*, Chs. 347, 358, 364.

360 *Acts of the Thirty-ninth General Assembly*, Ch. 347.

361 *Acts of the Thirty-ninth General Assembly*, Ch. 362.

362 *Acts of the Thirty-ninth General Assembly*, Ch. 125.

elections held to authorize these bonds.[363] A municipal election in Conesville was also declared legal by an act of the Thirty-ninth General Assembly.[364] Nomination papers that were filed ten days before an election, as required by an old statute, instead of fifteen days before as fixed by the Thirty-sixth General Assembly, were validated.[365]

The town of Elkader had a surplus of $1357.91 in its water works fund which was transferred to the town hall fund.[366] Newton obtained the sum of $41,500 from the sale of its electric light plant and transferred it to the water works fund. Both of these acts were legalized by the Assembly.[367]

In Waverly an excessive tax had been levied for the purchase of a motor truck for the fire department, but the amount would have been entirely within the law if it had been levied for fire department maintenance. In view of this circumstance the excessive tax levy for equipment was legalized.[368] A franchise granted by the town of Manning was declared to be legal and valid.[369]

During the war the Federal government commandeered the equipment and material of contractors for public improvements in certain cities. The action of these cities in allowing extra compensation in such cases was legalized.[370] One act legalizes the town plat of Guttenberg.[371]

The last legalizing act relative to the activities of cities brings within the law the lease of a building and grounds

[363] *Acts of the Thirty-ninth General Assembly*, Chs. 370, 371.
[364] *Acts of the Thirty-ninth General Assembly*, Ch. 363.
[365] *Acts of the Thirty-ninth General Assembly*, Ch. 346.
[366] *Acts of the Thirty-ninth General Assembly*, Ch. 365.
[367] *Acts of the Thirty-ninth General Assembly*, Ch. 354.
[368] *Acts of the Thirty-ninth General Assembly*, Ch. 360.
[369] *Acts of the Thirty-ninth General Assembly*, Ch. 399.
[370] *Acts of the Thirty-ninth General Assembly*, Ch. 348.
[371] *Acts of the Thirty-ninth General Assembly*, Ch. 368.

by the council of Des Moines to the Women's Club of that city.[372]

There was some question also as to the validity of the acts of county officials, and seven laws were enacted to remove these doubts. Five of them relate to bonds and warrants: one legalizes the issue of warrants;[373] one legalizes the issue of bonds;[374] one legalizes the issue of both bonds and warrants;[375] one legalizes warrants and authorizes the issue of bonds to fund them;[376] and one comprehensive act validates all the proceedings and details required for the establishment of a county public hospital for Wapello County as well as the issuance of bonds and the necessary tax levy therefor.[377]

In two cases irregularities arose regarding the establishment of drainage districts. There was a question as to whether the law had been complied with in every respect in the Hardin-Hamilton joint district — particularly with reference to notice to property owners. In a Buchanan County drainage district approximately five hundred acres of land used by the Iowa State Hospital for the Insane had been included. There was doubt as to whether the law provided for the inclusion of such land. The actions of the boards of supervisors in both of these cases were legalized.[378]

Seventeen legalizing acts were required to remedy the technical mistakes of authorities in school districts. Nine of these validate consolidation proceedings, of which three

372 *Acts of the Thirty-ninth General Assembly*, Ch. 349.

373 *Acts of the Thirty-ninth General Assembly*, Ch. 376.

374 *Acts of the Thirty-ninth General Assembly*, Ch. 374.

375 *Acts of the Thirty-ninth General Assembly*, Ch. 378.

376 *Acts of the Thirty-ninth General Assembly*, Ch. 380.

377 *Acts of the Thirty-ninth General Assembly*, Ch. 379.

378 *Acts of the Thirty-ninth General Assembly*, Chs. 375, 377.

include also provisions which legalize the bonds issued, while one authorizes the issuance of bonds.[379] Four bond elections in school districts were legalized separately and one other act not only legalized the election but the bond issue also.[380] In three cases warrants of school districts were legalized. Of these, one act also authorized a bond issue to fund the warrants, and another legalized a tax levy which had been made to pay the warrants.[381]

Chapter 211, though technically classed as a statute of limitations and not printed in the section devoted to legalizing acts, may have in some instances a legalizing effect: it validates the organization of school districts in this State if irregularities that may have existed are not questioned within six months.[382] Two land patents and one land title were declared valid.[383]

Irregularities in the activities of corporations were the subject of four legalizing acts. One of these is a general law which validates the notices of incorporation which were published more than three months after the certificates of incorporation had been issued.[384] The incorporation of the "People's Oil Company of Iowa" and all of its acts and proceedings were declared to be legal.[385] Another act legalizes the renewal of the charter of the Mason City Building and Loan Association and its acts since the expiration of its corporate existence,[386] while a fourth law validates the

[379] *Acts of the Thirty-ninth General Assembly,* Chs. 381, 383, 384, 385, 387, 393, 394, 396, 397.

[380] *Acts of the Thirty-ninth General Assembly,* Chs. 382, 388, 389, 390, 392.

[381] *Acts of the Thirty-ninth General Assembly,* Chs. 386, 391, 395.

[382] *Acts of the Thirty-ninth General Assembly,* Ch. 211.

[383] *Acts of the Thirty-ninth General Assembly,* Chs. 403, 404, 405.

[384] *Acts of the Thirty-ninth General Assembly,* Ch. 398.

[385] *Acts of the Thirty-ninth General Assembly,* Ch. 402.

[386] *Acts of the Thirty-ninth General Assembly,* Ch. 401.

amendment of the articles of incorporation of the Greenwood Cemetery Association of Ossian, Iowa.[387]

By chapter 151 acknowledgments taken by notaries public outside of their jurisdiction prior to the passage of the act were declared valid and legal.[388] There are four laws which validate the actions of State officials. The first of these sanctions the transfer of money from funds for specific purposes in State educational institutions to the general support fund.[389] Two acts legalize the lease of land belonging to the State of Iowa to the United States government.[390] The warrants to pay the electricians for operating the voting machine in the House of Representatives were legalized.[391]

Finally, there is a general legalizing act which declares that decrees or court orders for the sale of real estate by guardians, which were served on minors or wards outside of the State prior to January 1, 1921, shall be valid.[392]

TAXATION AND FINANCE

The problems of taxation and public finance are always troublesome, and the tendency of government to undertake new functions is making the task of raising revenue increasingly difficult. Thorough reorganization of the archaic tax system in Iowa has been advocated for many years, but as yet the General Assembly has not been willing to tackle the job. A comprehensive bill comprising sixty-two pages was introduced in the Senate by request, but after having been reported without recommendation by the committee it was withdrawn. This measure proposed to

387 *Acts of the Thirty-ninth General Assembly*, Ch. 400.

388 *Acts of the Thirty-ninth General Assembly*, Ch. 151.

389 *Acts of the Thirty-ninth General Assembly*, Ch. 345.

390 *Acts of the Thirty-ninth General Assembly*, Chs. 343, 344.

391 *Acts of the Thirty-ninth General Assembly*, Ch. 342.

392 *Acts of the Thirty-ninth General Assembly*, Ch. 88.

create a tax commission with wide powers over assessment and equalization of taxes. Assessment was to be transferred to the county.[393]

There was a feeling on the part of many legislators that, while the tax laws should be carefully considered in connection with Code revision, the system of taxation should not be revised without opportunity for extensive investigation. In accordance with this view the appointment of a joint committee on tax revision was authorized. This committee, composed of four Senators — H. S. Van Alstine, M. B. Pitt, Charles M. Dutcher, and E. M. Smith — and four Representatives — C. E. Narey, Arthur Springer, James Peters, and T. E. Moen — will study the Code Commission bills on taxation, prepare new bills providing an equitable taxation system, and report at the next session of the General Assembly.[394]

In the search for new sources and relatively painless methods of increasing the public revenue all but six States had, by 1921, discovered the direct inheritance tax. Iowa was one of the six, though collateral inheritances have been subject to taxation in this State since 1896.[395] Early in the session of the Thirty-ninth General Assembly a bill to authorize the taxation of direct inheritances was introduced and, after vigorous debate and some amendment, became a law. The entire statute on the taxation of inheritances was repealed or amended (although this fact is not indicated in the title of the act). According to the terms of the new measure direct heirs must pay a tax upon each individual share in excess of $15,000, the rate varying from one to seven per cent depending upon the size of the

[393] Senate File No. 613.

[394] *Acts of the Thirty-ninth General Assembly*, Ch. 411; *Senate Journal*, 1921, pp. 1934, 1935; *House Journal*, 1921, p. 2112.

[395] *Laws of Iowa*, 1896, Ch. 28.

inheritance. As originally introduced the bill provided for the exemption of $25,000 and the taxation of the estate as a whole rather than the individual shares. On inheritances by collateral heirs there is an exemption of estates, the net value of which is less than $1000, but the rate is five per cent on the total net value of estates worth between $1000 and $100,000, six per cent on amounts between $100,000 and $200,000, and seven per cent on all amounts over $200,000, except that inheritances passing to aliens not residing in the United States are subject to twenty per cent tax unless such heirs are brothers, sisters, or direct heirs and then the tax is ten per cent. Property passing to educational, religious, cemetery, or charitable societies or institutions incorporated in Iowa, to public libraries, art galleries, hospitals, or municipalities, and bequests for the care of a cemetery lot are exempt from taxation. An amount up to $500 is allowed for the performance of a burial service.[396]

Before the Thirty-ninth General Assembly adjourned four sections of the new inheritance tax law were amended or repealed. All lineal descendants were included in the list of direct heirs along with the husband, wife, father, mother, and children. The limitation that the tax does not constitute a lien against the property for longer than five years does not apply to collateral inheritances in cases of the descendant dying before the new law took effect. Finally, the section in the original act was repealed which included life insurance in the value of the estate, but made an exemption for direct heirs of $40,000.[397]

The manner of statement of the law providing for township and municipal poll taxes in this State carries the presumption that such taxes will be paid by two days' labor on the public highways. As a matter of fact the option of

[396] *Acts of the Thirty-ninth General Assembly,* Ch. 38.

[397] *Acts of the Thirty-ninth General Assembly,* Ch. 164.

paying in cash has been almost universally chosen by city residents and to a large extent by rural inhabitants, especially since two days' labor has been worth more than the amount of the tax. Both the township and municipal poll tax laws were revised in view of present day conditions. A maximum poll tax of $5 is fixed for both townships and cities or towns (the limit in municipalities was formerly $3). While the option of performing two days' labor on the roads as a method of paying the township poll tax is still retained, that alternative is no longer available to city or town residents.[398]

A bill proposing to levy a State poll tax of $3 annually upon every adult resident of Iowa passed the Senate. This tax was to have been collected by the county treasurers or employers in the State, and the proceeds were to be used for the support of the common schools.[399]

A very elaborate dog tax law was enacted, the purpose of which is essentially regulative in the interest of protecting live stock from destruction by dogs. The owner of a dog must now obtain an annual license from the county auditor, and the license is not transferable. Assessors will receive a fee of ten cents for all dogs reported to the county auditor. All dogs not licensed after January 15, 1922, will be deemed wild and may be killed by any one: it is the duty of peace officers to kill wild dogs, but any dog caught in the act of worrying, maiming, or killing any domestic animal or fowl may be killed. The dog tax will be due on January 15th and delinquent on the first of May following. Dogs in kennels need not be licensed but will be taxed as personal property.[400]

398 *Acts of the Thirty-ninth General Assembly,* Chs. 172, 191.

399 Senate File No. 569.

400 *Acts of the Thirty-ninth General Assembly,* Ch. 140.

The plan of levying an annual franchise tax on corporations was proposed in a bill introduced into both houses. The rate was to be five cents on each $100 "of the proportion of the authorized capital stock represented by business transacted and property located in this state". This measure failed to pass the Senate by a vote of nineteen to twenty-nine.[401]

Another source of revenue which was seriously considered by the Thirty-ninth General Assembly was an amusement tax of one cent on each fifty cents admission "to any theatre, opera house, moving picture show, vaudeville show, circus, side show, merry-go-round and like device, public dance, wrestling match, league or professional base ball, roller skating rink and all places of public amusement operated for pecuniary profit." Entertainments by religious, educational, and charitable societies, agricultural fairs, and amateur baseball, football, and athletic tournaments were excepted. The tax was to be collected by the sale of tax tickets. After having been defeated in the Senate by a vote of twenty-two to twenty-six the companion bill in the House was withdrawn.[402]

A bill passed the Senate proposing to levy a tax of ten per cent on all sand or gravel or other natural products taken from the bed of a river belonging to the State.[403]

Moneys and credits to a considerable extent escape taxation. To secure more thorough and accurate assessment a bill was introduced providing for the publication of lists of moneys and credits verified by oath. This measure, though recommended for indefinite postponement, was placed on the calendar but later withdrawn by the author after the defeat of a companion bill which sought to make the tax on

401 Senate File No. 367; House File No. 379.

402 Senate File No. 430; House File No. 460.

403 Senate File No. 304.

moneys and credits more equitable by increasing the levy from five to ten mills. These proposals were vigorously opposed by the Iowa Bankers Association.[404]

A bill to repeal the obsolete practice in Iowa of assessing property at one-fourth of its actual value was introduced but later withdrawn.[405]

In 1919 the requirement that assessors should make up their books in duplicate and return one of them to the clerk of the township, town, or city was repealed, but assessors were obliged to furnish to the proper clerk a list of persons subject to poll tax. The Thirty-ninth General Assembly restored the former regulations exactly as they were before 1919, but after the bill had passed and been sent to the Governor it was recalled and, though entirely reworded, as finally adopted it accomplished the same purpose except that the provision requiring assessors to furnish the poll tax list to the clerk of the township, city, or town was retained.[406]

The local board of review has been accustomed to meet on the first Monday in April and continue in session until the assessment rolls were ready, being paid for the time consumed; but the assessors in some of the larger cities of the State have been unable to complete their work by that date. As a consequence the date upon which the local board of review shall meet in cities of ten thousand population or over was changed from the first Monday of April to the first Monday of May, and the time for the completion of the assessment rolls was changed to correspond. The further specification is added that the board of review in such cities must complete its duties by June 1st, and the

[404] Senate File Nos. 407, 470.

[405] Senate File No. 302.

[406] *Acts of the Thirty-ninth General Assembly,* Ch. 268; House File No. 586; *Senate Journal,* 1921, p. 1882.

assessor must return one of the assessment books to the city clerk within ten days.[407]

The law allows the county auditor to cause plats to be made of irregular pieces of land whenever it is necessary for identification for the purpose of assessment and taxation. This arbitrary power has sometimes been abused. To prevent the continuation of such abuses, and to afford relief in a particular instance in Warren County, an emergency measure was passed giving the property owner the right to appeal from such orders of the county auditor to the board of supervisors.[408]

Heretofore if one person purchased more than one parcel of real estate sold for taxes, one certificate of purchase might include the whole number of items. Now, however, not more than one such parcel can be described on each certificate of purchase.[409]

Two bills were introduced in the Senate relating to the exemption of the property of soldiers from taxation: one to increase the exemption for those already included and the other to provide an exemption for soldiers in the World War. The essence of both these bills was included in a substitute measure that was passed.[410] The new law increases the amount of property exempt from taxation which belongs to soldiers, sailors, and marines of the Mexican and Civil War from $700 to $3000, and that belonging to soldiers, sailors, and marines of the Spanish-American War, Boxer Uprising, and Philippine Insurrection from $300 to $1800; and there was added an exemption of $500 worth of property belonging to any honorably dis-

407 *Acts of the Thirty-ninth General Assembly,* Ch. 92.

408 *Acts of the Thirty-ninth General Assembly,* Ch. 13.

409 *Acts of the Thirty-ninth General Assembly,* Ch. 12.

410 Senate File Nos. 308, 459.

charged soldier, sailor, marine, or nurse in the World War. These exemptions extend to widows, wives, and minor children under the same conditions as before. The beneficiary of these exemptions must now file a statement of ownership with the assessor or board of supervisors.[411]

The statute exempting old and poor persons from paying taxes was entirely rewritten, the principal object of which is to place the initiative of obtaining such an exemption upon the person claiming to be unable to pay taxes on account of age or infirmity. Formerly the assessor recommended exemption for these people and they were not required to exert themselves in any way. Now they must petition the board of supervisors to have their property exempted and these petitions must be approved by the township trustees or by the council of the city or town.[412]

The penalty for the non-payment of personal taxes was increased by adding five per cent after the first Monday in December following the time they become delinquent.[413]

For the special benefit of Cedar Falls an act was passed authorizing the county treasurer to appoint a deputy resident tax collector for a city with six thousand or more inhabitants not the county seat in counties having a population between fifty-three and seventy thousand.[414] This provision had been repealed inadvertently in 1919.

The quarterly statement of the county treasurer to the mayor of the amount of city or town taxes collected must now include the money collected from special assessments to pay public improvement bonds.[415]

Several acts of the Thirty-ninth General Assembly deal

[411] *Acts of the Thirty-ninth General Assembly*, Ch. 144.

[412] *Acts of the Thirty-ninth General Assembly*, Ch. 281.

[413] *Acts of the Thirty-ninth General Assembly*, Ch. 66.

[414] *Acts of the Thirty-ninth General Assembly*, Ch. 132.

[415] *Acts of the Thirty-ninth General Assembly*, Ch. 18.

with phases of State finance other than taxation. The amount of revenue to be raised for general State purposes during the next biennium was fixed at $10,072,000 for each year.[416]

In 1917 the General Assembly appropriated $1,000,000 as a war emergency fund, most of which it was not necessary to use for that purpose. When the construction of the Temple of Justice was authorized in 1919, therefore, the unexpended portion of the war appropriation and certain other funds were made available for that use.[417] Due to hard times and excessive costs of building the Thirty-ninth General Assembly ordered the erection of the Temple of Justice to be deferred until 1923 and transferred all funds hitherto made available for that work to the general funds of the State. The State Treasurer must return fifty per cent of this money to the Temple of Justice fund on July 1, 1923, and the remainder on July 1, 1924.[418]

Another instance in which the State Treasurer was given authority to transfer money to the general revenue is in connection with the fund derived from the fees collected for the examination and certification of registered nurses. Any balance exceeding $500 in this fund will be transferred to the general fund on June thirtieth every year.[419]

The minimum interest rate required to be paid on county funds deposited in banks has been two per cent, and while the State Treasurer has been required to obtain no specified rate for State funds on deposit it has been fixed by custom at two per cent. A House bill proposed to fix the minimum in both instances at three per cent, but the effective influ-

416 *Acts of the Thirty-ninth General Assembly*, Ch. 341.

417 *Acts of the Thirty-seventh General Assembly*, Ch. 207; *Acts of the Thirty-eighth General Assembly*, Ch. 349.

418 *Acts of the Thirty-ninth General Assembly*, Ch. 336.

419 *Acts of the Thirty-ninth General Assembly*, Ch. 249.

ence of the bankers caused the rate designated in the measure as finally enacted to be reduced to two and one-half per cent.[420]

Chapter 170 describes the method by which public bonds in the sum of $25,000 or more may be sold. After two or more weeks of advertisement in a newspaper sealed bids may be received. At the time and place designated for the sale the sealed bids are to be opened, announced, and recorded; then open bids must be called for and the best one recorded. Any or all bids may be rejected and the sale advertised anew, or the bonds may be sold privately. Under no circumstances can bonds be disposed of for less than par value and accrued interest.[421]

Appropriations by the Thirty-ninth General Assembly			
For the Maintenance of State Government and State Offices			
Chapter	For What	Amount	Period
178	Weather and Crop Service Bureau	$7500	Annually
189	Contingent fund for carrying out Blue Sky Law	$2500	Biennium
218	For ten members of the Committee on Retrenchment and Reform	$10 per member and expenses	For each day of attendance at meetings
286	State Printing	Amount necessary	
302	Commission of Animal Health	$150,000 additional	Annually
308	To supply the deficiency in the annual appropriation for oil inspection	$23,000	Lump sum
309	State Railroad Commission	$30,000	Annually

[420] *Acts of the Thirty-ninth General Assembly*, Ch. 114.

[421] *Acts of the Thirty-ninth General Assembly*, Ch. 170.

CHAPTER	FOR WHAT	AMOUNT	PERIOD
313	Executive Council for upkeep of the Capitol	$25,000	Biennium
313	Executive Council for expenses for which no other appropriation is made	$3000	Biennium
313	To John Hammill, Lieutenant Governor, as President of the Senate	$2000	Lump sum
313	To Arch W. McFarlane, as Speaker of the House	$1000	Lump sum
313	Chaplains for the Thirty-ninth General Assembly	$800	Lump sum
313	Supreme Court, for contingent fund	$2000	Biennium
313	Custodian, for extra labor	$3600	Biennium
313	Superintendent of Public Instruction	$3000	Biennium
313	Law Library, for legislative reference work	$5000	Biennium
313	Attorney General, for contingent fund	$15,000	Period ending June 30, 1923
313	Salary of D. C. Mott, Assistant Secretary, for the Board of Conservation for six months	$1000	Lump sum
313	Retrenchment and Reform Committee, for contingent fund	$40,000	Period ending June 30, 1923
313	Clerk of Supreme Court, for contingent fund	$600	Period ending June 30, 1923
313	Office of Governor, for expense fund	$7700	Period ending June 30, 1923
313	Treasurer, for contingent fund	$10,000	Period ending June 30, 1923
314	Executive Council, for repairs and improvements	$16,000	Biennium

CHAPTER	FOR WHAT	AMOUNT	PERIOD
314	State Fire Marshal, for contingent fund	$4000	Biennium
314	To certain employees for services after adjournment of the legislature	$476	Lump sum
340	State Officers Salary Act[422]	$789,565	Annually for 2 years
411	Joint Committee on Tax Revision, for expenses	Amount necessary	

FOR SUPPORT AND MAINTENANCE OF STATE INSTITUTIONS

CHAPTER	FOR WHAT	AMOUNT	PERIOD
235	Library Commission	$12,000	Annually
254	State Horticultural Society	$16,000	Biennium
287	State University of Iowa	$1,176,647	Annually for 2 years
287	State University of Iowa, for paving, equipment, etc.	$250,000	Biennium
287	Iowa State College	$1,154,500	Annually for 2 years
287	Iowa State College, for equipment, etc.	$260,000	Biennium
287	Iowa State Teachers College	$398,000	Annually for 2 years
287	Iowa College for the Blind, for support, etc.	$43,500	Annually for 2 years
287	Iowa College for the Blind, for improvements and equipment	$21,000	Biennium
287	Iowa School for the Deaf, for support	$132,500	Annually for 2 years
287	Iowa School for the Deaf, for repair, equipment, etc.	$122,000	Biennium

[422] Maximum salaries were used in making this total. No per diem salaries are included.

CHAPTER	FOR WHAT	AMOUNT	PERIOD
288	Iowa College for the Blind, emergency appropriation	$16,000	Lump sum
288	Iowa College for the Deaf, emergency appropriation	$25,000	Lump sum
289	State University of Iowa, for construction of buildings and purchase of land	$500,000	Lump sum
289	Iowa State College, for construction of buildings and purchase of land	$500,000	Lump sum
290	State University of Iowa, for completion of nurses home	$25,000	Lump sum
291	State Psychopathic Hospital, to complete building and purchase equipment	$97,000	Lump sum
292	Iowa State Teachers College, for land and buildings	$230,000	Lump sum
293	Bacteriological Laboratory, for support	$7000 additional	Annually
294	State Historical Society, for support	$20,500 additional	Annually
297	Iowa Soldiers' Home	$6 per member additional and $5 per official or employee additional	Monthly
297	Institution for Feeble-minded Children at Glenwood	$4 per inmate additional	Monthly
297	Sanatorium for Tuberculosis	$15 per inmate additional	Monthly
298	Iowa Soldiers' Home, for equipment, contingent, and repair	$47,000	Biennium
298	Iowa Soldiers' Orphans' Home, for supplies, contingent, and repair	$33,800	Biennium

CHAPTER	FOR WHAT	AMOUNT	PERIOD
298	Juvenile Home at Toledo, for building, supplies, contingent, and repair	$37,500	Biennium
298	Institution for Feeble-minded Children at Glenwood, for equipment, repairs, supplies, and contingent	$67,000	Biennium
298	Sanatorium at Oakdale, for buildings, equipment, contingent, and repair	$371,000	Biennium
298	Training School for Boys at Eldora, for supplies, equipment, contingent, and repair	$52,400	Biennium
298	Training School for Girls at Mitchellville, for buildings, expenses, contingent	$70,500	Biennium
298	State Hospital at Mount Pleasant, for buildings, supplies, contingent, and repair	$83,000	Biennium
298	State Hospital at Independence, for buildings, supplies, contingent, and repair	$68,500	Biennium
298	State Hospital at Cherokee, for buildings, equipment, contingent, and repair	$98,500	Biennium
298	State Hospital and Colony for Epileptics at Woodward, for buildings, extension, contingent, and repair	$188,000	Biennium
298	State Penitentiary at Fort Madison, for buildings, expenses, contingent, and repair	$130,000	Biennium
298	Men's Reformatory at Anamosa, for buildings, expenses, contingent, and repair	$37,000	Biennium

CHAPTER	FOR WHAT	AMOUNT	PERIOD
298	State Hospital at Clarinda, for buildings, contingent, and repair	$57,000	Biennium
298	Women's Reformatory at Rockwell City, for expenses, contingent, and repair	$12,500	Biennium
299	Institution for Feeble-minded Children at Glenwood, for industrial building and equipment	$35,000	Lump sum
300	State Board of Control, for purchase of farm	$52,000	Lump sum
304	Iowa State Dairy Association	$12,500	Lump sum
304	Iowa Beef Cattle Producers Association	$12,500	Lump sum
304	Iowa Corn and Small Grain Growers Association	$7500	Lump sum
307	Dairy and Food Commission	$4300	Lump sum
313	State Board of Education, for incidental expenses	$500	Biennium
313	State Board of Education, for materials for children's garments at Iowa City	$500	Biennium
313	State Board of Control, for friendless women	$5000	Period ending June 30, 1923
313	Historical Department, miscellaneous items	$3750	Biennium
313	State Board of Control, for contingent fund	$4000	Period ending June 30, 1923
313	Food and Dairy Commission, for contingent fund	$2000	Period ending June 30, 1923

To Satisfy Claims			
Chapter	For What	Amount	Period
314	L. W. Ainsworth, for postage	$11.20	Lump sum
314	Agness Brennan, for use of typewriter in Law Library	$15.00	Lump sum
314	Des Moines Rubber Stamp Works	$141.55	Lump sum
314	A. C. Gustafson, for postage, telegraph, and telephone bills	$25.23	Lump sum
314	J. F. Thatcher, for services	$5.00	Lump sum
314	M. E. Bannon, for services as surveyor	$39.20	Lump sum
314	O. E. Heggen, for damages sustained in connection with improvements on capitol grounds	$100.00	Lump sum
314	To six members of the legislature for expenses incurred in attending the funeral of Representative Stone	$22.50 each	Lump sum
314	G. L. Venard, for mileage	23.20	Lump sum
314	To thirty-two committee clerks, for unpaid salary	$128.00	Lump sum
315	American Laundry Company, for laundering towels for Thirty-eighth General Assembly	$156.50	Lump sum
315	Laundering towels, for Thirty-ninth General Assembly	$150.00	Lump sum
315	Hawkeye Transfer Company, for claim	$186.88	Lump sum
315	Mrs. Geo. H. Clark, for witness fees	$18.00	Lump sum

Chapter	For What	Amount	Period
315	Chicago and Northwestern Railroad Company, for transportation	$38.12	Lump sum
316	Universal Indicator Company, for electrical voting machine in the House of Representatives	$3736.56	Lump sum
317	A. E. Yttrevold, for mare destroyed by order of State Veterinarian	$125.00	Lump sum
318	Ralph G. Smoley, for services	$194.47	Lump sum
319	S. E. Beaston, for horses destroyed by State Veterinarian	$400.00	Lump sum
320	Chris. Conrad, Jr., for injuries	$150.00	Lump sum
321	Henry and Nina Peterson, for expenses incurred when their son was injured	$500.00	Lump sum
321	Le Verne Peterson, for injuries	$4500.00	Lump sum

For the Improvement of State Property

Chapter	For What	Amount	Period
207	Maintenance and improvements of highways extending through or next to State property	Amount necessary	
303	Department of Agriculture, for improvements on State fair grounds	$32,086.00	Lump sum
311	To reimburse capitol extension fund	$74,430.82	Lump sum
338	To complete improvement of public highway at the Cherokee State Hospital	$2000.00	Lump sum

For Miscellaneous Purposes			
Chapter	For What	Amount	Period
14	Vocational rehabilitation of disabled persons, for support	$22,836.45	Annually for 2 years
14	For additional office equipment	$800.00	Lump sum
14	For support for remainder of 1921 up to June 30	$2000.00	Lump sum
163	Four regimental rifle ranges for National Guard	$20,000.00	Lump sum
163	Maintenance of regimental rifle ranges for National Guard	$2400.00	Annually
163	Rifle ranges for various units of the National Guard	Amount necessary up to $300 each	
165	Supreme Court Reports	Amount necessary	
177	Expenses of a conference committee of public officials	Amount necessary	
217	Parole Relief Fund	$1250.00	Lump sum
222	Vital statistics registration	$10,000.00	Annually
283	Expenses in submission of the Soldiers' Bonus referendum	Amount necessary	
295	Improvement of school conditions in mining camps	$50,000.00	Annually for 2 years
296	Vocational education	$20,000.00 additional	Biennium
301	Public health	$25,000.00	Annually for 2 years
305	Expenses of proposed Grand Army of the Republic encampment	$20,000.00	Lump sum
306	Roster of Iowa Soldiers, Sailors, and Marines	$15,000.00	Lump sum
310	Sums erroneously collected by the State as taxes from insurance companies	$125,000.00	Lump sum

Chapter	For What	Amount	Period
312	Inauguration ceremonies	$718.00	Lump sum
313	Permanent school fund, for money lost many years ago	$10,937.18	Lump sum
313	Express, freight, and drayage	$15,000.00	Period ending June 30, 1923
313	Advertising laws and publishing census returns	$5000.00	Lump sum
313	Providential contingencies under control of the Executive Council	$50,000.00	Lump sum
313	Pioneer Law-makers Association	$100.00	Lump sum
313	Executive Council, for Iowa's expenses of the Governors' Conference	$500.00	Lump sum
314	Flowers for the funeral of Representative Stone	$25.00	Lump sum
333	Expenses of Code revision and a supplement to the *Compiled Code*	Amount necessary	
339	Coöperation in the movement for water transportation from the Atlantic Ocean to the Mississippi River	$5000.00	Annually for 2 years

MISCELLANEOUS

Since 1898 rooms eleven and twelve in the State Capitol have been assigned by law (sections 152-a and 1657-n of the *Supplement to the Code, 1913*) to the Department of Agriculture, the assignment of all other space being at the disposal of the Executive Council. The State House has now become so crowded that an attempt was made to place these rooms also under the control of the Executive Council so that the Department of Agriculture might be assigned

to other quarters or compelled to share its space. Inasmuch as only section 152-a was repealed the effort to move the Department by virtue of the legislation of the Thirty-ninth General Assembly failed.[423]

Inasmuch as a number of communities in Iowa have been accustomed to set apart July 24th as a "flower day" to arouse sentiment that may lead to beautifying homes and lawns through the cultivation of flowers and the extermination of noxious weeds, the State legislature decided that such a day should be observed generally so that its benefits might be widespread. To that end the Governor was requested by joint resolution to proclaim July 24th each year as "State Flower Day".[424]

The eleventh of November, known as Armistice Day, was made a legal holiday in Iowa insofar as it affects the handling of negotiable paper.[425]

The question of adopting a State flag has been debated by every Iowa General Assembly since 1913 when a committee was appointed to investigate and report on the subject. No report was made, however, until 1917 when the committee advised the appointment of a better qualified commission. This was not done. Meanwhile a committee of the Iowa Society of the Daughters of the American Revolution had produced a design that they hoped would be adopted. In 1919 a bill proposing the adoption of this design as the State flag was defeated in the Senate, but the Thirty-ninth General Assembly adopted it.[426] Although it had the courage to authorize a State Flower Day and adopt

[423] *Acts of the Thirty-ninth General Assembly*, Ch. 134.

[424] *Acts of the Thirty-ninth General Assembly*, Ch. 409.

[425] *Acts of the Thirty-ninth General Assembly*, Ch. 162.

[426] *Acts of the Thirty-ninth General Assembly*, Ch. 78; Gallaher's *An Iowa Flag* in *Iowa and War*, August, 1918; Senate File No. 66, 1919; *Senate Journal*, 1919, pp. 567–569.

a State Flag the Thirty-ninth General Assembly balked on giving its approval to a State song.[427]

If, as has been asserted, the regular session of the Thirty-ninth General Assembly of Iowa is characterized more by the important measures that failed of enactment than by the constructive legislation which was adopted, the fact can be explained to a large extent by the expectation on the part of the members that many of the important subjects of legislation would be handled in connection with Code revision or taken up by a constitutional convention. The problems of Code revision and the calling of a constitutional convention were slated for definite action before the Assembly convened: both were subjects of preliminary discussion and preparation. And yet it turned out that the Code Commission bills were deferred to a special session which will not be held and no legislation was enacted providing for a constitutional convention. The absence of the usual legislation on the subjects of labor and liquor is particularly conspicuous.

JOHN E. BRIGGS

THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY IOWA

[427] Senate File No. 485.