THE LEGISLATION OF THE FORTY-FIRST GENERAL ASSEMBLY OF IOWA

In accordance with the provisions of the State Constitution the Forty-first General Assembly of Iowa convened at the Capitol in Des Moines on January 12, 1925.[1] Friday, April 3rd, was designated as the date of adjournment, but due to a tangle in the passage of the appropriations law the actual adjournment did not occur until April 10th.[2] The Forty-first General Assembly was thus in session eighty-nine days — one of the shortest regular sessions in recent years. The Thirty-third General Assembly in 1909, and the Thirty-ninth General Assembly in 1921 were each in session only eighty-nine days, but all other sessions since 1909 have consumed a longer period of time — the Fortieth General Assembly in 1923 having been in session one hundred days. Although eighty-nine days elapsed between the convening and the adjournment of the Forty-first General Assembly, both houses were actually in session only sixty-nine days. Besides the twelve Sundays and the customary spring recess, which was taken from February 26th to March 3rd inclusive, the legislature also recessed on January 16th, 17th, and 19th. On the basis of the number of days actually in session, the members of this session of the legislature received approximately $14.50 per day for their services.[3]

1 *Constitution of Iowa,* Art. III, Sec. 2; *House Journal,* 1925, p. 1.

2 The clocks were stopped on April 3rd and official records of adjournment bear that date.— *House Journal,* 1925, p. 1448; *The Des Moines Register,* April 11, 1925.

3 THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XXI, p. 507; *House Journal,* 1925, pp. 98, 99, 459, 460.

During this session seven hundred and thirty-six bills and eleven joint resolutions were introduced — three hundred and thirty bills and four joint resolutions in the Senate, and four hundred and six bills and seven joint resolutions in the House. Two hundred and eighty-four of these measures were enacted into law. One hundred and four of the bills thus acted upon were introduced by individual Representatives and fifty-three originated in committees of the House — a total of one hundred and fifty-seven originating in the House. Of the one hundred and twenty-seven measures which originated in the Senate, ninety-eight were introduced by individual members and twenty-nine by various committees. Judiciary Committee No. 2 in the House introduced the largest number of bills that were finally adopted — twelve of its bills being enacted into law. The House Committee on Motor Vehicles and the Senate Committee on Claims each presented eight of the measures adopted. The individual members who secured the passage of the largest number of laws introduced by them were as follows: in the Senate, William J. Goodwin ten, Bertel M. Stoddard nine, Charles J. Fulton and E. W. Romkey seven each, and F. C. Gilchrist six bills and one joint resolution; in the House, L. B. Forsling seven, and L. V. Carter, Volney Diltz, Wm. H. Stepanek, and Joseph Wagner six each.[4]

It will be remembered that at the time of the compilation of the *Code of 1924* there was considerable discussion as to whether or not it should be adopted as the official code of the State and what its status would be if it were not. On the one hand it was contended that unless it should be adopted as a whole, it would not carry with it the force and effect of law. Opponents of the formal adoption of the new

[4] *Index and History of Senate and House Bills and Joint Resolutions*, 1925, pp. 4–6.

Code, however, argued that if it were enacted as a single measure it would incorporate into the codified law a large number of errors, which must inevitably have crept in during the process of recodification.[5] In the light of this discussion it is interesting to note that almost sixty per cent of all the measures adopted by the Forty-first General Assembly — the first session after the publication of the Code — were passed for the purpose of amending various sections of the Code. Moreover, if appropriation bills, legalizing acts, and joint resolutions are excluded more than eighty per cent of all other bills were amendatory.[6]

ELECTIONS

There are three methods by which one wishing to become a candidate for an office in Iowa may secure a place on the official ballot — the primary election, the convention, and the petition. The law relative to the two latter methods was revised and codified by the Forty-first General Assembly. This law is the result of a measure introduced by the House Judiciary Committee No. 2 and provides that any convention or caucus of qualified electors representing a political organization which is not a political party as defined by law may make one nomination of a candidate for each office to be filled at the general election. Nominations made under the provisions of this law shall be certified by the chairman and secretary of the convention, setting forth the name and residence of each candidate, the office to which he is nominated, the name of the political organization making the nomination, and the name and address of each member of the organization's executive or central committee. Provision is also made for filling vacancies.

[5] *Iowa Law Bulletin*, Vol. X, p. 11; THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XXIII, p. 74.

[6] Of the 216 measures, not including appropriation acts, legalizing acts, and joint resolutions, 172 were amendatory.

Certificates of nomination for State, congressional, judicial, and legislative offices are to be filed with the Secretary of State, those for all other offices, except for cities and towns, with the county auditor, and those for cities and towns with the clerk of the city or town. All such certificates must be filed within a time limit, which varies with the different offices. Objections to the legal sufficiency of a certificate of nomination or to the eligibility of a candidate may be filed by any person who would have a right to vote for a candidate for the office in question. Such objections must be filed with the officer with whom such certificate is filed within a specified time limit, varying with the various offices. If objections are filed a hearing must be held before the Secretary of State, the county auditor, or the mayor as the case may be.

Provision is also made whereby a person nominated under the provision of this law may withdraw his nomination by a written request, signed and acknowledged by him, and filed within a specified time limit with the officer with whom the certificate of nomination is filed.

Nomination by petition may be made, in case of State officers, by a petition signed by not less than five hundred qualified voters; for county and district offices, by a petition signed by twenty-five qualified voters; and in case of city or town officers by a petition signed by not less than ten qualified voters of such city or town. The time and place of filing nomination petitions, the presumption of their validity, the right of a candidate so nominated to withdraw and the effect of such withdrawal, and the right to object to the legal sufficiency of such petitions or to the eligibility of the candidate are to be governed by the law relating to nominations by political organizations which are not political parties.[7]

[7] *Acts of the Forty-first General Assembly*, Ch. 27.

The election law, prior to the time of its re-codification, provided that withdrawals which were filed with the county auditor must be in his office twenty days before the date of election. In re-codifying the law this provision was adopted without alteration, but before this measure was finally approved by the Governor, Representative E. P. Harrison of Pottawattamie County had introduced a measure to change the time from twenty to twenty-five days. This change was later adopted.[8]

Two measures passed by the Forty-first General Assembly were for the purpose of regulating the hours during which polling places shall be open on election days. The law with regard to general elections previously required that the polls should be closed at seven o'clock in the evening. According to an amendment the "polling places" are to be closed at the time stated, but all persons who are entitled to vote and who are within said polling places at the time of closing are permitted to vote. The bill providing for this amendment was introduced by Representative John T. Hansen of Scott County.[9]

The second measure, relative to school elections, provides that in all school districts in which registration of voters is required the polls shall open at seven o'clock in the morning and close at seven in the evening. In districts where registration is not required, but which are composed in whole or in part of cities or towns, or in consolidated districts, the polls shall be open from twelve o'clock, noon, until seven in the evening; while in rural independent districts the polls shall open at one o'clock in the afternoon and remain open not less than two hours. Formerly the law provided that in districts where registration is not required the polls should be open five hours, and in rural

[8] *Acts of the Forty-first General Assembly*, Ch. 23.

[9] *Acts of the Forty-first General Assembly*, Ch. 24.

independent districts they should be open at least two hours. The time of opening was not specified in either case.[10]

The lack of uniformity in arrangement and the crowding of names on the ballots used in voting machines led the Forty-first General Assembly to pass a law requiring the officer in charge of preparing the ballots for voting machines to lock and leave blank the party row next underneath the names of the Republican candidates and also the party row underneath the names of the Democrats. This tends to uniformity and provides a blank space beneath the names of all candidates of the two major parties.[11]

Several other measures relative to elections were introduced in the Forty-first General Assembly, but none of these were enacted into laws. Four of these bills, however, passed one house and caused considerable discussion on the floor in both House and Senate.

One of these was an attempt to amend the Iowa primary election law which requires a candidate, to secure a nomination, to receive thirty-five per cent of the votes cast for his office. A bill providing that this stipulation be stricken out of the law was introduced by Senator O. E. Gunderson and passed the Senate by a vote of 28 to 22, but was indefinitely postponed in the House.[12]

An attempt was also made to amend the law relative to the marking of absent voters' ballots to permit the officer administering the oath to such voter to mark the ballot as directed by said voter if for any reason except intoxication the voter is unable to read or to mark his ballot. The bill providing for this change in the law passed the House, but did not come to a vote in the Senate.[13]

[10] *Acts of the Forty-first General Assembly*, Ch. 26; *Code of 1924*, Sec. 4202.

[11] *Acts of the Forty-first General Assembly*, Ch. 25.

[12] Senate File No. 61.

[13] House File No. 137.

It is the duty of the county auditor prior to the day of election to publish in two newspapers of the county a list of the nominees to be voted upon at the election. A bill was introduced providing that this list should not be published in two papers in the same city or town unless the population of the municipality exceeded twenty-five hundred. Although this measure passed the House by a vote of 60 to 5 it was not voted upon by the Senate. The passage of such a measure would tend to secure a wider distribution of nomination lists.[14]

The primary election law provides that the names of candidates for city ward aldermen, city precinct committeemen, and delegates to the city convention shall not be printed on the primary ballot, but blanks are reserved for them. A bill to amend the law so as to remove ward aldermen from this list was introduced by Representative Joseph Wagner of Davenport,[15] and passed the House by a vote of 65 to 2, but was not voted upon in the Senate.

THE STATE ADMINISTRATION

The legislation of the Forty-first General Assembly resulted in a number of significant changes relative to State administration, two of which affected directly the Board of Accountancy. The *Code of 1924* provided that the Governor should appoint three persons as a Board of Accountancy, each member to serve for three years. The law, however, did not provide for reappointments. The Forty-first General Assembly authorized the Governor, on or before July first of each year, commencing with 1926, to appoint one member to serve on this board, and provided that the originally appointed members should hold office until July first of the year in which their respective terms of office

[14] House File No. 388; *Code of 1924,* Sec. 790.

[15] House File No. 329; *Code of 1924,* Sec. 643.

would expire. The effect of this law is to make the Board of Accountancy a continuing body.[16]

Under the provisions of the former law the Board of Accountancy was required to make a report biennially. In order to make it conform with Section 247 of the Code, this law was amended to require annual reports.[17]

Prior to 1925 the law of Iowa provided that whenever a crime punishable by death or imprisonment in the penitentiary for a period of ten years or more had been committed within the State, and the person committing the offense had escaped from arrest, the Governor, in his discretion, might offer a reward of not more than five hundred dollars for the arrest and return of such offender. The Forty-first General Assembly adopted a bill presented by Senator H. Guy Roberts which amended this law to permit the offering of the reward in cases where the custody or whereabouts of the accused is unknown as well as in cases where the accused has escaped from arrest.[18]

The Auditor of State, prior to 1925, was required to compile a complete biennial report of the expenditures of the several State offices and State institutions, except for institutions under the management of the State Board of Control and the State Board of Education, and it was the duty of the several offices, departments, and institutions to furnish to the Auditor such information as he might need in compiling this data. A bill introduced by Representative T. L. Wolfe and approved on April 3, 1925, repealed this law. This change was probably brought about as a result of the law which makes it the duty of the Director of the Budget to supervise expenditures.[19]

[16] *Acts of the Forty-first General Assembly*, Ch. 40; *Code of 1924*, Sec. 1886.

[17] *Acts of the Forty-first General Assembly*, Ch. 41.

[18] *Acts of the Forty-first General Assembly*, Ch. 21.

[19] *Acts of the Forty-first General Assembly*, Ch. 2; *Code of 1924*, Secs. 127, 128, 232, 246.

The *Code of 1924* provides that an accountant of the Executive Council shall examine and report to the Council upon all financial affairs of the State Fair Board. A law of the Forty-first General Assembly transfers this duty to the Director of the Budget, but provides that the report shall be included in the biennial expense report of the Auditor of State. This provision, however, is of no effect for, as noted above, a law was passed on April 3rd which relieves the Auditor of the duty of issuing this biennial report. Accordingly no legal provision remains for the publication of the report of the financial affairs of the State Fair Board.[20]

Two measures were passed relative to inter-State bridges. The first of these, introduced by Representative Ralph C. Prichard, provides that the Governor of Iowa be directed to appoint three commissioners from this State to act with a similar commission appointed by the Governor of Nebraska to ascertain and report upon the feasibility of constructing a bridge on the Missouri River connecting the State of Iowa through Woodbury County with the State of Nebraska through Dakota County and also to report concerning a like bridge between Pottawattamie County, Iowa, and Douglas County, Nebraska. A similar commission, also to be appointed by the Governor, was provided to confer with a commission from Wisconsin relative to bridging the Mississippi River connecting the State of Iowa "through Clayton county with the state of Wisconsin through Crawford county".[21] To make the provision of the law more general and to allow the commission a wider range of discretion in the matter, Representative J. H. Hager of Allamakee County introduced another bill amending the first which provided that the commission report

[20] *Code of 1924*, Sec. 2891; *Acts of the Forty-first General Assembly*, Ch. 57.

[21] *Acts of the Forty-first General Assembly*, Ch. 209.

upon the feasibility of constructing "interstate bridges across the Mississippi river joining the state of Iowa with the state of Wisconsin." This was adopted and thus the location of such bridge or bridges across the Mississippi is not restricted to the limits of certain counties. The restrictions remain, however, with regard to bridges crossing the Missouri.[22]

All claims for money due from the State, to be paid from the State treasury, except salaries of the various officers and employees, must be approved and certified by the State Board of Audit. Prior to 1925 claims were not audited and therefore could not be collected if presented after the lapse of two years from the date of accrual. A bill introduced by Senator F. C. Stanley and approved on March 31, 1925, reduced this time limit to six months instead of two years, thus requiring more prompt action on the part of persons having claims against the State. This law also provides that the Auditor of State shall transfer to the general fund of the State any unexpended balance of any annual or biennial appropriation remaining at the expiration of six months after the close of the fiscal period for which the appropriation was made. At the time the transfer is made on the books of his office he shall certify such fact to the Treasurer of the State, who shall make corresponding entries on the books of the Treasurer's office.[23]

On January 15, 1925, three days after the convening of the legislative session, Representatives Earl W. Vincent of Guthrie County and A. G. Rassler of Pocahontas County introduced a bill authorizing the Executive Council to rent suitable office space in the city of Des Moines in order to provide more adequate rooms for State officials and thus facilitate the work of State government. An annual appro-

[22] *Acts of the Forty-first General Assembly*, Ch. 210.

[23] *Acts of the Forty-first General Assembly*, Ch. 205; *Code of 1924*, Sec. 393.

priation of ten thousand dollars was provided for carrying this act into effect. Although this measure passed the House by a unanimous vote of 84 to 0, it met strong opposition in the Senate. The committee to which it was referred offered an amendment reducing the appropriation to five thousand dollars, and suggested that the question of passage be referred to the Committee on Appropriations. This committee recommended indefinite postponement. The report of the committee was adopted and the measure was lost.[24]

LEGISLATURE

The passage of the Nineteenth Amendment to the Federal Constitution, by making women citizens voters, at once extended to women the right to hold many of the governmental offices from which they had hitherto been excluded. The Constitution of Iowa provides, however, that only male citizens shall be members of the General Assembly. The Fortieth General Assembly in 1923 passed a joint resolution providing for a constitutional amendment, removing this sex qualification for membership in the State legislature. Constitutional amendments, however, to become effective must be passed by two successive sessions of the General Assembly. Accordingly the proposed amendment was presented to the Forty-first General Assembly in the form of a joint resolution introduced by Representative S. L. Graham. This measure was adopted by a unanimous vote in both houses and if it is favorably voted upon by the people, it will become a part of the Constitution of Iowa.[25]

Another constitutional amendment relative to the apportionment of the State into State senatorial districts was presented to the Forty-first General Assembly by Senator

[24] House File No. 1; *Senate Journal*, 1925, pp. 748, 749, 818.

[25] *Acts of the Forty-first General Assembly*, Ch. 282; *Constitution of Iowa*, Art. III, Sec. 4.

F. C. Gilchrist. The present law provides that the Senate shall be composed of fifty members to be elected from the several senatorial districts, and apportioned among the several counties or districts of the State according to population. The purpose of the proposed amendment is to prevent the division of a county into two senatorial districts, and to prevent a county from having more than one Senator. In accordance with the provisions of the Iowa Constitution this proposal will have to be acted on by the Forty-second General Assembly, and submitted to a vote of the people before it becomes effective.[26]

The *Code of 1924* provided that the compensation of the officers and employees of the General Assembly shall be fixed by joint action of the House and Senate by resolution at the opening of the session, or as soon thereafter as convenient. Accordingly Representative John M. Rankin introduced a joint resolution fixing the compensation of the officers and employees of the Forty-first General Assembly. The salaries stipulated in this measure were substantially the same as those paid during previous sessions of the legislature.[27]

Extra help being needed to carry on the work of the Assembly another joint resolution, presented by Senator Frank Shane, was passed approving the appointment of additional employees and stipulating the compensation to be paid in each case. This was very similar to that paid at the preceding regular session.[28]

The Constitution of Iowa provides that the Lieutenant Governor, while presiding in the Senate, shall receive as

[26] *Acts of the Forty-first General Assembly*, Ch. 279; *Constitution of Iowa*, Art. III, Sec. 34 as amended in 1904.

[27] *Acts of the Thirty-eighth General Assembly*, Ch. 4; *Acts of the Forty-first General Assembly*, Ch. 283; *Code of 1924*, Sec. 19.

[28] *Acts of the Fortieth General Assembly*, Ch. 386; *Acts of the Forty-first General Assembly*, Ch. 280.

compensation the same mileage and double the per diem pay which is allowed Senators, but no such provision was made with regard to the Speaker of the House of Representatives. Custom has dictated, however, that the presiding officer of the House shall, in like manner, receive a salary equal to twice that of the other members. Since 1911 the salary of the members of the General Assembly has been one thousand dollars for each regular session and it has been customary for the legislature at each session to appropriate the sum of one thousand dollars to the Speaker, in addition to his pay as a member. The *Code of 1924* provides that compensation of the members of the General Assembly shall be one thousand dollars for each regular session, and a per diem payment for special sessions. A measure introduced in the Forty-first General Assembly by Senator Bertel M. Stoddard provides that this law shall not apply to the President of the Senate, nor to the Speaker of the House; but that these shall each receive a salary equal to twice that of other members.

The passage of this measure brings about a uniformity and standardization of the law, which has hitherto been lacking. The constitutional provision relative to the President of the Senate and the custom relative to the Speaker of the House are now made uniform by legislative enactment.[29]

One of the problems presented in connection with the work of legislation is the publication of legislative acts. It is not strange, therefore, that several measures were passed relative to this matter. The *Code of 1924* provides that acts which are to take effect from and after publication in newspapers shall be published in two or more papers, one at least of them at the seat of government. A measure was

[29] *Constitution of Iowa*, Art. IV, Sec. 15; *Acts of the Thirty-fourth General Assembly*, Chs. 1, 192, Sec. 6; *Acts of the Forty-first General Assembly*, Ch. 18; *Code of 1924*, Sec. 14.

introduced in the Forty-first General Assembly by Senator Charles J. Fulton by which the last clause of this provision was stricken out. Under the present law, therefore, newspapers located in Des Moines have no preference in the publication of legislative acts.[30]

The Reporter of the Supreme Court, in accordance with the provision of the *Code of 1924*, is designated as Code Editor. One of his duties in this connection has been to "prepare the manuscript copy of all laws, acts, and joint resolutions passed at each session of the general assembly, and arrange the same in chapters with a comprehensive index". This duty has now been transferred to the Superintendent of Printing who is charged with the preparation of session laws. The Code Editor, however, is still authorized to submit recommendations for changing conflicting sections of the Code, to edit and compile the Code after each even-numbered session of the General Assembly, to edit and prepare annotations, and to prepare every four years a volume which will show the construction placed by the Supreme Court of the State and the Federal courts upon statutes of the State.[31]

Prior to 1924 codes and session laws were distributed through the offices of the county auditors. With the adoption of the new Code in that year the work of such distribution was transferred to the Superintendent of Printing. It appears, however, that some of the county auditors retained copies of publications which should have been forwarded to the Printing Department. In order to effect this transfer, the Forty-first General Assembly passed a bill which provided that all county auditors be directed to ship to the Superintendent of Printing, all codes of 1897, all supplements thereto, and all session laws now in their

[30] *Code of 1924*, Sec. 54; *Acts of the Forty-first General Assembly*, Ch. 3.

[31] *Code of 1924*, Secs. 156, 162, 163, 165, 166; *Acts of the Forty-first General Assembly*, Ch. 19.

possession and unsold or undistributed. Thus the custody and distribution of codes and session laws, as well as the preparation of session laws is now in the hands of the Superintendent of Printing.[32]

It has formerly been the duty of the Printing Board to fix the price to be charged for the Code, session laws, annotations, table of corresponding sections, and reports of the Supreme Court. The Forty-first General Assembly fixed the price of these publications as follows:

1. Codes: Five dollars ($5.00) within the state and seven dollars and fifty cents ($7.50) outside the state.
2. Session laws: One dollar ($1.00) within the state and one dollar and fifty cents ($1.50) outside the state.
3. Book of annotations to the code: Four dollars ($4.00) within the state and six dollars ($6.00) outside the state.
4. Tables of corresponding sections of the codes: Two dollars ($2.00) within the state and four dollars ($4.00) outside the state.
5. Reports of the supreme court: Three dollars and fifty cents ($3.50) within the state and five dollars ($5.00) outside the state.[33]

An attempt was made to amend the law relative to the compensation to be paid newspapers for publishing the laws of the General Assembly which take effect by publication. A bill providing that the rates charged be the same as those paid for legal advertisements, instead of one-third of that rate, as the present law provides, was presented in the Senate and passed by a unanimous vote of 32 to 0, but when the measure was sent to the House, the bill was defeated by striking out the enacting clause.[34]

JUDICIARY

Three measures passed by the Forty-first General Assembly concerned the district court, two of which increased

[32] *Acts of the Forty-first General Assembly*, Ch. 215.

[33] *Acts of the Forty-first General Assembly*, Ch. 20; *Code of 1924*, Sec. 265.

[34] Senate File No. 45; *Code of 1924*, Sec. 62.

the number of district judges. The Ninth Judicial District, composed of Polk County, formerly had five judges. A bill, introduced by Representative Volney Diltz, provided a sixth judge for this district and authorized the Governor to appoint a judge to fill the newly created office until January, 1927 — provision being made for the election of his successor at the general election in 1926. This bill was adopted.[35]

In like manner the Sixteenth Judicial District, consisting of Ida, Sac, Calhoun, Crawford, Carroll, and Greene counties, was given an additional judge, the number being increased from two to three. Representative Marion R. McCaulley of Calhoun County introduced the bill which resulted in this change.[36] Prior to 1925 the State of Iowa was divided into twenty-one judicial districts, with sixty-seven judges, each district having from two to five judges. Under the new law the number of districts remains the same, but the number of judges is increased to sixty-nine, there now being from two to six judges in each district.

The third measure passed relative to the district courts was one relating to the salaries and expenses of judges. When from any cause, the business of the district court of any judicial district of the State can not be disposed of within a reasonable time by the judges elected within that district, the Chief Justice of the Supreme Court, upon petition, may temporarily assign additional judges from other districts to assist with the hearing of cases. The judge so transferred shall be allowed all reasonable and actual expenses while in the performance of his temporary duties, in addition to his salary. The recent legislation on this point provides that vouchers for such expenses shall

[35] *Acts of the Forty-first General Assembly*, Ch. 200; *Code of 1924*, Sec. 10768.

[36] *Acts of the Forty-first General Assembly*, Ch. 201.

be filed with the Auditor of State, and that he be authorized to draw warrants for the amount due. An appropriation was made sufficient to carry out the provisions of this act until July 1, 1925.[37]

The Constitution of Iowa provides that the compensation of Supreme Court judges shall be such as the General Assembly may by law prescribe, but that the salary of such judges shall not be increased or diminished during the term for which they shall have been elected. The statutory salary for some years prior to 1925 has been six thousand dollars. An act was approved on April 3rd of this year, however, which provides that each "judge of the supreme court hereafter elected shall receive a salary of seventy-five hundred dollars ($7,500.00) a year, as provided by law."[38]

The *Code of 1924* contains a provision that no person shall be eligible to the office of judge of a court of record who is not, at the time of his election, an attorney at law, duly admitted to practice under the laws of this State. Senator Frank Shane of Ottumwa introduced a measure which resulted in amending this section in such a manner as to make judges of police courts an exception to this rule. Accordingly, under the present law, a judge of a police court in Iowa need not be an attorney at law.[39]

STATE INSTITUTIONS

Institutions under the Board of Control.— Two measures relative to escapes from State institutions were passed by the legislature. The *Code of 1924* contains a provision for the punishment of persons who escape from the Peniten-

[37] *Acts of the Forty-first General Assembly*, Ch. 202; *Code of 1924*, Secs. 10785, 10786.

[38] *Acts of the Forty-first General Assembly*, Ch. 194; *Acts of the Fortieth General Assembly*, Ch. 334, Sec. 10.

[39] *Code of 1924*, Sec. 10815; *Acts of the Forty-first General Assembly*, Ch. 195.

tiary or from the Men's or Women's Reformatory. Section 13355 of the Code provides that all costs and fees hereafter incurred in the prosecution of such cases shall be paid out of the general fund of the State treasury in any case where the prosecution fails, or where such fees and costs can not be collected from the person liable, the facts being certified by the clerk of the district court and verified by the county attorney. This section appears in the Code with a restrictive clause, however, which makes the provision relative to the payment of costs applicable only in cases of escapes from the Penitentiary. Under the present law costs are paid in case of escapes from the Reformatories in like manner as in case of escapes from the Penitentiary.[40]

The second measure passed relative to escapes was intended to consolidate and codify in a more simple form the law upon this subject. Sections 13365, 13369, and 13370 of the Code all deal with the offense of aiding escapes, each of these sections being in part a repetition of the others. By the recent legislation these three sections are codified as a single section, which provides that any person not authorized by law who shall bring or cause to be brought into any institution under the management of the Board of Control, "any opium, morphine, cocaine, or other narcotics, or any intoxicating liquor, or any firearm, weapon, or explosive of any kind, or any rope, ladder, or other instrument or device for use in making or attempting an escape, or shall in any manner aid in such an escape, or who, knowing of such escape, shall conceal such inmate after escape, shall be punished by fine not exceeding one thousand dollars, or imprisonment in the penitentiary or reformatory for a term not exceeding five years."[41]

[40] *Code of 1924*, Secs. 13351, 13355; *Acts of the Forty-first General Assembly*, Ch. 71.

[41] *Acts of the Forty-first General Assembly*, Ch. 72.

Under the provisions of the law as it existed before 1925 the power of paroling inmates of the Women's Reformatory was vested in the Board of Control, while inmates of the Penitentiary and of the Men's Reformatory were paroled by authority of the Board of Parole. A bill introduced by Senator A. T. Brookins and approved by the Governor on March 25, 1925, repealed the authority of the Board of Control in this regard and transferred its power to the Board of Parole. The passage of this measure resulted in the repeal of two sections of the Code and amended seventeen other sections. The amendments, however, to the several sections were slight — the only purpose being to secure uniformity in the law as amended. One section of the former law, for example, provided that: "The board of parole shall . . . . have power to parole persons convicted of crime and committed to either the penitentiary or the men's reformatory." The new law specifies that the Board of Parole may parole prisoners committed to "the penitentiary or the men's or women's reformatory." Similar adjustments were made in the other sections amended.[42]

It is the duty of the Board of Control to make monthly visits to the State Hospitals for the Insane, and to make a thorough examination of existing conditions. The Board may, however, at its discretion, delegate this duty to a woman inspector who shall be required to make a written report to the Board. According to legislation passed by the Forty-first General Assembly this visitation and inspection may also be done by the secretary of the Board.[43]

The law relative to the management and control of the Soldiers' Home stipulates that the Board of Control shall determine the eligibility of all applicants for admission to the home. A measure passed by the recent session of the

[42] *Acts of the Forty-first General Assembly*, Ch. 67.

[43] *Acts of the Forty-first General Assembly*, Ch. 68; *Code of 1924*, Sec. 3494.

legislature adds to this law the following provision: "but no person shall be received or retained in said home who has been dishonorably discharged from said military or naval service." The obvious purpose of this amendment was to prevent dishonorably discharged veterans from obtaining support at the Soldiers' Home.[44]

A bill designed to regulate and control the marriage of persons mentally deficient was passed by the Forty-first General Assembly. This bill, which required certain reports from the Board of Control, was a part of the legislative program presented by the Child Welfare Commission and is considered under the subject of Social Legislation.[45]

Another measure, of a temporary nature, which affected the control of State institutions, provided that "For the remaining portion of the biennium ending June 30, 1925, all monthly appropriations made for the support of the various institutions under the control and management of the board of control of state institutions shall be construed as available on the first day of each current month". In accordance with this provision those sections of the Code relative to maximum and minimum appropriations for the Iowa Juvenile Home and the Iowa Soldiers' Orphans' Home were declared to be repealed after June 30, 1925. The purpose of this measure was to make regulations such as would conform with the provisions of the Budget Law which would become effective July 1, 1925.[46]

Educational Institutions.— The lack of housing facilities at the three State institutions under the management of the Board of Education has given rise to an agitation for the building of dormitories at State expense. In further-

[44] *Acts of the Forty-first General Assembly*, Ch. 73; *Code of 1924*, Sec. 3367.

[45] *Acts of the Forty-first General Assembly*, Ch. 187.

[46] *Acts of the Forty-first General Assembly*, Ch. 69.

ance of this plan Senator George M. Clearman introduced a measure by which the Board of Education has been given authority to erect from time to time such dormitories as may be required for the good of the institutions, to rent rooms to students, and to exercise full control and management over such dormitories. For this purpose the Board may purchase or condemn property for a building site. It may also borrow money, mortgage any of the property so acquired, and pledge the rents, profits, and income from any such property. Provision is made, however, that no obligation for such property shall become a charge against the State, but that all such obligations, including principal and interest, shall be payable from rents, profits, and incomes, and from gifts and bequests made to the institutions for dormitory purposes.[47]

There has developed in recent years a belief that there exists a duplication of work at the various State educational institutions. With a view of eliminating this duplication Senator H. Guy Roberts introduced a joint resolution which authorized the State Board of Education to make a careful study of existing conditions at the three State educational institutions, to provide for the elimination of unnecessary courses of study, and on or before July 1, 1926, to report in detail to the Governor of the State the action taken. This bill was adopted.[48]

APPROPRIATIONS

One of the most important functions of a State legislature is the granting of appropriations to carry forward the activities of State government. The budget system recently adopted in Iowa is designed not only to facilitate the work of the legislators but to place appropriations upon a more

[47] *Acts of the Forty-first General Assembly*, Ch. 93.

[48] *Acts of the Forty-first General Assembly*, Ch. 281.

scientific basis. The budget as presented to the Forty-first General Assembly was in a very large measure adopted as presented. Nevertheless, much time was consumed in discussing appropriations and several changes resulted.

In the accompanying table an attempt has been made to classify the appropriations of the Forty-first General Assembly under the headings: (1) Appropriations for the Maintenance of State Government and State Officers; (2) Support and Maintenance of State Institutions; (3) Appropriations to Satisfy Claims; (4) Improvement of State Property; and (5) Appropriations for Miscellaneous Purposes.

Appropriations by the Forty-first General Assembly			
For the Maintenance of State Government and State Officers			
Chapter	For What	Amount	Period
218	Department of Adjutant General	$492,740	Biennium
218	Department of Agriculture	932,040	Biennium
218	Department of Justice	171,700	Biennium
218	Board of Audit	7,600	Biennium
218	Auditor of State	52,800	Biennium
218	Bacteriological Laboratory	29,110	Biennium
218	Director of the Budget	64,400	Biennium
218	Clerk of the Supreme Court	19,300	Biennium
218	Board of Conservation	180,000	Biennium
218	Office of Board of Control	167,040	Biennium
218	Office of Custodian	134,910	Biennium
218	District Court Judges	605,000	Biennium
218	Board of Education	81,400	Biennium
218	State Entomologist	12,040	Biennium

CHAPTER	FOR WHAT	AMOUNT	PERIOD
218	Executive Council	$ 40,360	Biennium
218	Executive Council, general expense	435,500	Biennium
218	State Fair Board	41,200	Biennium
218	Agricultural societies	320,000	Biennium
218	State Fire Marshal	34,000	Biennium
218	Grand Army of the Republic	1,500	Biennium
218	Geological Survey	19,600	Biennium
218	Office of Governor	38,000	Biennium
218	Department of Health	122,820	Biennium
218	Historical Department	94,850	Biennium
218	State Historical Society	72,850	Biennium
218	Iowa Industrial Commission	55,000	Biennium
218	Department of Insurance	108,700	Biennium
218	Bureau of Labor	44,400	Biennium
218	State Library	96,000	Biennium
218	Library Commission	46,700	Biennium
218	Board of Mine Examiners	2,000	Biennium
218	Mine Inspectors	25,920	Biennium
218	Board of Parole	66,400	Biennium
218	Pharmacy Examiners	17,100	Biennium
218	Pioneer Law Makers	100	Biennium
218	State Printing Board, printing	281,440	Biennium
218	State Printing Board, salaries	37,700	Biennium
218	Superintendent of Public Instruction, salaries	70,700	Biennium
218	Superintendent of Public Instruction, for State aid	909,900	Biennium
218	Railroad Commission	203,425	Biennium

Chapter	For What	Amount	Period
218	Reporter of Supreme Court and Code Editor	$ 27,600	Biennium
218	Secretary of State	39,500	Biennium
218	Supreme Court	112,100	Biennium
218	Treasurer of State	159,490	Biennium
218	Board of Vocational Education	64,392	Biennium
223	Rental of typewriters for use of General Assembly	$10 each Amount necessary	
223	Chaplains' fees for Forty-first General Assembly	$1,000	Lump sum
223	Badges for General Assembly	100	Lump sum
252	Expenses of Mine Inspectors	Amount necessary	Until July 1, 1925
255	Executive Council, for cost of laundering towels for the Forty-first General Assembly	$175	Lump sum

For Support and Maintenance of State Institutions

Chapter	For What	Amount	Period
218	State Hospital and Colony for Epileptics and Feeble-minded at Woodward	$545,520.00	Biennium
218	Institution for Feeble-minded Children at Glenwood	794,950.00	Biennium
218	State Hospital for Insane at Cherokee	622,290.00	Biennium
218	State Hospital for Insane at Clarinda	644,700.00	Biennium
218	State Hospital for Insane at Independence	699,100.00	Biennium
218	State Hospital for Insane at Mt. Pleasant	650,750.00	Biennium
218	State Juvenile Home at Toledo	169,100.00	Biennium
218	State Penitentiary at Fort Madison	636,700.00	Biennium

CHAPTER	FOR WHAT	AMOUNT	AMOUNT
218	Men's Reformatory at Anamosa	$633,400.00	Biennium
218	Women's Reformatory at Rockwell City	101,560.00	Biennium
218	State Sanatorium for Tuberculosis at Oakdale	514,412.50	Biennium
218	Iowa Soldiers' Home at Marshalltown	536,500.00	Biennium
218	Iowa Soldiers' Orphans' Home at Davenport	343,792.80	Biennium
218	Training School for Boys at Eldora	311,060.00	Biennium
218	Training School for Girls at Mitchellville	170,180.00	Biennium
218	Emergency fund at State institutions	50,000.00	Biennium
218	State roads at State institutions	40,000.00	Biennium
218	State University of Iowa	4,206,811.20	Biennium
218	Iowa State College of Agriculture and Mechanic Arts	4,817,774.00	Biennium
218	Iowa State Teachers College	1,423,500.00	Biennium
218	Iowa School for the Deaf	453,000.00	Biennium
218	Iowa School for the Blind	176,200.00	Biennium
218	Psychopathic Hospital	108,000.00	Biennium
254	Board of Control, for the purchase of butter for State institutions	50,000.00	Biennium

TO SATISFY CLAIMS

CHAPTER	FOR WHAT	AMOUNT	PERIOD
218	Relief of Frederick M. Hull	$ 480.00	Biennium
218	Relief of Mitchell's cavalry	2,000.00	Biennium
223	Frank Vetter, for service to Fortieth General Assembly	11.00	Lump sum
223	Oley Nelson, for service to Fortieth General Assembly	2.60	Lump sum
223	Chas. P. Denison, for service to Fortieth General Assembly	16.20	Lump sum

Chapter	For What	Amount	Period
223	T. D. Doke, for service to Fortieth General Assembly	$ 12.00	Lump sum
223	R. H. Rhys, expense incurred as mine inspector	54.58	Lump sum
223	Chas. A. Lindenau, for services to extra session of Fortieth General Assembly	144.00	Lump sum
223	W. E. Holland, expense incurred as mine inspector	5.06	Lump sum
228	W. W. Hinshaw, for injury at Camp Dodge	3,763.05	Lump sum
229	D. E. Bullock, for injury received at Camp Dodge	2,500.00	Lump sum
231	F. J. Schadle, reimbursement of money wrongfully collected	300.00	Lump sum
232	Lyon County Farm Bureau, for use of hall	8.00	Lump sum
233	Martha Hutchins, for injury sustained as employee at State Hospital at Independence	1,000.00	Lump sum
234	J. W. Slocum, for services on Pharmacy Board	160.00	Lump sum
237	Paul E. Gibson, for medical services rendered paroled convict	229.50	Lump sum
237	John McDonald hospital, for medical treatment for paroled convict	157.00	Lump sum
238	Roy De Groat, for injury sustained at State Reformatory	1,000.00	Lump sum
239	Edgar R. Harlan, for expense incurred at the American Library Association meeting	61.14	Lump sum
240	Midwest State Bank, Sioux City, for payment of bonus warrant	350.00	Lump sum
241	Joseph J. Roeder, for injury sustained at Iowa State Teachers College	1,200.00	Lump sum

CHAPTER	FOR WHAT	AMOUNT	PERIOD
242	Wilfird Hirt, for injury to automobile	$1,000.00	Lump sum
243	Lynn Clemens, for clothing burned in Board of Health office	36.50	Lump sum
243	Fred McMullen, for clothing burned in Board of Health office	15.00	Lump sum
243	Robert McLaren, for clothing burned in Board of Health office	4.00	Lump sum
244	Joseph Kelso, Jr., for expense on Board of Conservation	815.00	Lump sum
249	Iowa City, for paving streets adjoining University property	7,870.00	Lump sum
251	Hardin County, for care of patients at the State Hospital for Insane	1,806.79	Lump sum
253	Charles L. Dunn, for services in Iowa National Guard	553.18	Lump sum
255	C. W. Best, for service as chaplain	5.00	Lump sum
255	C. W. Bonifield, for services as pharmacy examiner	91.20	Lump sum
255	A. C. Gustafson, for postage and stenographic expense	15.00	Lump sum
255	A. C. Gustafson, for postage and stenographic expense	25.80	Lump sum
255	Des Moines Rubber Stamp Co., for additional supplies	13.23	Lump sum
255	Hertzberg bindery, for binding	2.75	Lump sum
255	O. W. Lowery, for services	20.00	Lump sum
255	Walter H. Beam, for postage and telegraph expense	4.83	Lump sum
255	Mabel Saverude, for service as clerk	8.00	Lump sum
255	Emily Faris, for service as clerk	50.00	Lump sum
255	Secretary of the Senate and Clerk of the House and their assistants	Amount necessary	

For the Improvement of State Property			
Chapter	For What	Amount	Period
217	Capitol repairs	$84,315.00	Lump sum
220	Payment of drainage assessment in Winnebago and Worth counties	400.00	Lump sum
225	Payment of drainage assessment in Muscatine County	1,718.06	Lump sum
225	Payment of drainage assessment in Louisa County	7,039.21	Lump sum
230	Purchase of land in Mills County for State farm	14,578.00	Lump sum
245	Construction of a draw bridge at Lake Okoboji	15,000.00	Lump sum
248	Payment of drainage assessment in Clay County — Mud Lake	6,520.86	Lump sum
255	Purchase and repair of tables at Law Library	600.00	Lump sum
255	Executive Council, for new blinds in Senate and House chambers	3,000.00	Lump sum

For Miscellaneous Purposes			
Chapter	For What	Amount	Period
218	Commission on Uniform Laws	$ 500.00	Biennium
218	Medical and surgical treatment of indigent persons	1,800,000.00	Biennium
218	General contingent fund	40,000.00	Biennium
218	Insurance Examiners	$10 per diem Amount necessary	
218	Assistant to State Auditor	$7 per diem Amount necessary	

CHAPTER	FOR WHAT	AMOUNT	PERIOD
219	Superintendent of Public Instruction, traveling expense	$1,500.00	To June 30, 1925
221	Mileage and compensation of presidential electors	216.40	Lump sum
222	Expense of inaugural ceremonies	413.00	Lump sum
224	Kirkwood memorial	3,500.00	Lump sum
226	Purchase of World War memorial	3,500.00	Lump sum
227	Expense of junior dairy cattle judging team	4,000.00	Lump sum
235	Provide for Iowa exhibit at the sesquicentennial exposition at Philadelphia	95,000.00	Lump sum
236	Expense of G. A. R. encampment	15,000.00	Lump sum
246	Aid for blind students	4,000.00	Biennium
247	Expense of National Encampment of Spanish-American War Veterans	10,000.00	Lump sum
250	Erection of markers at Spanish-American War encampment places	1,500.00	Lump sum

TAXATION

A considerable number of bills were passed dealing directly or indirectly with the subject of taxation. Some of these measures, however, are closely allied to other subjects and are discussed in connection with the subject of their primary interest, but some twelve measures may be considered as dealing primarily with taxation. Thus the gasoline tax law, on the basis of the use to which the tax collected is put, might be discussed in connection with highways, or if considered from the standpoint of the use of the article taxed, it might be discussed in connection with motor vehicles. Primarily, however, this law provides a form of taxation and may be discussed as such.

The demand for better roads in Iowa and the need of

more funds to carry on the work of road construction and maintenance resulted in the introduction of several bills relative to a tax on gasoline. The law which was finally enacted was introduced by a special committee but was the outgrowth of two other bills — one introduced by Senator A. H. Bergman, the other by Senator M. L. Bowman — and was a companion to a third bill introduced in the House by Representative David Brittain. The law imposes a tax of two cents per gallon on all gasoline sold within the State. Provision is made, however, for the refunding of the tax collected upon gasoline used for commercial or purposes other than that of propelling motor vehicles upon the public highways.

The proceeds are to be distributed as follows: one-third to the primary road fund; one-third to the county road fund; and one-third to the township road fund. The funds accruing to the counties and townships are apportioned by the State Treasurer among the counties of the State in the same ratio that the area of the county bears to the total area of the State and the money is remitted monthly. Within the county the gasoline tax money is apportioned among the townships in the same ratio that the number of miles of township roads in the township bears to the total number of miles of township roads within the county.

The law also requires any one selling or distributing gasoline to keep posted in a conspicuous public place the sale price, the amount of tax, and the total price per gallon charged to customers for the different grades of gasoline. He must also send monthly reports to the State Treasurer and keep all books and records relative to his business open for inspection; and penalties are prescribed for the violation of any of the regulations. A law similar to this was passed by the General Assembly in 1923, but was vetoed by Governor N. E. Kendall.

The *Code of 1924* provides that for county road building the board of supervisors shall levy annually a tax of not less than one mill nor more than two mills on all taxable property in the county. The gasoline tax law contains a provision which amended this section of the Code, so that under the present law the tax levy may be less than one mill, but shall not be more than two mills — the effect being to reduce the amount of property tax assessed for county road purposes.[49]

Another law provides that all motor carriers shall be taxed on the basis of the ton-miles of travel — ¼ cent per ton-mile for vehicles having pneumatic tires and ½ cent per ton-mile for vehicles having hard rubber tires. This law deals directly with motor carriers and is further discussed in connection with motor vehicles.[50]

Two laws were passed by the Forty-first General Assembly dealing with the inheritance tax. The law formerly provided that the inheritance tax should not be collected if the property passed to societies or institutions within this State, incorporated for educational or religious purposes, or to cemetery associations, or societies organized for public charities. The law as it was rewritten by the Forty-first General Assembly allows exemption also in cases where the property is given for the benefit of "fraternal charitable institutions not maintained or operated for pecuniary profit including property which has heretofore so passed and upon which said tax has not been paid."[51]

The law of Iowa provides that if any estate or property, subject to inheritance tax, is not so reported, it is the duty of the clerk of the court to report it and for this service he shall receive a stipulated compensation, to be paid by the

[49] *Acts of the Forty-first General Assembly*, Ch. 6; *Code of 1924*, Sec. 4635.

[50] *Acts of the Forty-first General Assembly*, Ch. 4.

[51] *Acts of the Forty-first General Assembly*, Ch. 150.

State. In like manner where there is litigation relative to an inheritance tax and decision is rendered adverse to the State the cost shall be paid by the State. Again, if inheritance taxes have been improperly paid or if the amount is excessive, such tax or excessive amount of tax may within a period of five years be refunded to the rightful party. Although the *Code of 1924* stipulates that these various sums shall be paid by the State, no funds were made available for their payment. A law of the Forty-first General Assembly provided for each of these contingencies by appropriating a sum sufficient to carry out the provisions of the law.[52]

The law relative to the collection of delinquent taxes was amended by the passage of two bills. When taxes become delinquent it becomes the duty of the county treasurer to sell the property for taxes. A recent amendment to the law provides, however, that when any property has been offered by the county treasurer for sale for two consecutive years and not sold, or sold for only a part of the taxes due, the board of supervisors may compromise the claim and enter into a written agreement with the owner to accept a stipulated sum in full liquidation of all taxes due. A copy of such agreement shall be filed with the county treasurer and county auditor and when the stipulated sum is paid the treasurer and auditor shall cause their books to show that the claim for taxes has been satisfied.[53]

Under a former provision of the law the compensation allowed to delinquent tax collectors was deducted from the several funds to which such taxes belonged. Interest and penalty on delinquent taxes are now turned into the general fund of the county and the collectors are paid from this

[52] *Code of 1924*, Secs. 7384, 7388, 7396; *Acts of the Forty-first General Assembly*, Ch. 151.

[53] *Acts of the Forty-first General Assembly*, Ch. 148.

fund. On or before the tenth of each month the treasurer shall apportion all taxes collected during the preceding month, among the several funds to which they belong, and the interest and penalties thereon to the general fund, and report the same to the county auditor. Any interest or penalty on delinquent taxes apportioned to any fund other than the general fund, together with a penalty of ten per cent and interest at six per cent, may be recovered from the county treasurer or his bondsmen "by any person in control of the fund affected thereby".[54]

In the interest of securing a complete assessment of all property to be taxed, the Executive Council is now authorized to assess any property which, during a period of five years last past, has been omitted from the tax list. The property shall be assessed in the regular manner except that a sum equal to ten per cent shall be added for each year for which the taxes were not paid. In case the property has been fraudulently withheld from assessment, the Council may, in addition to this ten per cent, add any additional per cent, not exceeding fifty per cent. Any tax based upon such assessment by the Executive Council shall be deemed delinquent from the date of entry upon the tax books. This measure represents new legislation and is not an amendment to existing sections of the Code.[55]

Taxes upon stocks of goods or merchandise and upon fixtures and furniture in hotels, rooming houses, billiard halls, moving picture shows, and theaters constitute a lien thereon, and may be collected from the owner or purchaser, who shall be personally liable for the amount of the taxes due. This provision of the law has now been extended to apply also to fixtures and furniture of restaurants.[56]

[54] *Code of 1924*, Sec. 7227; *Acts of the Forty-first General Assembly*, Ch. 149.

[55] *Acts of the Forty-first General Assembly*, Ch. 145.

[56] *Acts of the Forty-first General Assembly*, Ch. 193; *Code of 1924*, Sec. 7205.

For the purpose of establishing a county building repair fund the board of supervisors of any county having a population in excess of thirty thousand may levy in the years 1925 to 1928 inclusive, in addition to all other taxes, a tax of not to exceed one-fifth of a mill on the taxable value of all property except moneys and credits, and a tax of not to exceed one-fifth of a mill on one-fourth of the actual value of moneys and credits. The proceeds of this tax shall be known as the county building repair fund and shall be used solely for the repair of county buildings located at the county seat. This measure was introduced by Senator Wm. E. McLeland of Marshall County, which in 1920 had a population of 32,630.[57]

For the purpose of erecting a township hall, the trustees may upon petition submit to the voters of the township the question of making a tax levy to be used for building purposes. If the vote upon this proposition is favorable the board of supervisors shall levy the tax. Under the former provision of the law this tax could not exceed three mills on the dollar on the taxable property of the township. An amendment to the law, which was introduced by Representative G. E. Held of Plymouth County allows this tax to be levied "each year for a period not exceeding five (5) years." Thus in the aggregate the tax may now amount to fifteen mills on the dollar instead of three mills as under the former law.[58]

For the purpose of regulating the sale of cigarettes the law provides that all cigarettes sold within the State shall be put up in packages and each package shall have affixed thereto a suitable stamp denoting the tax thereon. The Auditor of State shall prepare and have suitable stamps, which upon requisition he shall deliver to the State Treas-

[57] *Acts of the Forty-first General Assembly*, Ch. 206.

[58] *Acts of the Forty-first General Assembly*, Ch. 106; *Code of 1924*, Sec. 5575.

urer, who in turn shall sell them to dealers holding unrevoked permits. The money received from such sale is known as the cigarette tax and is turned into the general fund of the State. In accordance with a recent provision of the law, introduced by Senator Jonas D. Buser, any spoiled or unused stamps in the hands of either the Auditor or Treasurer shall be destroyed upon a joint certificate by the Auditor, Treasurer, and State accountant, setting forth the number, denomination, and face value of the same. Upon the written request of the original purchaser and the return of any unused stamps, the Treasurer shall redeem such stamps and cause a refund to be made therefor. The law carries with it an appropriation for the redemption of these unused stamps by the Treasurer and provides that it shall be unlawful for any dealer to sell such stamps to any person whomsoever.[59]

Each year the Executive Council must fix the rate in percentage to be levied upon the valuation of the taxable property of the State necessary to raise such amount for general State purposes as shall have been designated by the General Assembly. In accordance with this law the Forty-first General Assembly passed an act designating and fixing the amount of such revenue at the sum of $8,865,000 annually for the biennium.[60]

Another law passed by the Forty-first General Assembly is one which amends the Code slightly with regard to license fees collected for the use of public scales. Although this law falls only indirectly under the subject of taxation, it may be mentioned in this connection. The *Code of 1924* stipulates that a fee of three dollars per year shall be assessed as a license fee for each public scale, and that the

[59] *Acts of the Forty-first General Assembly,* Ch. 146; *Code of 1924,* Secs. 1574, 1575.

[60] *Acts of the Forty-first General Assembly,* Ch. 216; *Code of 1924,* Sec. 7182.

year for this purpose "shall expire on December thirtieth". Obviously the authors of the law intended to designate the calendar year which ends on December thirty-first. Accordingly a law was passed changing this date from December thirtieth to December thirty-first.[61]

COUNTY OFFICERS AND GOVERNMENT

Governmental officers are as a rule required to give bonds to insure the faithful performance of duty. In Iowa the bonds of State and district officers are approved by the Governor, and those of county officers by the board of supervisors. Until recently the bonds of the members of the board of supervisors were approved by the judge of the district court. Recent legislation upon this subject, however, provides that such bonds may be approved either by the judge or clerk of the district court.[62]

The amount of the official bond which is required varies with the several offices, depending upon the nature and character of the work to be done, and the responsibility of the position. The *Code of 1924* provides that the bonds of the treasurers, clerks of the district courts, county attorneys, county auditors, and sheriffs shall be in such penal sum as the board of supervisors may direct, but that it shall not be fixed at a sum less than five thousand dollars. A law introduced by Senator Jonas D. Buser removes the treasurer from this list of officers, and stipulates that the "bond of the county treasurer shall be in the sum of ten thousand dollars".

This law also provided that all "losses of funds in the legal custody of a county treasurer, resulting from any act of omission or commission for which the said treasurer is legally responsible, except losses to the amount of the

[61] *Code of 1924*, Sec. 3260; *Acts of the Forty-first General Assembly*, Ch. 62.

[62] *Acts of the Forty-first General Assembly*, Ch. 22; *Code of 1924*, Sec. 1073.

treasurer's bond, and except losses which are or may be occasioned by depositing said funds in authorized depositaries, shall be replaced by the several counties of the state", thus distributing the loss over the State. The apportionment of the loss thus sustained shall be distributed among the various counties in the proportion which the taxable property of each county bears to the total taxable property of all the counties of the State.[63] Another measure of recent legislation — the State sinking fund law — which will take care of losses where funds have been deposited in authorized depositories will be discussed in connection with banking.[64]

Four measures of recent legislation were passed with regard to the compensation of county officers. The salary of the assistant county attorney varies in the several counties of the State depending upon the population of the county. Thus prior to 1925 in counties of less than thirty-six thousand no salary was provided for this office. In counties of from thirty-six to forty-five thousand the salary was $1000; in counties of from forty-five thousand to seventy thousand, $1500; and in counties above seventy thousand, $2000. A law, introduced by Senator W. S. Baird of Pottawattamie County and approved on March 20, 1925, provided that in counties from forty-five thousand to fifty-eight thousand the salary should be $1500; in counties from fifty-eight thousand to one hundred and forty thousand, $2000; and in counties of one hundred and forty thousand and over the salary was fixed at $2500.

Thus under the new law, in counties having a population of from fifty-eight thousand to seventy thousand—Dubuque and Pottawattamie counties — the salary is increased from

[63] *Code of 1924*, Secs. 1065, 1066; *Acts of the Forty-first General Assembly*, Ch. 95.

[64] *Acts of the Forty-first General Assembly*, Ch. 173.

$1500 to $2000; moreover, in a county having a population of more than one hundred and forty thousand — Polk County being the only one — the increase is from $2000 to $2500. In other counties the schedule of salaries remains unchanged.[65]

Section 1218 of the *Code of 1924*, relative to salaries and fees in general, provides that the salaries of all officers authorized by the Code shall be paid in equal monthly installments "at the end of each month". Section 5235 of the Code, dealing with the compensation of county officers, stipulates that salaries "shall be paid out of the general fund of the county in twelve equal installments, one on the first day of each calendar month". A measure was introduced by Senator Julius A. Nelson to amend this latter section by striking out the provision relative to the number of installments and the time of payment, leaving the provision, simply, that they shall be paid out of the general fund of the county. An attempt was made to amend this provision by adding the words: "as provided in section 1218 of the Code of 1924". The amendment was lost but the original measure was passed, thus rendering the two sections uniform.[66] Section 5235 was further amended to provide that the salary of the clerk and deputy clerk of the district court may be paid from the "court expense fund".[67]

Section 10639 of the Code provides that in townships having a population of ten thousand or more, justices of the peace and constables shall receive in compensation for their services certain stipulated sums, "which shall be paid quarterly out of the county treasury." In order to make this section conform with the other sections of the Code

[65] *Code of 1924*, Sec. 5229; *Acts of the Forty-first General Assembly*, Ch. 101.

[66] *Acts of the Forty-first General Assembly*, Ch. 98; *Senate Journal*, 1925, pp. 358, 398; *House Journal*, 1925, pp. 608, 854.

[67] *Acts of the Forty-first General Assembly*, Ch. 125; *Code of 1924*, Secs. 5230, 5231.

just referred to, the law was amended so as to provide for monthly instead of quarterly payments.[68]

The law authorizes the county sheriff to charge a fee of two dollars for each warrant served by him. Moreover, he is entitled to a repayment of necessary expenses incurred in executing such warrant, or in attempting in good faith to execute it, if service can not be made. Mileage at the rate of ten cents per mile may be allowed in lieu of expense, but in no case shall the law be construed to allow both mileage and expenses for the same services and for the same trip. A recent amendment provides that in counties having a population of one hundred thousand or over, the board of supervisors may contract with the sheriff for the use of an automobile on a monthly basis in lieu of the payment of mileage, in the service of criminal processes.[69]

In connection with the work of the juvenile court it is the duty of the judges to appoint probation officers — the number and salary of such officers being based upon the population of the county. Thus in counties having a population of between fifty thousand and one hundred and twenty-five thousand provision is made for the appointment of a chief probation officer at a salary of $2000 and two deputies at a salary of $1500. In any county having a population of more than one hundred and twenty-five thousand, which includes only Polk County, the law until recently provided for a chief probation officer at a salary not to exceed $3000 and five deputies at a salary of $1800 each. This section of the law has been amended, so that in such a county, ten deputies may now be appointed. Three of such deputies may receive an annual salary of $2200 each and the remaining seven shall receive $1800 each.[70] This amendment and

[68] *Acts of the Forty-first General Assembly*, Ch. 105.

[69] *Acts of the Forty-first General Assembly*, Ch. 100; *Code of 1924*, Sec. 5191.

[70] *Acts of the Forty-first General Assembly*, Ch. 96; *Code of 1924*, Sec. 3612.

the one relative to compensation of the sheriff were introduced by Representative Diltz.

It is the duty of the board of supervisors at its January meeting to select two or three newspapers in which the official proceedings shall be published for the ensuing year. The *Code of 1924* provided that such official newspapers should publish: (1) The proceedings of the board of supervisors, including their proceedings as a canvassing board of the various elections as provided by law; (2) "The schedule of bills allowed by said board."

A recent act of the legislature amended this latter provision by adding the following: "All proceedings of each regular, adjourned, or special meeting of the board of supervisors, including the schedule of bills allowed, shall be published promptly after such meetings." Thus the proceedings of the board, of whatever character, should now be promptly published in the official newspapers.[71]

The board of supervisors may, upon a petition signed by twenty-five per cent of the qualified voters of the county, submit to the voters of the county the proposition to purchase real estate to the extent of one thousand dollars for county or district fair purposes. If a majority of the votes cast are in favor of the proposition the board shall make the authorized purchase and pay for the same out of the general fund of the county. This provision of the law has been amended in such a manner as to authorize the board to accept land as a gift to be used for fair purposes, "or accept as a gift from the owner a county or district fair ground already in existence."[72]

It is the duty of the board of supervisors to hold and manage the securities given to the school fund in its county

[71] *Acts of the Forty-first General Assembly*, Ch. 99; *Code of 1924*, Sec. 5411.

[72] *Acts of the Forty-first General Assembly*, Ch. 58; *Code of 1924*, Secs. 2906, 2907.

and all judgments and lands belonging to that fund. It may have any part of the school lands surveyed when necessary. Formerly the supervisors were authorized to employ the "county surveyor" for this purpose, but a recent change in the law allows them to employ any "competent" surveyor. The cost of making such survey is paid out of the county treasury.[73]

County funds to be used for a specific purpose are, as a rule, placed in a separate fund and retained for that purpose only. It occasionally happens, however, that a particular fund is not needed for the purpose designated and may upon proper legislative authority be transferred to another fund. In accordance with this principle, an act was passed by the Forty-first General Assembly authorizing the board of supervisors in certain counties to transfer money from the bridge fund to the county road fund, provided, however, that the sum so transferred should not exceed ten thousand dollars.[74]

A law very similar to this was passed giving the board of trustees of Cedar Township, Monroe County, authority to transfer the sum of four hundred and fifty dollars from the cemetery fund to the general road fund.[75]

The board of supervisors of Palo Alto County was likewise authorized "to transfer from the county bridge fund of said county, the balance on hand at the end of the calendar year, 1925, to the county road building fund and to expend the same" as provided by law. Such acts are, of course, really special legislation, but they are couched in such language as to be construed as general and thus constitutional.[76]

[73] *Acts of the Forty-first General Assembly*, Ch. 91; *Code of 1924*, Sec. 4483.

[74] *Acts of the Forty-first General Assembly*, Ch. 203.

[75] *Acts of the Forty-first General Assembly*, Ch. 207.

[76] *Acts of the Forty-first General Assembly*, Ch. 208.

The county recorder is authorized by law to charge and collect certain fees for the recording of instruments — the amount of the charge depending upon the length of the instrument recorded. In this connection the recorder is charged with the duty of keeping a fee book, in which a record of all fees must be kept. Until recently the "exact time" of filing each instrument had to be recorded in the fee book. This provision of the law has been changed so that the "date" of filing is now sufficient.[77]

Section 5235 of the *Code of 1924* provided that the salaries of county officers should be paid from the general fund of the county. This has been amended to provide that the salary of the clerk and deputy clerk of the district court may be paid "from the court expense fund". The salaries of municipal court judges, clerk, bailiff, and their deputies were formerly paid one month from the city treasury and the next month from the county treasury, thus alternating the payments between the city and the county. This law was also amended to provide that payments be made from the city and from the "court expense fund" respectively.[78]

MUNICIPAL LEGISLATION

The expanding needs and functions of city government in Iowa have in recent years led to extensive legislation upon this subject. No less than thirty-two measures dealing directly with municipalities were passed by the Forty-first General Assembly, while other measures touched the subject indirectly.

Municipal Officers and Employees.— In the interest of firemen a recent law provides that employees in the fire department of cities of the first class having a population

[77] *Acts of the Forty-first General Assembly*, Ch. 102; *Code of 1924*, Sec. 5178.

[78] *Acts of the Forty-first General Assembly*, Ch. 125; *Code of 1924*, Secs. 5235, 10688.

of twenty-five thousand shall not be required to remain on duty for more than an average of twelve hours per day, and no single period or shift shall exceed twenty-four hours in length, except in cases of "serious emergencies". This measure is the result of a bill introduced by Senator M. L. Bowman of Black Hawk County.[79]

All cities having an organized police department or a paid fire department are required to levy annually a tax not to exceed one-half mill for each such department, for the purpose of creating firemen's and policemen's pension funds. Formerly commission governed cities with a population over one hundred and twenty-five thousand might levy an additional one-half mill for each such department and any city with a population over thirty-five thousand having a city manager might levy an additional one mill tax for each department. Two measures were passed amending this section of the law. One, introduced by Senator W. S. Baird, provides that "cities having a population in excess of thirty-five thousand, including cities under special charter, may levy an additional tax not to exceed one-half mill for each such department for such purpose."[80] This makes the additional one-half mill tax more general. The other, presented by Representative Joseph Wagner, provides that whenever there is a sufficient balance in the pension funds to meet any proper or legitimate charges that may be made, the city shall not be required to levy a tax for this purpose.[81]

According to the provisions of the *Code of 1924* the compensation of the assessor in cities of the first class shall not be more than eighteen hundred dollars per year nor less than five dollars per day for the time actually employed. This provision of the Code was repealed by the Forty-first

[79] *Acts of the Forty-first General Assembly,* Ch. 116.

[80] *Acts of the Forty-first General Assembly,* Ch. 142; *Code of 1924,* Sec. 6310.

[81] *Acts of the Forty-first General Assembly,* Ch. 141.

General Assembly and in lieu thereof a measure was enacted which provides that in cities of the first class having a population of from twenty-five thousand to forty-five thousand the compensation shall be eighteen hundred dollars per year. In cities of a less population it shall not be more than eighteen hundred dollars a year nor less than five dollars per day for the time actually employed. Thus in cities having a population of from twenty-five thousand to forty-five thousand the salary is a fixed sum, while in the smaller cities, including some cities of the first class, it may vary as under the former law.[82]

The *Code of 1924* provided that in cities under the commission plan, the chief of the fire department should be appointed from the civil service list and the superintendent of public safety with the approval of the council should appoint the chief of police and chief of the fire department. In cities under the manager plan the manager should make such appointments, and in all other cities such appointments should be made by the mayor. This section has been amended by adding: "A police officer under civil service may be appointed chief of police without losing his civil service status, and shall retain, while holding the office of chief, the same civil service rights he may have had immediately previous to his appointment as chief, but nothing herein shall be deemed to extend to such individual any civil service right upon which he may retain the position of chief." Accordingly, the appointment of a person to the office of chief of police does not affect his civil service rights.[83]

Paragraph 7 of Section 5639 of the *Code of 1924* relative to powers and duties of the mayor contains the following provision: "Until a police judge or judge of superior court

[82] *Acts of the Forty-first General Assembly*, Ch. 129; *Code of 1924*, Sec. 5669.

[83] *Acts of the Forty-first General Assembly*, Ch. 127; *Code of 1924*, Sec. 5699.

shall be elected and qualified in cities entitled to elect such officer, he shall have all the powers and jurisdiction and shall hold the police court in such manner as is required of such judge.'' The antecedent of the pronoun ''he'' as used in this connection was not clear. Accordingly a measure was passed which provides for striking out the word ''he'' and substituting therefor the words ''the mayor''.[84]

A board of hospital trustees in the cities of Iowa has formerly consisted of three members, elected at a general or special election for a term of six years. Under the new law cities having a population of fifty thousand or more may increase the number to five. Provision is made for the appointment of one member to serve until the next general or city election and another member to serve until the second succeeding general or city election. Thereafter the terms of office of all such members of these boards shall be six years.[85]

Prior to 1925 the laws were not uniform with regard to the time at which municipal boards and commissions should make annual reports to the council. The park commissioners, for example, were to report to the council ''at the regular April meeting'', while the board of library trustees was required to report, ''for the year ending December thirty-first''.

In the interest of uniformity Senator E. E. Cavanaugh introduced a bill providing that the fiscal year for all cities and towns and for all departments, boards, and commissions thereof begin on the first day of April each year and end on March thirty-first following. This measure was adopted by the Forty-first General Assembly and several provisions of the Code were amended so that reports of the several boards and commissions are now to be presented to

[84] *Acts of the Forty-first General Assembly*, Ch. 126; *Code of 1924*, Sec. 5639.

[85] *Acts of the Forty-first General Assembly*, Ch. 133; *Code of 1924*, Sec. 5867.

the council "immediately after the close of each municipal fiscal year".[86]

Accounts kept by city officers must be examined under the direction of the Auditor of State. The law formerly provided that such examinations be made "biennially". The law has been slightly amended in this regard — the provision now being that examination be made "at least once each two (2) years". Under the new law examinations may be made at more frequent intervals if it is deemed necessary or advisable.[87]

Ordinances.— All municipal ordinances of a general or permanent nature and those imposing any fine or penalty are, upon their passage, required to be published in a newspaper of general circulation. If no such newspaper is published in the city or town, ordinances may be posted in three public places in lieu of publication. When ordinances are published in book or pamphlet form, such book or pamphlet shall be received as evidence of the passage and legal publication of such ordinances. A bill relating to this subject, introduced by Representative A. G. Rassler, was enacted into law by the Forty-first General Assembly. This new law adds to the foregoing section the provision that when a town revises its ordinances, it shall file a typewritten copy of the revision in the office of the town clerk and publish a notice once each week for three consecutive weeks in a newspaper published in the town, stating that its ordinances have been revised and that a copy of the revision is on file in the clerk's office. If no newspaper is published in the town the clerk shall post the notice in three public places within the town.[88]

[86] *Acts of the Forty-first General Assembly,* Ch. 128; *Code of 1924,* Secs. 5799, 5866.

[87] *Acts of the Forty-first General Assembly,* Ch. 123; *Code of 1924,* Sec. 113.

[88] *Acts of the Forty-first General Assembly,* Ch. 130; *Code of 1924,* Sec. 5721.

Street Improvement.— Three measures were passed by the Forty-first General Assembly dealing directly with street improvement. Representative Ray Yenter of Johnson County presented a bill which provides that cities and towns, including cities under special charters, may issue refunding bonds to pay off and take up bonds issued in payment of street improvement. The interest rate on the refunding bonds shall not exceed that of the bonds refunded. Provision is made for retirement of the new bonds in the same manner as in case of the refunded bonds. The city or town shall collect the special assessments out of which the bonds are payable and hold the same for the purpose designated.[89]

Section 6899 of the *Code of 1924* provides that the cost of making or reconstructing any street improvement, not ordered to be paid from the city improvement or grading fund or by any railway or street railway, shall be assessed as a special tax against the property abutting thereon, "in proportion to the linear front feet thereof." This provision was amended at the session of the Forty-first General Assembly so that such expenses are now assessed against "all lots according to area, so as to include one half of the privately owned property between the street improved and the next street, whether such privately owned property abut upon said street or not." Thus property whether abutting on the street or not is now assessed on the basis of area. In no case, however, except where the district method of assessment is used, shall property situated more than three hundred feet from the street so improved be assessed. The costs of constructing electric light fixtures, however, are still assessed to abutting lots according to the number of linear front feet.[90]

[89] *Acts of the Forty-first General Assembly,* Ch. 115.

[90] *Acts of the Forty-first General Assembly,* Ch. 144; *Code of 1924,* Sec. 6899.

The Code also provides that the costs of street extension, repair, and improvement may be paid for from the general fund, the grading fund, or from the highway or poll taxes of the city, or from each such funds, or by assessing all or any portion of the cost thereof on abutting and adjacent property according to the benefits derived from such extension, repairs, and improvements. The words "as provided in chapter three hundred eight (308) of the code, 1924", have now been added to this section.[91]

In the interest of better municipal lighting, Senator William J. Goodwin presented to the legislature a measure which authorizes the city council in a city of the first class to divide such city into two districts for the purpose of lighting; one to be known as the "Metropolitan Lighting District", to embrace all of the property abutting upon streets lighted by electroliers or similar devices; and the other to be known as the "General Lighting District", to embrace all of the area of the city not included in the first named district. The council is further authorized to levy a special tax upon the property of the metropolitan lighting district to defray the expense of lighting such district. This tax is in addition to all other taxes, but must not exceed two mills.[92]

Another section of the law, which applies indirectly to the care of city streets, was amended. This deals with the destruction of noxious weeds growing within the boundaries of municipalities. The Code formerly provided that this law should be enforced by the councils and commissioners of cities and towns, "irrespective of their local form of government". This has now been amended so as to include by specific reference "cities under special charter".[93]

[91] *Acts of the Forty-first General Assembly*, Ch. 134; *Code of 1924*, Sec. 5940.

[92] *Acts of the Forty-first General Assembly*, Ch. 122.

[93] *Acts of the Forty-first General Assembly*, Ch. 124; *Code of 1924*, Sec. 4817.

Drainage.— Five measures related to sewers and drainage in cities. The purpose of one of these measures was to define what is meant by "sewer" as used in this connection. The word was defined as including any structure "designed to control streams and surface waters flowing into sewers" and the cost of acquiring lands and easements for the control of such waters may be charged as the "cost of construction of sewers".[94]

In another instance, where the *Code of 1924* makes provision for paying the costs "of reconstructing and repairing" sewers, the law was amended in such manner as to include the cost of original "construction" as well as that of reconstruction and repair.[95]

When the boundary limits of two or more municipalities join and such municipalities are located upon a river or stream which furnishes drainage and is also the source of water supply for the inhabitants of either or both of the cities, such cities may contract for the joint use of the sanitary sewer system of either.

Special assessments may be levied to pay for the benefits derived from this joint sanitary system, and sewer certificates and sewer bonds may be issued in anticipation of such a special assessment. The annual charge agreed upon by the cities in this contract may be paid either from the sewer fund tax or the sewer outlet and purifying plant tax as provided by law. This law enables two or more cities, which may be favorably situated upon the same river or stream, to use the same sewage system.[96]

As a protection against floods cities are authorized to deepen, widen, or otherwise improve water courses within their limits by constructing levees, embankments, or con-

[94] *Acts of the Forty-first General Assembly*, Ch. 135; *Code of 1924*, Sec. 5974.

[95] *Acts of the Forty-first General Assembly*, Ch. 136; *Code of 1924*, Sec. 6015.

[96] *Acts of the Forty-first General Assembly*, Ch. 120.

duits. They may levy special assessments against any property which is in any way benefited by such improvement and may issue bonds and certificates in anticipation of such assessments. Upon the filing of a petition, signed by one hundred resident taxpayers, requesting such protection, the city council may direct the engineer to make surveys and prepare plans, with maps and plats showing the districts to be benefited. All "property which will, in any way, be specially benefited by such improvement may be included within the boundaries of the district."[97]

Any city or town may levy annually a special tax not to exceed five mills, which shall be used only to construct sewer outlets and sewage purifying plants "and to purchase dump grounds"— the last provision being the result of a recent amendment. Moreover, a city or town may anticipate the collection of such a tax and may issue certificates or bonds to secure funds for that purpose.[98]

It is the duty of the county board of supervisors at its April meeting each year to fix the time for the destruction of noxious weeds along the highways. Different times may be designated for the destruction of various kinds of weeds. The Forty-first General Assembly amended this section of the law in accordance with a bill presented by Representative Joseph Wagner, so as to make it applicable to cities and towns. The amended law provides that "the city or town council may at any regular meeting fix a date not later than that fixed by the board of supervisors of the county in which the city or town is situated" at which times noxious weeds shall be destroyed.[99]

[97] *Acts of the Forty-first General Assembly*, Ch. 152; *Code of 1924*, Secs. 6080, 6081.

[98] *Acts of the Forty-first General Assembly*, Ch. 139; *Code of 1924*, Secs. 6211, 6261.

[99] *Acts of the Forty-first General Assembly*, Ch. 107; *Code of 1924*, Sec. 4821.

In accordance with a provision of the law which resulted from a bill introduced by Senator W. S. Baird, cities and towns which own and operate waterworks may extend the water mains and assess the costs of such extension to abutting property. A petition asking for such improvement must be signed by seventy-five per cent of the resident owners of property and presented to the board of waterworks trustees or to the city council, if there be no such board. If the estimated cost of such extension, not including cost of material, does not exceed twenty-five hundred dollars the work may be done by day labor under the supervision of the board or the city council. When a pipe in excess of six inches in diameter is used, the assessment against the property shall be limited to what six-inch pipe would cost, and the excess amount must be paid by the water department or from water funds. The law contains further provisions relative to special assessments, rebates, and repayment of assessments in case an extension is carried across unplatted lands.[100]

Cities having a population of over ten thousand have power to levy, in addition to the regular water tax, a tax of two mills upon the dollar upon property within the corporate limits of said cities for the purpose of creating a sinking fund to be used for the purchase or erection of waterworks, or for the payment of any indebtedness for waterworks now owned by the city. The proceeds of such two-mill levy, "together with such other surplus funds as may be set aside as a sinking fund by the board of waterworks trustees", shall be deposited in one or more solvent banks or trust companies. If waterworks have been purchased and the original bonds are outstanding and have not matured, the sinking fund and such other surplus funds as may be appropriated for that purpose may be invested in

[100] *Acts of the Forty-first General Assembly*, Ch. 118.

registered bonds of the United States and of the State of Iowa and in United States treasury certificates.[101]

Cities having a population of one hundred thousand or more may purchase or otherwise acquire property to be used for waterworks purposes within the corporate limits or within ten miles of such limits. The *Code of 1924* provides that property once acquired for such purpose can not be sold or disposed of until such sale or disposal shall have been approved of by a majority of the legal voters of the city, voting thereon at a general, city, or special election. Further provision is made that in no case shall such property be leased for a period of longer than twenty-five years. Recent legislation provides, however, that the board of waterworks trustees may, with the consent and approval of the city council, "lease or sell any real estate owned and held as a part of the waterworks plant when the same is no longer needed or necessary in the operation of said waterworks plant." This law applies only to cities having a population of one hundred thousand or more and although stated in general terms affects only the city of Des Moines.[102]

Authority is given cities to establish and regulate markets, to build market houses, and regulate the same; to provide for the measuring or weighing of merchandise offered for sale; and to prescribe the kind and description of articles which may be sold in the markets. No charge or assessment of any kind shall be made or levied on persons bringing produce or provisions to the market. A recent law presented by Senator B. M. Stoddard provides, however, that a city may by ordinance fix reasonable charges to be paid by those occupying spaces in market places. Such charges shall be used solely for the purpose of improving

[101] *Acts of the Forty-first General Assembly*, Ch. 137; *Code of 1924*, Sec. 6152.

[102] *Acts of the Forty-first General Assembly*, Ch. 138; *Code of 1924*, Sec. 6161.

market places and to defray the actual expense of the city in conducting the same.[103]

In the interest of community centers the *Code of 1924* provided that the city council should appoint from the residents of the district three persons especially qualified for the work, who should be known as the "community center board". This board, under the direction of the council, should direct community center affairs. Under the provisions of the law as amended the council may appoint such a board, or it may, if it so desires, manage the affairs of the community center directly instead of appointing a managing board as provided for under the previous law.[104]

Cities having a population of fifty thousand or more, including cities acting under special charters, may now provide for the establishment and maintenance of a municipal art gallery; may purchase, erect, or rent buildings for this purpose; and provide for the compensation of the necessary employees. It is the duty of the mayor to appoint a board of trustees, consisting of five, seven, or nine members, who shall have charge of and supervise the public art gallery, make purchases, receive, hold, and dispose of gifts and bequests, and control the expenditure of all taxes levied for, and other money belonging to, the art gallery fund. The city council may each year appropriate money from the general fund for art gallery purposes. This law although stated in general terms, applies only to the cities of Des Moines, Sioux City, and Davenport — these being the only cities in the State with a population of fifty thousand or over.[105]

The *Code of 1924* provides that cities of the first class may designate and establish restricted residence districts.

[103] *Acts of the Forty-first General Assembly*, Ch. 131; *Code of 1924*, Sec. 5768.

[104] *Acts of the Forty-first General Assembly*, Ch. 132; *Code of 1924*, Sec. 5832.

[105] *Acts of the Forty-first General Assembly*, Ch. 119.

This action is mandatory if petitioned for by sixty per cent of the owners of real estate in the district affected, residing in the city. This law has been amended so as to extend this same power to cities of the second class. Thus the law has been extended to include all cities of the State.[106]

The council of each city and town, including commission governed cities and special charter cities, may by ordinance provide for the establishment of a city plan commission for such municipality, consisting of not less than seven members to be appointed by the mayor, subject to the approval of the council. The persons so selected must be citizens of such municipality, be qualified by knowledge or experience to act in matters pertaining to development of a city plan, and shall not hold any elective office in the municipal government. This commission shall have power to make or cause to be made such surveys, studies, maps, plans, or charts of the whole or any part of the municipality or land outside which should be included in a comprehensive plan. Such plans or studies may be published or otherwise presented to the city council. Where such a city plan commission exists, all plats and plans for the laying out of new divisions or subdivisions or for the opening of streets or alleys shall be submitted to the commission and its recommendation obtained before it is approved by the city council. Money may be appropriated from the general fund for the expense of this commission.[107]

Any city or town may anticipate the collection of taxes authorized to be collected for special funds, and for that purpose may issue certificates or bonds with interest coupons. A number of special funds which may be provided for in this manner, such as the grading fund, city improvement fund, and city sewer fund are enumerated in the Code.

[106] *Acts of the Forty-first General Assembly*, Ch. 143; *Code of 1924*, Sec. 6474.

[107] *Acts of the Forty-first General Assembly*, Ch. 117.

To this group has recently been added the "cemetery purchase fund". Accordingly, a city or town may now issue certificates or bonds in anticipation of taxes to be collected for a cemetery purchase fund.[108]

A city having a population of thirty-five hundred or over, situated in a county having a population of one hundred and fifty thousand or over, may through action of its city council expend money to aid in the purchase of land within the county for State parks which, when purchased, shall be the property of the State, to be cared for as a State park. The amount of money to be expended for this purpose by any city is limited to one-half of the purchase price of the land involved, and shall not in any case exceed fifty thousand dollars. The money used for this purpose may be paid from the general fund, the park fund, or be provided by a special tax levy. Although this law is general in its terms, it applies only to the cities of Valley Junction and Des Moines — these being the only two cities of thirty-five hundred or more situated in a county of one hundred and fifty thousand inhabitants.[109]

If money belonging to a city or town is to be transferred from one fund to another, the law requires that notice "shall be given by publication in one or more newspapers published in the city or town". This law was recently amended to provide that if there is no such newspaper published in the city or town, then publication may be in a newspaper of general circulation within the municipality.[110]

Three measures were passed by the Forty-first General Assembly which affect the government of individual cities and towns. In the first instance the town of Melrose was authorized to transfer the sum of fifteen hundred dollars

[108] *Acts of the Forty-first General Assembly*, Ch. 104; *Code of 1924*, Sec. 6261.

[109] *Acts of the Forty-first General Assembly*, Ch. 121.

[110] *Acts of the Forty-first General Assembly*, Ch. 140; *Code of 1924*, Sec. 6216.

from the general fund to the electric bond fund, in which there was a deficit.[111]

Authority was also granted to owners of shore lands on the Missouri River, in the city of Sioux City, to establish a shore line. By the provisions of this act the State of Iowa released all right, title, or interest, which it might have in the lands lying north of the new shore line of the Missouri River.[112]

A third measure of this kind was one which granted to the city of Des Moines certain real estate comprising the abandoned river channels of the Raccoon and Des Moines rivers occasioned by the altering and changing of the channels of said rivers by the city of Des Moines for the protection of lots, lands, and property within the limits of the city from danger and damage from floods and high water.[113]

SCHOOL LEGISLATION

The law relative to the establishment and organization of school districts formerly provided that whenever any new school corporation has been established, such corporation shall elect a board of directors "in accordance with the new boundaries". Further provision was made that in the formation of a new sub-district containing a village of seventy-five or more, the school officers already holding office in the district having the largest number of votes shall become officers of the new district. As a result of a bill introduced by Representative L. V. Carter this law was amended to provide that in the formation of such a sub-district, the officers of the district affected having the largest population shall become officers of the new district

111 *Acts of the Forty-first General Assembly,* Ch. 212.

112 *Acts of the Forty-first General Assembly,* Ch. 213.

113 *Acts of the Forty-first General Assembly,* Ch. 214.

"in all cases where the population, outside said major district and within the newly formed district, does not exceed twenty-five per cent (25%) of the population of said major district." If, however, the population of the district outside the major district exceeds twenty-five per cent of the major district, the board of directors of the latter shall give notice of an election at which new officers shall be chosen.

Thus if two districts, one containing a village of seventy-five or more and having a population four times as large as the other, are united to form a new district, the directors of the more populous district shall retain office. If neither district contains a population four times as great as the other, an election must be called to elect new directors. If the officers of the former district hold over, they serve until the expiration of the time for which they were originally elected.[114]

A school corporation organized for the purpose of maintaining a consolidated school may be legally dissolved by the following procedure. A petition signed by a majority of the qualified voters residing within the corporation must be filed with the county superintendent. A day is then set for hearing at which time persons interested may present to the county superintendent any evidence or arguments relative to the question. The county superintendent then considers the matter on its merits, and within five days after the conclusion of the hearing shall rule on any objections and enter an order of approval or dismiss the petition. An appeal may then be taken by any person living or owning land within the school corporation, and such appeal will be dealt with as provided by law. A recent amendment to the law, presented by Representative John T. Hansen, provides, however, that "where no central schoolhouse has been built

[114] *Acts of the Forty-first General Assembly,* Ch. 88; *Code of 1924,* Secs. 4136, 4144, 4148.

and no bonds issued, no appeal shall be allowed except on the question of the sufficiency of the petition."[115]

The law of Iowa provides that the secretary and treasurer of school corporations shall each give bonds to the corporation in such sum as the board may require. Recent legislation upon this point provides, however, that if the bond of an association or corporation as surety is furnished, the reasonable cost of such bond may be paid by the school corporation.[116]

An ambiguity appears in the *Code of 1924* relative to the time of electing the secretary and treasurer of school corporations. The law provides that "on the same day" the board shall elect a secretary and a treasurer, in case the latter is not elected by the voters. Senator F. C. Gilchrist presented a bill which provides that the words "on the same day" be stricken out and the words "on the first secular day in July" inserted in lieu thereof. The law was further amended to provide that these officers shall qualify within ten days after their election. With these amendments the meaning of the section is clear.[117]

Section 4081 of the *Code of 1924* relative to the duties of the secretary and treasurer of county high schools is not clearly stated. Accordingly this section has been recodified to read as follows: "The treasurer, in addition to his bond as trustee, shall give a bond as treasurer, in such sum and with such sureties as may be fixed by the board of supervisors, and receive all money from all sources belonging to the funds of the school, and pay them out as directed by the board of trustees, upon orders drawn by the president and countersigned by the secretary; the secretary and the treasurer shall keep an accurate account of all moneys

[115] *Acts of the Forty-first General Assembly*, Ch. 85; *Code of 1924*, Sec. 4188.

[116] *Acts of the Forty-first General Assembly*, Ch. 84; *Code of 1924*, Sec. 4305.

[117] *Acts of the Forty-first General Assembly*, Ch. 83; *Code of 1924*, Sec. 4222.

received and paid out, and at the close of each year, and whenever required by the board, shall make a fully itemized and detailed report."[118]

The Iowa law provides that a school board may exclude from school any incorrigible child or any child who in the judgment of the board is so abnormal that his attendance at school will be of no substantial benefit to him. This section of the law has been amended so that children under the age of six years may now be excluded when, in the judgment of the board, such children are not sufficiently mature to be benefited by attending school, although children five years old are of legal school age.[119]

A former law provided that a school corporation need not hire a teacher for a school in which the average attendance during the last preceding term was less than five, unless it could be shown to the county superintendent that the number of children of school age in the district had increased so that at least ten pupils desired to enroll. This law has now been amended so that seven pupils is a sufficient number to require a continuance of a school.[120]

The board of directors of an independent district, composed wholly or in part of a city acting under a special charter and having a population of fifty thousand or more, may lease, or by a unanimous vote, sell any schoolhouse, school site, or other property acquired for school purposes, when in the opinion of the board such a sale is for the benefit of the district. Before making such a sale the board must advertise for bids for at least two consecutive weeks. It may decline to sell if the bids received are deemed inadequate. This law applies only to the city of Davenport, that

[118] *Acts of the Forty-first General Assembly*, Ch. 90.

[119] *Acts of the Forty-first General Assembly*, Ch. 86; *Code of 1924*, Secs. 4268, 4270.

[120] *Acts of the Forty-first General Assembly*, Ch. 82; *Code of 1924*, Sec. 4231.

being the only city in the State operating under a special charter and having a population of fifty thousand.[121]

Interest on the permanent school fund of the State is distributed among the several counties on the basis of the number of pupils of school age. The distribution is made by the State Auditor, the number of pupils being certified to by the Superintendent of Public Instruction. In making the distribution for 1925 an error was made relative to the number of pupils in Page County, resulting in a loss to that county of about six hundred and eighty dollars. A law was passed by the Forty-first General Assembly authorizing the Auditor to rectify the mistake and to transfer the sum required to make up the deficit from the permanent school fund to the school fund of Page County.[122]

The *Code of 1924* provided that no school corporation situated in a county maintaining a county high school should be required to pay the tuition of pupils at any high school other than such county high school. The law stated, however, that this provision should not apply to the tuition of pupils who reside at home while attending such high school. Since pupils who attend schools other than the county high school do so in order that they may reside at home, the exception to the rule in this case practically annuls the law, and the Forty-first General Assembly repealed the entire section.

A further provision of the Code stipulated that in counties having a high school, if a child "resides at home" and attends a high school outside the district of his residence other than the county high school, and the school corporation where the child resides pays the tuition for such child, such corporation shall be entitled to be reimbursed from the county high school fund, if it appears at the end of the

[121] *Acts of the Forty-first General Assembly*, Ch. 89.

[122] *Acts of the Forty-first General Assembly*, Ch. 204; *Code of 1924*, Sec. 4396.

year that a less number of pupils have attended the county high school from the district where the child resides than were entitled to attend under the county high school apportionment. This law was amended so as to apply in all cases whether the pupil resides at home or not.[123]

Any school corporation within the State having residing therein deaf children of school age may provide one or more teachers for such children, and the instruction given shall be substantially equivalent to that given other children of corresponding age in the graded school. Any school providing such instruction shall be granted State aid to the extent of twenty dollars a month for each pupil so instructed. The age limit for such pupils was raised from twelve to fourteen years by the Forty-first General Assembly.[124]

SOCIAL LEGISLATION

In November, 1923, Governor N. E. Kendall appointed a committee of nine persons, of which James B. Weaver of Des Moines was chairman, to serve as The Iowa Child Welfare Commission. This Commission was to examine the reports and recommendations of like commissions in other States and the statutes enacted pursuant thereto, relative to the subject of delinquent and dependent children, and to report its findings and submit recommendations to the Governor and to the Forty-first General Assembly. In November, 1924, this Commission submitted its report to the Governor and presented ten legislative measures with the request that they be transmitted to the legislature.

Four of these measures were later introduced in the House by the Committee on the Board of Control, and two

[123] *Acts of the Forty-first General Assembly,* Ch. 87; *Code of 1924,* Secs. 4279, 4280.

[124] *Acts of the Forty-first General Assembly,* Ch. 92; *Code of 1924,* Secs. 4348, 4349.

others were introduced in the Senate by the Committee on Child Welfare. All six of these measures were passed in substantially the form in which they were originally drafted. One of the other bills which was recommended by the Commission was introduced by Representative Volney Diltz of Des Moines, and passed the House by a vote of 87 to 3, but failed to pass the Senate. The six measures which were adopted, however, contain most of the fundamental issues presented by the Commission.

The first of these measures to be considered was one authorizing the Board of Control to arrange for the proper diagnosis, classification, treatment, and disposition of children committed to its guardianship or to institutions under its management; to promote the rehabilitation of disrupted families; to advise with and aid county boards of supervisors in the performance of their duties; to promote the enforcement of laws for delinquent children; to coöperate with juvenile courts and all reputable child-helping and child-placing agencies; and to take the initiative in all matters involving the interest of such children, where adequate provision therefor has not already been made. The Board shall also inquire into the causes of dependency, delinquency, and defectiveness of children and report its findings to the State legislature. It shall have power to appoint a Superintendent of Child Welfare, fix his term of office, and define his duties. Moreover, the Board is authorized to call upon the Iowa Child Welfare Research Station, the Children's Hospital, and other suitable State departments, institutions, and agencies to coöperate in carrying out the purpose of this act.[125]

The *Code of 1924* contains a chapter of twenty-three sections relative to private institutions for neglected, depend-

[125] *Acts of the Forty-first General Assembly*, Ch. 77; *Report of the Iowa Child Welfare Commission*, 1924, pp. 3, 86–135.

ent, and delinquent children. One of the measures presented by the Iowa Child Welfare Commission and passed by the Forty-first General Assembly repealed eleven of these sections and enacted in lieu thereof a chapter of sixteen sections upon the subject of child-placing agencies. This law authorizes the Board of Control to grant a license for one year to any child-placing agency that is for the public good. It shall be the duty of the Board to provide such general regulations and rules for the conduct of all such agencies as shall be necessary to safeguard the children cared for by such agencies. No person shall conduct a child placing agency without a license, and no license shall be granted except on proof that the person applying for the same is properly equipped to find suitable homes for children and to supervise such homes when children are placed in them. The license of any agency may be revoked at any time for causes which are enumerated in the law.

Moreover, the law provides that each agency shall file with the Board of Control, during the month of January of each year, a report which shall show the number of children cared for during the preceding year, the number of children received for the first time, and the number returned from families, the number placed in homes, the number deceased, the number returned to friends, the number attending school, and such other information as the Board may require.

Further restriction is placed upon agencies relative to the importation of children into the State or exportation of them from the State for the purpose of placing them in homes. After placing a child in a home the agency shall have access at all reasonable times to such child and to the home in which he is living. Either the agency or the Board of Control may demand the return of the child if it is considered necessary for his best interests. The section pro-

viding for inspection and return, however, does not apply to children legally adopted.[126]

Another measure passed in the interest of children was one to regulate children's boarding houses. Under the provisions of this law the State Board of Control is empowered to grant a license for one year for the conduct of any children's boarding home that is for the public good, has adequate equipment for the work it undertakes, and is conducted by a reputable and responsible person. Licenses granted under this act shall be valid for one year from date of issuance, but may be revoked under the conditions and by the procedure specified for the revocation of licenses of child-placing agencies.[127]

In accordance with the recommendation of the Iowa Child Welfare Commission Sections 12658 to 12667 inclusive of the *Code of 1924,* relating to children born out of wedlock, were repealed; and a chapter consisting of thirty-eight sections, under the title of "paternity", has been substituted therefor. Under the provisions of this new law the parents of a child born out of wedlock and not legitimized "owe the child necessary maintenance, education and support". The mother may recover from the father a reasonable share of the necessary support of such child, but not for more than two years preceding the bringing of the action unless a demand has been made in writing. The obligation of the father creates also a cause of action on behalf of the legal representative of the mother, or on behalf of third persons furnishing support or defraying reasonable expenses of such child if his paternity has been judicially established; and if this has been done in the father's life time, or if his paternity has been acknowledged

[126] *Acts of the Forty-first General Assembly,* Ch. 80; *Code of 1924,* Secs. 3662–3684.

[127] *Acts of the Forty-first General Assembly,* Ch. 78.

by him in writing, the claim of the illegitimate child for support is enforceable against his estate. The provisions of this law set forth in detail the procedure which shall be followed in action to establish paternity and compel support.[128]

Chapter 113 of the *Code of 1924* relating to maternity hospitals was likewise repealed by the Forty-first General Assembly and a substitute chapter consisting of fifteen sections was enacted. Many of the provisions of the present law are the same as those found in the former legislation. An essential change was made, however, in transferring the supervision of maternity hospitals from the State Department of Health to the Board of Control. Under the new law the Board of Control is empowered to grant a license for one year for the conduct of any maternity hospital that is for the public good, legally located, and conducted by a reputable and responsible person, who is qualified for the work. A license may be revoked at any time under the conditions and procedure specified for the revocation of licenses of child-placing agencies.[129]

To regulate and control the marriage of persons mentally deficient the Iowa Child Welfare Commission presented a measure which was passed by the Forty-first General Assembly. This law provides that the Board of Control shall furnish quarterly to each clerk of the district court lists of all persons who are or have been inmates of the State institutions for the insane or feeble-minded, except those whose competency to marry shall have been established by judicial proceedings or who shall have been discharged from the institution as cured. Further provision is made that no clerk shall issue a marriage license until he has satisfied himself that the name of neither party to the

[128] *Acts of the Forty-first General Assembly*, Ch. 81.

[129] *Acts of the Forty-first General Assembly*, Ch. 79.

marriage is contained in the latest list furnished by the Board of Control. This measure together with the five preceding ones constitute the legislative program which resulted from the work of the Iowa Child Welfare Commission.[130]

The Iowa law formerly provided that when application was made to the Board of Control for "release or discharge" of any delinquent child who had been committed by a juvenile court to a State institution, the board should give notice to the judge making the commitment, and the child should not be released or discharged until thirty days after the giving of such notice. The law has now been amended to provide that the notice be given to the county attorney of the county from which the commitment was made, instead of to the judge. Provision is also made that the law shall apply only to cases of "final discharge", and that the Board may at any time parole a child without giving notice.[131]

There is an apparent conflict between Sections 5324 and 5331 of the *Code of 1924* relative to support of the poor. Section 5324 provides that no supervisor, trustee, or employee of the county shall be interested, directly or indirectly, in any supplies furnished the poor. Section 5331 provides that in no case shall a trustee or overseer of the poor, draw an order upon himself, unless such trustee or overseer has a contract to furnish supplies. In order to make the law clear on this point, the Forty-first General Assembly repealed the latter section.[132]

Under the laws of Iowa any blind person of mature years, who is not a charge of any charitable institution, and has not an income of over three hundred dollars per year, and

[130] *Acts of the Forty-first General Assembly,* Ch. 187.

[131] *Acts of the Forty-first General Assembly,* Ch. 70; *Code of 1924,* Sec. 3650.

[132] *Acts of the Forty-first General Assembly,* Ch. 103.

who has resided in the State and county a sufficient length of time, may receive as a benefit the sum of three hundred dollars per year from the county or poor fund, to be paid by the board of supervisors. An amendment to this law, introduced by Senator S. E. Fackler, was adopted by the Forty-first General Assembly. According to this amendment if it appears, after the death of any person who has received aid under the provisions of this law, that his estate, after deducting exemptions, exceeds an amount sufficient to pay the expenses of burial and the last sickness, such property shall be charged with the amount paid by the county to such person during his life time. A claim may be filed against the estate by the county for this amount and action for recovery may be brought by the county attorney.[133]

Another measure of the Forty-first General Assembly dealing with the subject of blind persons was presented by Senator Harry C. White of Vinton and resulted in the creation of a State Commission for the Blind. This Commission shall consist of the Superintendent of the State School for the Blind and two other members to be appointed by the Governor. It shall act as a bureau of information and industrial aid for the blind and aid them in finding employment. It shall maintain a complete register of the blind of the State, assist in marketing products of the blind, visit their homes for the purpose of instruction, make inquiries concerning the causes of blindness, provide vocational training, and discourage begging on the part of the blind within the limits of the State. Reports of the proceedings of this Commission must be made to the Governor annually. An appropriation of twenty thousand dollars was made for carrying this law into effect.[134]

[133] *Acts of the Forty-first General Assembly*, Ch. 74; *Code of 1924*, Sec. 5379.

[134] *Acts of the Forty-first General Assembly*, Ch. 75.

The *Code of 1924* provides that if a convict escapes from the Penitentiary or the Men's Reformatory, the warden may offer a reward of fifty dollars for his apprehension and delivery. Formerly the law provided that this reward must "be paid by the state" but no provision was made for the issue of warrants for payment. A measure passed by the Forty-first General Assembly provided that the Auditor of State shall issue warrants in payment of such rewards, and an appropriation of funds was made sufficient to pay such claims.[135]

The law with regard to marriage provides that after the marriage has been solemnized, the officiating minister or magistrate shall make return of such marriage within fifteen days to the clerk of the district court. Until recently eight items of information were required to be given on this return. Four of these, by a recent amendment to the law, have been eliminated: the number and date of the license; the name of the person making affidavit relative to the age and qualification of the parties; the name of the person giving consent, in case the parties are minors; and the date of return are no longer required.[136]

In the interest of sanitation the Forty-first General Assembly passed a measure which amended the law relative to coal mines, and provided that the operator of any coal mine, in the operation of which more than twenty persons are employed, shall provide and maintain adequate washing facilities for all employees in and about the mine. This is an additional regulation which has not hitherto been required of mine operators.[137]

A further amendment to the law with regard to mining

[135] *Acts of the Forty-first General Assembly*, Ch. 76; *Code of 1924*, Sec. 3770.

[136] *Acts of the Forty-first General Assembly*, Ch. 186; *Code of 1924*, Sec. 10440.

[137] *Acts of the Forty-first General Assembly*, Ch. 29.

provides that in "charging drill holes with powder or other explosives it shall be unlawful for any miner or other person to use any tamper, scraper, or tool that is not tipped on each end thereof with at least five inches of brass, copper or other non-sparking metal".[138]

Any owner, operator, or person in charge of a gypsum mine shall make or cause to be made an accurate map or plan of such mine. The *Code of 1924* stipulates that for the underground workings this plan or map shall show all shafts, slopes, tunnels, or other opening to the surface or to the workings of a "continuous" mine. In this there is an apparent error. The Forty-first General Assembly passed a law substituting the word "contiguous" for the word "continuous", thus restoring the meaning that was evidently originally intended.[139]

The law regarding the operation of freight and passenger elevators has hitherto not been specifically set forth. Provision was made that such elevators should be operated only in compliance with a standard code of rules and regulations which should be adopted by a conference board appointed by the Governor; but the provisions of such code were not set forth in the law. An amendment presented by Senator T. C. Cessna was adopted, however, so that instead of the general provisions of the law, definite standards of equipment are now specified. The present law provides that "hoistway doors and gates of all passenger elevators shall be equipped with an approved interlock (locking device) . . . . which will prevent the normal operation of the elevator car; unless the hoistway door at which the car is standing is closed and locked; or unless all hoistway doors are closed and locked; and second, shall prevent opening the hoistway door from the landing side except by

[138] *Acts of the Forty-first General Assembly*, Ch. 30.

[139] *Acts of the Forty-first General Assembly*, Ch. 28; *Code of 1924*, Sec. 1352.

a key or special mechanism; unless the car is standing at the landing door; or unless the car is coasting past the landing with its operative device in the 'Stop' position''.[140]

For the protection and safety of firemen, engineers, and other employees of steam railroads, Representative Marion R. McCaulley presented to the Forty-first General Assembly a bill which became a law. According to this statute all steam railroads operating locomotive engines within the State shall equip each engine with an automatic door to the fire box, which shall be controlled by steam, compressed air, or electricity so that it may be operated by the fireman by means of a push button or other appliance located in the floor of the engine deck, to enable the fireman while firing the engine to open the door by foot pressure. Failure to comply with this law renders the company liable to a fine.[141]

The laws of Iowa relative to workmen's compensation presume that every employer has elected to provide insurance in accordance with the compensation law. As a matter of fact, this law is optional, and may be rejected by any employer upon the giving of due notice. The rejection of the law, however, involves the assumption of common law liabilities. The law formerly provided that when an employer had not rejected the terms of the law by posting and filing notice, but had failed to provide insurance as provided by law, then an employee who is injured shall have the right to elect compensation as provided by the workmen's compensation law or collect damages at common law as modified by the Iowa statute. This law as amended by the Forty-first General Assembly virtually takes away the employer's option. It provides that when any employer has more than five persons employed in hazardous employ-

[140] *Acts of the Forty-first General Assembly*, Ch. 31; *Code of 1924*, Secs. 1679, 1680, 1681, 1682, 1684, 6753.

[141] *Acts of the Forty-first General Assembly*, Ch. 156.

ment and has elected to reject the compensation provisions of the law, or has failed to insure his liability without definitely rejecting the law, then any employee who has not rejected the provisions of the law and who has a cause of action may collect compensation as provided under the compensation law, or sue for damages at common law as modified by statute.[142]

The law relative to State employment bureaus was amended by adding a provision that no person, firm, or corporation conducting an employment agency shall charge a fee in excess of five per cent of the wages offered for the first month of employment. This law does not apply, however, to any profession for which a license or certificate to engage therein is required by the laws of the State. Further provision is made that no agency shall send an application for employment to an employer who has not applied for help or labor. Nor shall any agency fraudulently promise or deceive any applicant with regard to the service or employment to be rendered by the agency.[143]

Another act passed by the Forty-first General Assembly which may be considered as social legislation is one which provides that the board of supervisors of the several counties of the State shall appropriate each year from the general fund or from the soldiers' relief fund a sum sufficient to pay for the care and maintenance of graves of deceased soldiers and sailors, in all cases in which provision for such care is not otherwise made.[144]

LIQUOR LEGISLATION

Eight measures were passed by the Forty-first General Assembly dealing with the subject of intoxicating liquors.

142 *Acts of the Forty-first General Assembly,* Ch. 162; *Code of 1924,* Sec. 1479.

143 *Acts of the Forty-first General Assembly,* Ch. 39.

144 *Acts of the Forty-first General Assembly,* Ch. 94.

Seven of these were introduced by Senator E. W. Romkey of Burlington and the other by the House Committee on Suppression of Intemperance. Section 1924 of the Code prohibits the manufacture, sale, or keeping for sale of intoxicating liquors. Chapter 45 of the *Acts of the Forty-first General Assembly* amended this section so as to make it an offense for one to have in his possession any intoxicating liquor.[145] Chapter 44 also amended this section by providing that any "manufactured or compounded article, mixture or substance, not in a liquid form, and containing alcohol which may be converted into a beverage by a process of pressing or straining the alcohol therefrom", shall be included in the list of liquors, the manufacture, sale, or possession of which is prohibited.[146] This latter measure has been referred to as the "canned heat" bill.

Another measure adopted by the General Assembly provides that in any action for maintaining a liquor nuisance, for bootlegging, or for the illegal transportation of liquor, the finding of intoxicating liquor, or utensils for the manufacture or transportation of the same, in the possession of the defendant shall be prima facie evidence of his guilt of the offense charged. But the possessor of liquor may set up as a defense that he was in lawful possession of it.[147]

The subject of evidence as it applies to the enforcement of liquor legislation was dealt with in another measure which provided that the destruction of, or the attempt to destroy any liquid in the presence of peace officers or while property is being searched shall be prima facie evidence that the liquid was intoxicating liquor and intended for unlawful purposes.[148]

[145] *Acts of the Forty-first General Assembly*, Ch. 45.

[146] *Acts of the Forty-first General Assembly*, Ch. 44.

[147] *Acts of the Forty-first General Assembly*, Ch. 42.

[148] *Acts of the Forty-first General Assembly*, Ch. 43.

Sections 1927 and 1930 of the *Code of 1924*, dealing with bootlegging and liquor nuisances respectively, provide for a fine or imprisonment in the county jail or both fine and imprisonment in case of a violation of the law. These sections were so amended as to impose both the penalty of fine and imprisonment, thus increasing the punishment for the violation of these sections of the law.[149]

Section 2023 of the *Code of 1924* relative to attorney fees was repealed and a substitute measure enacted, which provided that in case the plaintiff is successful in a prosecution for keeping a liquor nuisance or in an action to enjoin and restrain a bootlegger an attorney's fee of $25.00 shall be assessed against the defendant as a part of the costs of the case.[150]

Section 1936 of the *Code of 1924* provides that it shall be unlawful for common carriers or other persons to carry intoxicating liquors which are not properly labeled. This section was amended so as to set forth more clearly the law relative to labeling legal shipments of intoxicating liquors.[151]

Patent medicines, extracts, perfumes, and other commodities, none of which are susceptible of use as a beverage but which require alcohol or vinous liquors, as one of their ingredients, may be manufactured within the State, provided a permit to manufacture such commodity is first obtained. It is the duty of the clerk of the district court to keep a record of all such permits. A recent amendment provides that it shall be the duty of any manufacturer holding a permit, whenever he shall purchase any intoxicating liquor from any person or firm, to file an affidavit with the county auditor immediately upon receipt of the

[149] *Acts of the Forty-first General Assembly*, Ch. 46.

[150] *Acts of the Forty-first General Assembly*, Ch. 48.

[151] *Acts of the Forty-first General Assembly*, Ch. 47.

shipment of such liquor, setting forth the material facts. The form of such an affidavit is prescribed by the law.[152]

PUBLIC HEALTH

At least five measures were passed by the Forty-first General Assembly which deal directly with the promotion and conservation of health. Section 5353 of the *Code of 1924* provides that in counties where it has been agreed to establish a public county hospital the board of supervisors may authorize a tax levy of not to exceed two mills in any one year for the building of such hospital and two mills for its improvement and maintenance. In accordance with a measure introduced by Senator William J. Goodwin this provision of the law was amended to allow a tax of not to exceed five mills for improvement and maintenance in counties having a population of one hundred and thirty-five thousand or more. This amendment to the law further extends the powers of the hospital trustees and authorizes a consolidation of the various hospital services of the county under one management. Moreover, in cities of one hundred and twenty-five thousand or over, where there is a consolidation of the city hospital with the public county hospital, the former property may be sold. The funds received from such sale shall be used first for the payment of any balance remaining due on the purchase price, and the remainder shall be turned into the county public hospital fund. Although this law is general in terms it applies only to Polk County and Des Moines.[153]

In the interest of pure food a measure was passed modifying the law with regard to the pasteurization of milk. The law formerly provided that every owner, manager, or

[152] *Acts of the Forty-first General Assembly*, Ch. 49, *Code of 1924*, Secs. 2164, 2169.

[153] *Acts of the Forty-first General Assembly*, Ch. 97; *Code of 1924*, Sec. 5353.

operator of a creamery should, before delivering to any person any skimmed milk or buttermilk, cause the cream or milk from which the same was derived to be pasteurized. This law now applies also to persons engaged in the manufacture and sale of ice cream. Moreover the law defines clearly what is meant by the term "pasteurization" and requires that the owners of a creamery or ice cream factory shall equip each vat or pasteurizer with an "accurate recording thermometer" to be used in the pasteurization.[154]

Another measure provided that "oleomargarine, butterine or other products made in the imitation or semblance of natural butter produced from milk or cream or both, shall not be used as a food in the college for the blind, the school for the deaf, or any state institution under the management of the board of control".[155]

A law was also passed relative to the sale of narcotics. In defining the term "narcotic drugs" the Code formerly included opium, coco, cocain, alpha or beta eucaine, morphine, heroin, and Indian hemp as being drugs, the sale of which is prohibited, except in strict compliance with the law. To this list of drugs "peyote or the mescale button", a variety of cactus grown in southwestern United States and Mexico, containing a narcotic substance from which liquor may be distilled, has now been added.[156]

The Department of Health may upon its own initiative investigate the alleged pollution or corruption of any stream or body of water which is rendering the same unwholesome or unfit for domestic use. Representative S. L. Graham presented to the Forty-first General Assembly an amendment to the law which provides that, after a full and complete investigation "including bacteriological and chem-

[154] *Acts of the Forty-first General Assembly*, Ch. 60; *Code of 1924*, Sec. 3076.

[155] *Acts of the Forty-first General Assembly*, Ch. 66.

[156] *Acts of the Forty-first General Assembly*, Ch. 52; *Code of 1924*, Sec. 3151.

ical analysis of the water'' and location of the source of contamination, the Department shall make an order fixing a time for a public hearing with regard to the subject. After a hearing, the Department may order a change in the method of passing waste materials into the water so that the same will be rendered innocuous and harmless. Provision is made, however, that ''no order'' shall be issued under the provisions of this section that will require the expenditure of more than five thousand dollars ($5,000.00) without the written approval of a majority of the members of the State Executive Council.[157]

FISH AND GAME

In accordance with an act of Congress approved on June 7, 1924, the Forty-first General Assembly of Iowa passed an act which authorized the United States to acquire from the State of Iowa such areas of land and water within the State as it may deem necessary for the establishment of the ''Upper Mississippi River Wild Life and Fish Refuge'', provided the States of Illinois, Wisconsin, and Minnesota grant a like consent. Any acquisition by the government of the United States under the provisions of this law must, however, be first approved by the State Board of Conservation, the State Game Warden, and the Executive Council. Permission was also given the United States government to use for the same purpose any overflow lands within the State which are not being used for agricultural purposes, fish hatcheries, or salvaging stations.[158]

The State Game Warden in Iowa is authorized by law to establish and control State hatcheries and game farms, which are to be used for the purpose of stocking the waters of the State with fish and the natural covers with game

[157] *Acts of the Forty-first General Assembly*, Ch. 50; *Code of 1924*, Secs. 2199, 2201.

[158] *Acts of the Forty-first General Assembly*, Ch. 1.

birds. The law upon this subject was recently supplemented by adding a provision that whenever any land, stream, or lake has been taken for public park purposes, or where any land is now owned and used by the State of Iowa, the State Game Warden shall have the right and power to establish State game refuges or sanctuaries on such land if it is suitable for that purpose. Moreover, it shall be unlawful to hunt or trap or kill any wild animal or bird on any State game refuge so established, at any time of the year, or to carry firearms thereon, providing, however, that predatory birds and animals may be killed or trapped under the authority and direction of the State Game Warden.[159]

Under a previous provision of the law the State Game Warden was required to make a monthly report to the State Board of Audit, in which he set forth a statement of all moneys received and expended, and for what purpose, together with the balance of cash on hand in each separate fund. This report also designated the number and varieties of fish which had been distributed and in what waters they had been placed. An act of the Forty-first General Assembly repealed this section of the law and such a statement or report is no longer required.[160]

The State Game Warden is authorized to enter into contract with persons interested, for the taking from the waters of the State, by seine or net, certain varieties of fish, including buffalo, carp, quillback, redhorse, and others. To this list has recently been added the "sheepshead". Provision is made, however, that sheepshead which are less than ten inches in length may not be taken from the Mississippi or Missouri rivers. Under the provisions of the former law no person was allowed to kill or have in his

[159] *Acts of the Forty-first General Assembly*, Ch. 32; *Code of 1924*, Sec. 1709.

[160] *Acts of the Forty-first General Assembly*, Ch. 33; *Code of 1924*, Sec. 1711.

possession sunfish less than six inches in length. This restriction has been modified so as to apply only to sunfish less than four inches in length.[161]

The laws of the State provide that no male person over the age of eighteen years shall fish in the stocked meandered lakes of the State without first procuring a fishing license. This law has now been extended so as to make it unlawful for any non-resident to fish in any water of the State without procuring such a license.[162]

Section 1766 of the *Code of 1924* designates the closed season for the hunting or trapping of certain fur-bearing animals, and makes it unlawful for any person to have in his possession during the closed season, except during the first ten days thereof, any of the animals or skins described in the section, "whether lawfully or unlawfully taken within or without this state". This law was amended to provide that no person shall be convicted of having any such animal or skin in his possession during the closed season if it can be shown that the article was received into his possession lawfully, or that during the first ten days of the closed season or within ten days of the date he received such article he filed with the county auditor an affidavit, giving a list of the articles in his possession, the manner in which they were obtained, and a description of the premises where they are kept. The purpose of this measure is to allow persons in lawful possession of fur-bearing animals to retain possession of them during the closed season.[163]

This section of the law was also amended by another bill which makes it unlawful for any person to kill, trap, or ensnare any muskrat from October 15, 1925, to October 15,

[161] *Acts of the Forty-first General Assembly*, Ch. 35; *Code of 1924*, Secs. 1733, 1745, 1751.

[162] *Acts of the Forty-first General Assembly*, Ch. 34; *Code of 1924*, Sec. 1719.

[163] *Acts of the Forty-first General Assembly*, Ch. 37.

1928, thus making a closed season of three full years with regard to this animal.[164]

The closed season for the killing or taking of different species of birds is designated by law, and varies with different kinds of birds. Formerly the law provided that in case of the Mongolian, ring-neck, English, or Chinese pheasants the closed season should continue throughout the entire year. A bill passed by the Forty-first General Assembly authorizes the State Game Warden, upon a petition being presented by one hundred and fifty farmers and landowners of a county, to declare an open season for these birds in this county of such duration as he may deem best. During such a period it shall be lawful to kill not to exceed twelve birds per day. Notice of the open season shall be published in one of the official newspapers of the county. The Game Warden is also authorized to offer a bounty of one dollar for each bird captured and delivered alive to him. All birds thus captured shall be distributed to such other parts of the State as the Warden may determine. These birds are becoming quite numerous in northwestern Iowa, but are not found in the southern part of the State. The purpose of the law is to limit their increase where they are becoming too numerous and to secure a wider distribution of them throughout other sections of the State.[165]

AGRICULTURE AND ANIMAL HUSBANDRY

Two measures relative to the eradication of bovine tuberculosis were passed by the Forty-first General Assembly. One of these measures provided for the amendment of eight sections of the *Code of 1924*. The law as amended provides that when fifty-one per cent of the owners of breeding cattle in any county desire to establish a county area eradi-

[164] *Acts of the Forty-first General Assembly*, Ch. 36.

[165] *Acts of the Forty-first General Assembly*, Ch. 38; *Code of 1924*, Sec. 1767.

cation plan, such persons may petition the board of supervisors, who shall in turn publish notice of a date of hearing upon the petition. If no objections are filed, or if the petition is found sufficient, the board shall make application to the Secretary of Agriculture for the enrollment of the county under such plan; and it shall be the duty of the Secretary to make the enrollment accordingly. The area once organized, it becomes the duty of the county auditor to make a report to the Secretary of Agriculture not later than July fifteenth of each year, showing the amount of money in the tuberculosis eradication fund on July first. When the funds given by the Department of Agriculture are exhausted, county funds become available.

Whenever seventy-five per cent of the owners of breeding cattle in any county operating under the county area plan shall have signed an agreement with the Department of Agriculture, notice shall be given of a hearing relative to the establishment of an "accredited area plan". If objections are filed, the Secretary shall allow a hearing and determine whether or not the county shall become an accredited area. If the petition is found sufficient the Secretary shall make an entry of record establishing such a district and notify the supervisors of his action. Thereafter every owner of breeding cattle within the county shall cause his cattle to be tested for tuberculosis and shall comply with all requirements for the "establishment and maintenance of a tuberculosis free accredited herd." Any owner of breeding cattle in a county which has been enrolled under the accredited area plan who "prevents, hinders, obstructs or refuses to allow" a veterinarian authorized by the Department of Agriculture to conduct a test for tuberculosis shall be deemed guilty of a misdemeanor.[166]

[166] *Acts of the Forty-first General Assembly*, Ch. 54; *Code of 1924*, Secs. 2684, 2688, 2690, 2691, 2694, 2700, 2701.

Another law relative to bovine tuberculosis, as it was amended by the Forty-first General Assembly, provides that when breeding animals are slaughtered following any test there shall be deducted from their appraised value "the proceeds from the sale of salvage. When breeding animals are slaughtered following a first test under this chapter, there shall also be deducted five per cent of the appraised value of the breeding animal tested." The State then pays the owner one-third of the sum remaining after the above deductions are made, but in no case shall the State pay the owner a sum in excess of fifty dollars for any animal.[167]

The Iowa Department of Agriculture is authorized to make all necessary rules for the suppression and prevention of infectious or contagious diseases among animals within the State. For the purpose of this law the term "infectious and contagious diseases" has hitherto been deemed to embrace "glanders, farcy, maladie du coit (dourine), anthrax, foot and mouth disease, scabies, hog cholera, necrotic enteritis, or tuberculosis". This list has now been extended to include "any other communicable disease so designated by the department", thus giving the Department of Agriculture authority to make rules for the suppression of any communicable disease which may develop among animals of the State.[168]

State aid is given to poultry associations which comply with certain rules and regulations as specified by law. The association must be composed of at least fifteen bona fide poultry raisers or dealers in poultry residing in any one county, and membership must be open to all persons on an equal basis. It must have a president, secretary, treasurer, and board of directors, and have an annual income and expenditure of at least one hundred dollars, exclusive of

[167] *Acts of the Forty-first General Assembly*, Ch. 55; *Code of 1924*, Sec. 2671.

[168] *Acts of the Forty-first General Assembly*, Ch. 53; *Code of 1924*, Sec. 2644.

State aid. The association must notify the Department of Agriculture on or before the second Wednesday in December of its intention to hold a poultry show, and on or before June first of each year file with the Department a sworn statement showing compliance with the foregoing regulations. An annual State-wide poultry show may also be held, if other requirements are met and the association has an annual income of five hundred dollars in cash, exclusive of State aid.[169]

The State Horticultural Society, which is maintained in connection with the State Department of Agriculture, receives State aid for its maintenance and support. Representative L. V. Carter presented to the Forty-first General Assembly a bill which provides that all money appropriated for the use of this Society shall be paid on the warrant of the Auditor of State, upon the order of the president and secretary of the Society, in such sums and at such times as may be for the best interests of the Society. All expenditures from the State funds for the use of this Society are to be approved by the Secretary of the State Department of Agriculture.[170]

It is the duty of the State Apiarist to give lectures and demonstrations in the State upon the care of bees and the production and sale of honey. A recent amendment to the law upon this subject, presented by Representative John M. Bixler of Adams County, provides that the State Apiarist or his assistants shall for the purposes of inspection have the right to enter any premises, inclosure, or building containing bees or bee supplies. In case diseased bees are found the State Apiarist shall issue instructions for the best method of treating such disease. If the owner

[169] *Acts of the Forty-first General Assembly,* Ch. 59; *Code of 1924,* Secs. 2954, 2960.

[170] *Acts of the Forty-first General Assembly,* Ch. 65.

fails to follow instructions relative to such treatment, the State Apiarist or his assistants may provide treatment and assess the costs against the owner. Such assessment shall then be collected by the county treasurer in the same manner as other taxes.

The State Apiarist shall issue regulations prohibiting the transportation without his permit of any bees or used beekeeping appliances into any area free of bee diseases. Any one who interferes with the State Apiarist or his assistants in the performance of their duties or who refuses to permit the examination of bees shall be deemed guilty of a misdemeanor, and shall be liable to punishment by fine or imprisonment.[171]

It is the duty of the owner or person in control of land to cut, burn, or otherwise destroy all noxious weeds growing on such land. For the purposes of this law the term "noxious weeds" has formerly included a large number of plants, among which are the following: quack grass, Canada thistles, cockleburs, wild mustard, sour dock, and Russian thistles. To this list the "wild sunflower" has now been added.[172]

DRAINAGE

Chapter 153 of the laws of the Forty-first General Assembly amended the law relative to drainage by providing for the establishment and maintenance of settling basins. In order to make the desired amendment it was necessary to amend twenty-one sections of the Code, inserting some provisions relative to settling basins in each of the amended sections. The first section amended provides that the board of supervisors of any county shall have jurisdiction and power to establish a "drainage district or districts, and to

[171] *Acts of the Forty-first General Assembly*, Ch. 63; *Code of 1924*, Secs. 4037, 4039, 4041.

[172] *Acts of the Forty-first General Assembly*, Ch. 64; *Code of 1924*, Sec. 4818.

locate and establish levees, and cause to be constructed as hereafter provided any levee, ditch, drain, or watercourse''. To this list of improvements the recent law adds ''or settling basins in connection therewith''. Other sections throughout the drainage law were amended in much the same manner. Section 22 of the new law does not amend any section of the Code but provides: ''If a settling basin or basins are provided as a part of a drainage improvement, the board of supervisors may buy or lease the necessary lands in lieu of condemning said lands.'' For several years drainage districts with pumping stations have been empowered to establish settling basins and to secure the right of way to them. The new law allows any district to establish, construct, and maintain settling basins where necessary.[173]

The law of Iowa provides that if any levy of assessments for drainage improvement is not sufficient to meet the interest and principal of outstanding bonds, additional assessments may be made when necessary to complete full payment for improvements. To these provisions has been added the following: ''Drainage districts may settle, adjust, renew or extend the time of payment of the legal indebtedness they may have, or any part thereof, in the sum of one thousand dollars ($1000.00) or upwards, whether evidenced by bonds, warrants, certificates or judgments, and may fund or refund the same and issue bonds therefor in the manner provided'' by law.[174]

Provision is made in the law for the establishment of inter-county levee and drainage districts. The Forty-first General Assembly amended this law by adding a provision that whenever one or more drainage districts in one county

[173] *Acts of the Forty-first General Assembly*, Ch. 153; *Iowa Applied History*, Vol. IV, p. 571.

[174] *Acts of the Forty-first General Assembly*, Ch. 154; *Code of 1924*, Sec. 7509.

outlet into a ditch, drain, or natural watercourse which is the common carrying outlet for one or more drainage districts in another county, the boards of supervisors of such counties acting jointly may initiate proceedings for the establishment of an inter-county drainage district.

No land and no previously organized drainage district shall be included within, or assessed for, the proposed new inter-county district unless such land or such previously organized district shall receive special benefits from the improvements in the proposed new inter-county district and any landowner affected by the establishment of the new inter-county district may appeal to the district court of the county where the land lies from the action of the joint boards in establishing the new district or including his land within it.[175]

HIGHWAYS

The agitation for good roads in Iowa has given rise to recent extensive and important legislation on the subject of highways. The *Code of 1924* provides that primary roads outside of towns shall be maintained by the board of supervisors under the patrol system as provided by law. Under the new law the Highway Commission is given general authority and supervision over the maintenance of primary roads outside of cities and towns and along the corporate limits thereof, and is directed to coöperate with the various boards of supervisors. In case of a disagreement as to policy, the decision of the Commission shall be final. In accordance with the change of supervisory power, road machinery purchased by any county out of the primary road fund and used by any county for maintaining primary roads shall be available for use by the Highway Commission in maintaining the primary roads of the county. Further

[175] *Acts of the Forty-first General Assembly*, Ch. 155; *Code of 1924*, Sec. 7600.

provision is made whereby the Federal aid road fund and an amount equal to the amount received from the Federal government as road aid during the year shall be set aside to constitute a primary road development fund, to be expended under the direction of the Highway Commission. Restrictions are placed upon the expenditure of this fund. The purpose of this measure is to give the Highway Commission more complete authority over the control and maintenance of primary roads and thus to coördinate the State law with the Federal aid requirements.[176]

If any county desires to hasten the grading or hard surfacing of the primary roads of the county at a more rapid rate than would be accomplished by merely employing its annual allotted portion of the primary road fund, the board of supervisors may submit to the voters the proposition of issuing bonds for road improvement. If the majority of the voters agree, the supervisors may issue bonds to carry on the work. A new provision of the law presented by Senator H. E. Dean provides that the supervisors may at any time refund at a lower rate of interest primary road bonds upon which payment has become optional, and may likewise refund unmatured primary road bonds if the owner consents. "Any refunding bonds and the interest accruing thereon shall be payable from the same funds from which the original bonds and the interest thereon were payable."[177]

With regard to inter-county highways the law provides that the board of supervisors of adjoining counties shall, subject to the approval of the State Highway Commission, adopt plans and specifications for road, bridge, and culvert

[176] *Acts of the Forty-first General Assembly*, Ch. 114; *Code of 1924*, Secs. 4736, 4738.

[177] *Acts of the Forty-first General Assembly*, Ch. 113; *Code of 1924*, Secs. 4720, 4721.

construction, reconstruction, and repair. In case the boards fail to perform such duty or fail to agree, the Highway Commission shall set a time and place for hearing and shall determine what should be done and such decision shall be final. To this law the Forty-first General Assembly added the provisions that if the boards or either of them shall, for a period of sixty days, fail to comply with the decision, the Commission shall proceed with the work — the same to be paid for by the county affected. If the improvement be on a primary road the bills shall be paid out of the primary road fund allotments of the county. If it be for a county road, or a county bridge on a township road, the bills shall be forwarded to the county auditor who shall draw warrants, and the county treasurer shall pay them the same as other county warrants.[178]

A slight amendment has been made to the law relative to condemning of land for street improvements within cities and towns. The *Code of 1924* provides that the "board of Supervisors is hereby given plenary jurisdiction subject to the approval of the council to purchase or condemn right of way therefor and grade, drain, gravel, or hard surface any road or street which is a continuation of the primary road system of the county" within a city or town. This was amended by inserting the word "bridge" after the word "drain", thus making the law applicable in case of bridge construction as well as to other forms of improvements.[179]

A board of apportionment, consisting of three resident freeholders of the county, shall be appointed by the board of supervisors to apportion all special benefits to real estate in assessment districts, resulting from the improvement of the primary and secondary road system. When the appor-

[178] *Acts of the Forty-first General Assembly,* Ch. 112; *Code of 1924,* Secs. 4661, 4662.

[179] *Acts of the Forty-first General Assembly,* Ch. 111; *Code of 1924,* Sec. 4731.

tionment has been made, the county auditor shall fix a day for a hearing before the board of supervisors, and cause notice of such hearing to be published. The *Code of 1924* provided that publication of such notice should appear in "at least one of the official newspapers of the county". This has been amended to read in "a newspaper of the county having general circulation in the district affected by the improvement". Thus the notice may legally appear in a newspaper which has not been designated as official.[180]

The board of supervisors, county engineer, or other persons employed by the board may, in accordance with a measure introduced by Representative George L. Venard, after giving written notice to the owner and the person in possession, enter upon any land for the purposes of prospecting for gravel to be used for the improvement of highways. Surveys may be run and excavations or borings may be made upon such land. Any damage caused thereby shall be paid by the county — the amount of damage being determined in the manner provided for the awarding of damages in condemnation of land for the establishment of highways. No such prospecting shall be done, however, within twenty rods of a dwelling house or buildings without written consent of the owner.[181]

This measure was passed without a publication clause, in the absence of which it would normally become effective on July 4, 1925. It was desired, however, to have the provisions of the law become operative before that date, and accordingly a joint resolution was passed supplying the publication clause, and declaring that the law should become effective upon publication.[182]

[180] *Acts of the Forty-first General Assembly*, Ch. 109; *Code of 1924*, Sec. 4707.

[181] *Acts of the Forty-first General Assembly*, Ch. 108.

[182] *Acts of the Forty-first General Assembly*, Ch. 284; *Constitution of Iowa*, Art. III, Sec. 26.

In the interest of safety and to prevent accidents at intersections of railroads and highways a law was passed by the Forty-first General Assembly which provides that if any person engaged in the dragging of a public highway or private way across a railroad shall cause to be deposited any dirt, gravel, stone, or other substance upon the rails of such railroad, or in such close proximity thereto that it interferes with or jeopardizes the operation of trains he shall be subject to a fine of not less than twenty-five dollars.[183]

MOTOR VEHICLES

At least twelve laws were passed by the Forty-first General Assembly dealing directly with the subject of motor vehicles. Aside from these, a gasoline license fee law was passed, which affects the operation of motor vehicles, but which because of its fundamental character as a tax is discussed under the subject of taxation. Two of the measures passed were for the regulation of motor vehicle carriers. Both of these were introduced by the Committee on Motor Vehicles and resulted in a clarifying of the law upon this subject. One provides for the repeal of Chapter 252 of the *Code of 1924,* which deals with that subject, and enacts a new measure which defines motor carriers, and provides for the levy and collection of a tax to be paid by motor carriers for the maintenance and repair of highways.

This law provides that in addition to the regular license fees or taxes imposed upon motor vehicles there shall be assessed against and collected from every motor carrier a tax of one-fourth cent per ton-mile of travel in operating a vehicle having pneumatic tires, and one-half cent per ton-mile for vehicles having hard rubber tires. The method of computing this tax is designated by law, and the Board of

[183] *Acts of the Forty-first General Assembly,* Ch. 110.

Railroad Commissioners is charged with its collection. The funds thus obtained shall be used by the county board of supervisors for the maintenance of highways over which motor carriers operate.[184]

The second measure dealing with motor carriers provides for the supervision and regulation by the State Board of Railroad Commissioners of persons engaged in the public transportation of persons or property by motor vehicles, if a charge is made. It is unlawful for any motor carrier to operate or furnish public service within the State without first having obtained from the Commissioners a certificate declaring that public convenience and necessity require such operation. Such certificate is issued only upon a strict compliance with requirements designated by law and may be cancelled at any time for a violation of such regulations.[185]

In the interest of law enforcement with regard to the operation of motor vehicles a law was passed by the Forty-first General Assembly which provides that special agents or inspectors employed in the Motor Vehicle Department and working under the supervision of the Secretary of State shall be clothed with authority as peace officers and shall qualify as such by filing a bond in the sum of five thousand dollars.[186]

Another measure of a somewhat similar character provides that it shall be the duty of all sheriffs and the chiefs of police of all cities, including cities acting under special charters, to report promptly to the Bureau of Criminal Investigation all thefts of motor vehicles coming to their attention and the recovery of motor vehicles previously stolen. The bureau shall publish a list of motor vehicles

[184] *Acts of the Forty-first General Assembly*, Ch. 4.

[185] *Acts of the Forty-first General Assembly*, Ch. 5.

[186] *Acts of the Forty-first General Assembly*, Ch. 7.

reported stolen or recovered and shall send a copy of such list to each chief of police and each sheriff in the State, and to the motor vehicle department of each of the several States.[187]

All the other acts passed in 1925 relative to motor vehicles are amendatory to previously enacted statutes on that subject. The term "motor vehicle" as defined by the Code has been given a new and more comprehensive meaning. Under the general provisions of the law the term did not include "fire wagons and engines, police patrols, city and town ambulances, city and government vehicles, clearly marked as such". As redefined by the Forty-first General Assembly the term "motor vehicles" includes "all vehicles propelled by any power other than muscular power except traction engines, road rollers, and such vehicles as are run only upon tracks or rails." Thus the fact that a vehicle is used by a fire department or for patrol purposes or is owned by a city or town does not exempt it from the provisions of the motor vehicle law.[188]

Under a former provision of the law it was the duty of the Executive Council to fix the value and weight of motor vehicles, upon which the annual license fees were based. This service has now been transferred to the Motor Vehicle Department of the office of the Secretary of State. The annual fee charged for all motor vehicles, except motor trucks and motorcycles, shall be equal to one per cent of the value as fixed by the Department, plus forty cents for each one hundred pounds or fraction thereof of the weight of the vehicle as fixed by the Department. A recent amendment to this provision, however, stipulates that when the license fee, thus computed, totals a fraction over a certain number of dollars, the fraction shall not be computed in arriving at

[187] *Acts of the Forty-first General Assembly*, Ch. 8.

[188] *Acts of the Forty-first General Assembly*, Ch. 9; *Code of 1924*, Sec. 4863.

the fee. A new schedule of license fees for motor trucks was adopted by the Forty-first General Assembly resulting in a material increase in the fee charges, especially in the case of the larger trucks or trucks equipped with solid tires. Thus the license fee for a six-ton truck equipped with solid rubber tires was increased from $175 to $350 a year.[189]

Section 4992 of the *Code of 1924* provides that local authorities shall have power to enact ordinances and regulations relative to motor vehicles, and to provide for traffic or crossing officers or devices to bring about the orderly passage of vehicles and other users of the public highways "on certain portions thereof, where the traffic is heavy and continuous." In like manner a later section of the law stipulates that city authorities may designate by ordinance conditions under which vehicles may be parked in public streets or alleys "during the hours of darkness." Both of these sections have been amended. In the former case the words following "highways" were stricken out, thus making the law applicable to all highways and not merely to those where traffic is heavy and continuous. In the latter case the words "during the hours of darkness" was stricken out and local authorities may now regulate parking and traffic, day or night.[190]

Moneys collected under the provisions of the motor vehicle law shall be credited by the Treasurer of the State to the following funds: two and one-half per cent of the gross fees and penalties to a maintenance fund for the State Highway Commission; three and one-half per cent to a maintenance fund for the Motor Vehicle Department; and the balance, except a small amount for collection and disbursement, to the primary road fund. Of the money thus

[189] *Acts of the Forty-first General Assembly*, Ch. 10; *Code of 1924*, Secs. 4908, 4913, 4914, 4973.

[190] *Acts of the Forty-first General Assembly*, Ch. 11; *Code of 1924*, Sec. 4997.

collected the State Treasurer is required to maintain a balance of not to exceed five hundred thousand dollars. By virtue of a recent amendment to the law this maximum shall be exclusive of the amount in the funds provided for the use of the State Highway Commission and the Motor Vehicle Department.

The county treasurer is required to report to the Motor Vehicle Department on the fifteenth of each month, giving a statement of all fees and penalties received by him during the preceding calendar month. He is also required to forward to the Treasurer of the State a duplicate of such report accompanied by a remittance of six per cent of all fees and penalties received by him, for the use and benefit of the maintenance fund of the State Highway Commission and the Motor Vehicle Department.[191]

In the interest of safety in driving motor vehicles the law contains a provision that a vehicle passing another from the rear "shall turn to the left and shall not return to such road or path within less than thirty feet of the team or vehicle which has been passed". A recent amendment to this law makes the exception that in passing street cars the vehicle approaching from the rear shall pass to the right in all cases where the condition of the street permits of such passage. The amendment clarifies the law on this point and makes it conform with the general rules prescribed in traffic regulations of cities throughout the State.[192]

In case of a personal injury resulting from the culpability of the operator of a motor vehicle or from an accident, the operator of the vehicle causing the injury is required to report the accident at the office of some peace officer as near as practicable to the site of the accident or to the county

[191] *Acts of the Forty-first General Assembly*, Ch. 12; *Code of 1924*, Secs. 4999, 5003, 5013.

[192] *Acts of the Forty-first General Assembly*, Ch. 13; *Code of 1924*, Sec. 5022.

attorney or the sheriff. This law has now been amended to provide that when the accident occurs within the corporate limits of any city of the first class, the accident and all information in connection therewith shall be reported at the office of the chief of police "and when reported elsewhere shall not constitute a compliance with the provisions of this section."[193]

Under Section 5029 of the *Code of 1924*, the maximum speed for motor vehicles of a less weight than three tons and equipped with pneumatic tires was limited on public highways to thirty miles per hour. This has now been increased to thirty-five miles per hour in accordance with a bill introduced by Representative J. H. Johnson.[194]

For the enforcement of the motor vehicle regulations, the Code stipulated that a violation of any of the provisions of the chapter relative to that subject should be punished by a fine not exceeding one hundred dollars or by imprisonment not exceeding thirty days, or by both fine and imprisonment. This latter provision has been stricken from the law, the result being that punishment may now consist of either fine or imprisonment, but not both.[195]

Another law passed by the Forty-first General Assembly, which is somewhat indirectly connected with the subject of motor vehicles is one introduced by Representative L. B. Forsling which makes it unlawful for any person, copartnership, or corporation to remove or deface or alter the word "rental" or any other word or mark attached to any electric storage battery for the purposes of identification. It shall be "presumptive evidence" of fraud for any person to retain in his possession for a longer period than thirty days, without the consent of the owner, any storage battery

[193] *Acts of the Forty-first General Assembly*, Ch. 14; *Code of 1924*, Sec. 5073.

[194] *Acts of the Forty-first General Assembly*, Ch. 15.

[195] *Acts of the Forty-first General Assembly*, Ch. 16; *Code of 1924*, Sec. 5089.

upon which has been marked "rental" or other words of identification. A penalty of one hundred dollars, or imprisonment in the county jail for not to exceed thirty days, is prescribed for the violation of this act. The purpose of this measure is to prevent the unlawful taking or retaining of storage batteries used in the operation of motor vehicles, and is designed especially to protect persons engaged in renting and recharging batteries.[196]

BUSINESS, TRADE, AND COMMERCE

In the interest of trade and commerce, a law was passed making it unlawful for any person or corporation to engage in or conduct a business under any trade name or any assumed name of any character "other than the true surname of each person or persons owning or having any interest in such business", unless such person or persons shall file with the county recorder a verified statement showing the name and post office address of each person having an interest in the business. A like statement shall be filed in case of a change of ownership. Any person violating the provisions of this law shall be punishable by a fine or imprisonment.[197]

Chapter 426 of the *Code of 1924* deals with the subject of bonded warehouses for agricultural products, and requires a license and a bond of persons conducting such a warehouse. Under the provisions of this law the term "agricultural products" is deemed to mean "cotton, wool, grains, tobacco, and flaxseed". To this list was added "sugar and all canned goods made from agricultural products."[198]

In connection with the Statute of Frauds, the law of evidence provides that "regulations relating merely to the proof of contracts, shall not prevent the enforcement of

[196] *Acts of the Forty-first General Assembly*, Ch. 17.

[197] *Acts of the Forty-first General Assembly*, Ch. 183.

[198] *Acts of the Forty-first General Assembly*, Ch. 184.

those not denied in the pleadings, except in cases when the contract is sought to be enforced, or damages recovered for the breach thereof, against some person other than him who made it.'' Moreover, the oral evidence of the maker against whom an unwritten contract is sought to be enforced shall be competent to establish the contract. A measure passed by the Forty-first General Assembly makes these provisions of the law applicable to the sale of personal property.[199]

The *Code of 1924* provides that the person offering any commercial feed for sale shall pay a registration fee and present an affidavit relative to the quality of feed offered. It was evidently intended that this registration fee should be paid annually, but the Code did not so stipulate, and the law was amended to provide for its annual payment.[200]

CORPORATIONS

It is a general rule of the corporation law of Iowa that shares of stock of any corporation organized under the laws of the State shall be assessed to the owners thereof as moneys and credits at the place where its principal business is transacted. There are exceptions to this rule, however, and the *Code of 1924* stipulates that corporations provided for in Chapters 331 to 341 inclusive — banks, insurance companies, telegraph and telephone companies, and transportation companies — shall come within the exception. This law was amended by substituting 330 for 331 in specifying the chapters affected.[201]

The law with regard to non-pecuniary corporations provides that the trustees, directors, or members may, prior to the expiration of the corporate period, reincorporate and

[199] *Acts of the Forty-first General Assembly,* Ch. 185; *Code of 1924,* Secs. 9933, 11287, 11288.

[200] *Acts of the Forty-first General Assembly,* Ch. 61; *Code of 1924,* Sec. 3117.

[201] *Acts of the Forty-first General Assembly,* Ch. 158; *Code of 1924,* Sec. 7008.

all property and rights thereof shall rest in the corporation as reincorporated. The *Code of 1924* provided further that the "trustees acting at the time of reincorporation of any cemetery association organized as a corporation under the laws of the state of Iowa, whose incorporation may have expired by operation of law or by the terms of its articles of incorporation, may reincorporate the same". The law with regard to reincorporation after the expiration of a corporate period has now been rewritten in such a way as to make its application general.[202]

The *Code of 1924* relative to coöperative associations provides that every association shall, on or before the first day of March of each year, make an annual report to the Secretary of State, setting forth the name of the company, its principal place of business, and a statement as to its business, showing its assets and liabilities. This law was amended to provide that a failure to comply with this section before the first day of April shall subject the delinquent association to a penalty of ten dollars, provided, however, that any corporation organized after the first day of January should be exempt from making any report for the year in which it is organized. It is the duty of the Secretary of State in April of each year to publish a list of delinquent associations, and if reports are not filed by July first, it becomes his duty to strike the name of all delinquent corporations from the list of live corporations in his office and enter the cancellation on record, thereby terminating the corporate rights of the association. Provision is made, however, for a reinstatement if application is made and the law complied with before the first of September.[203]

The law dealing with the regulation of common carriers prescribes a penalty for any railroad company which makes

[202] *Acts of the Forty-first General Assembly*, Ch. 161; *Code of 1924*, Sec. 8592.

[203] *Acts of the Forty-first General Assembly*, Ch. 160.

an unjust discrimination as to passenger or freight rates. A recent amendment to the law provides, however, that where two or more railroads run into a city or village, one having a shorter mileage than the other from a given point through which both pass, the Board of Railroad Commissioners may permit the railroad having the longer mileage to meet the rate made by the shortest line. Moreover, if an industry or commodity located within the State of Iowa is competing with an industry or commodity outside the State, the Board of Railroad Commissioners may permit the railroad serving the industry within the State to meet the freight and passenger rates established by the railroad serving the industry outside of the State. This latter provision tends to foster home industries, while the former allows free competition between competing corporations within the borders of the State.[204]

Another measure touching the subject of railroads which was passed by the Forty-first General Assembly is one which requires that automatic doors be placed on the fire boxes of all locomotive engines. The purpose of this act is to safeguard railroad employees and it is discussed above under the subject of social legislation.[205]

BANKS AND BANKING

The numerous bank failures in Iowa in recent years have given rise to a large amount of legislation relative to banks and banking. More than thirty measures were introduced in the Forty-first General Assembly dealing with this subject and eleven such measures were passed. Prior to 1925 banks selected as depositories for public funds were required to file bonds with securities to be approved by the county treasurer and the board of supervisors in double the

[204] *Acts of the Forty-first General Assembly*, Ch. 157; *Code of 1924*, Secs. 8055, 8056.

[205] *Acts of the Forty-first General Assembly*, Ch. 156.

amount deposited, or if a surety company bond were given, the bond had to be ten per cent more than the amount deposited. This plan frequently led to controversies with surety companies and the protection of public funds was becoming more and more difficult. Representative Fred C. Lovrien and Senator J. L. Brookhart introduced a bill in the Forty-first General Assembly which created a State sinking fund for the security of such deposits and depository banks were relieved of giving bonds. This measure was approved by the Governor on March 27, 1925. However, there was still some disagreement as to the provisions of the measure. It was believed by some to be retroactive and to apply to banks already in the hands of receivers. Others contended that it would allow a large sum of money to accumulate in the sinking fund in Des Moines whether it was needed there or not. The authors of the bill contended that it was not retroactive and that money would be collected only as needed. On April 2nd the Sifting Committee presented another bill which provides that money shall not be diverted into the sinking fund until needed.

Depository banks are required by law to pay interest on public funds deposited with them at a rate of at least two and one-half per cent per annum on ninety per cent of the daily balances. This interest accrues to the general fund but may now be diverted to the State sinking fund when necessity requires. When a bank containing public funds is closed and placed in the hands of a receiver or a trustee in bankruptcy, the State Superintendent of Banking shall notify the State Treasurer of the amount of public funds in the closed bank. The treasurer shall then divert the interest on State funds on deposit into the State sinking fund, and instruct the county treasurers to divert the interest on all public deposits in their counties into the State sinking fund. This diversion of interest shall continue until sufficient

funds have been deposited in the sinking fund to replace the public deposits in the closed bank.[206]

Another significant measure passed with regard to banking is one which provides for the establishment of a State Banking Board, to consist of the Superintendent of Banking as ex officio member and chairman and four other members appointed by the Governor to serve for a term of four years. J. H. Hogan of Des Moines, Ray Nyemaster of Davenport, E. W. Miller of Waterloo, and C. J. Wohlenberg of Holstein constitute the appointive members of this board. They are required to meet regularly at the office of the Superintendent of Banking, once each month, and at such times as necessity requires. The members of the Board shall have free access to all records of the office of the Superintendent of Banking and shall act in connection with the Superintendent in an advisory capacity concerning all matters pertaining to the conduct of the Banking Department and the administration of the banking laws of the State.[207]

For the purpose of liquidation and reorganization of banks for which receivers have been appointed, amendments adopted by the Forty-first General Assembly provide that if a majority of the creditors holding direct unsecured obligations of such bank in excess of ten dollars each and totalling in the aggregate amount seventy-five per cent of all direct unsecured obligations shall agree in writing to a plan of disposition and distribution of assets through "sale to another bank, reopening, reorganization or consolidation of the bank", the court in which the receivership is pending may, after due notice and hearing, order a disposition and distribution conforming to the provisions of the proposed

[206] *Acts of the Forty-first General Assembly,* Chs. 173, 174; *The Des Moines Register,* March 27, 1925.

[207] *Acts of the Forty-first General Assembly,* Ch. 178.

plan. Any county, city, town, or school district through its governing board and the State through the Executive Council may agree as to any unsecured and unpreferred claims owned by it. The purpose of this measure is to conserve the assets of the bank, to extend the time of payment to certain creditors, and to maintain the activities of the bank while collections are being made.[208]

The *Code of 1924* provides that any insurance company, fraternal beneficiary society, or savings bank accumulating money to be held in trust for the purpose of fulfilling any contract in its policies, shall invest its funds in bonds of the United States, State or municipal bonds, or real estate bonds or mortgages. The Forty-first General Assembly passed a bill which allows greater freedom in the matter of investment, and stipulates that such corporations may invest in "farm loan bonds issued under the act of congress approved July seventeenth (17), nineteen hundred sixteen (1916), as amended, where the corporation issuing such bonds is loaning in Iowa". This amendment was introduced by Representative Ray Yenter of Johnson County.[209]

Any seven persons residing in the State of Iowa may, in accordance with recent legislation, apply to the Superintendent of Banking for permission to organize a credit union. The application must be issued in duplicate form and state the name and location of the proposed credit union, the name and address of subscribers to shares, and the number of shares subscribed by each. The applicants shall prepare and adopt by-laws, copies of which shall be sent to the Superintendent of Banking. Within thirty days after the receipt of the application and by-laws the Superintendent shall determine whether they conform with

[208] *Acts of the Forty-first General Assembly*, Chs. 179, 180.

[209] *Acts of the Forty-first General Assembly*, Ch. 175; *Code of 1924*, Secs. 8737, 8829, 9183.

the law and whether such credit union should be established. If he approves the organization, he shall return to the applicants the duplicate certificate of organization with a certificate of approval, which shall be filed with the county recorder and the applicants shall thereby become a credit union. This organization is in the nature of a mutual benefit association, which shall have power to receive the savings of its members, to make loans to its members or to a coöperative society or organization having membership in the union, to deposit or invest funds, and to assess fines as provided in the by-laws. Provision is made for the election of additional members and the election of officers, annual reports, the expulsion of members, and for a final dissolution of the union.[210]

Whenever the capital stock of a State or savings bank becomes impaired the Superintendent of Banking may require an assessment upon the stockholders, the required notices being sent out by the directors. If any stockholder neglects or refuses to pay his assessment within ninety days from the date of mailing the notice, the board of directors shall cause a sufficient amount of stock to be sold to make good the deficiency. Formerly a notice of sale was required to be posted and published thirty days prior to the date of the sale. This time limit has now been reduced to ten days and the notice may be given by personal service or by posting and publishing. A further amendment to the law provides that if the proceeds of a sale of stock is insufficient to satisfy the entire assessment liability of the stockholder, "he shall be personally liable for the deficiency, which may be collected by suit brought in the name of the bank against such stockholder."[211]

The *Code of 1924* provides that when the property of

[210] *Acts of the Forty-first General Assembly*, Ch. 176.

[211] *Acts of the Forty-first General Assembly*, Ch. 181; *Code of 1924*, Sec. 9248.

"any person, partnership, company, or corporation" has been placed in the hands of a receiver for distribution the following claims shall, after the payment of all costs, be entitled to priority settlement in the order named: (1) taxes or other debts entitled to preference under the laws of the United States; (2) debts due or taxes assessed and levied for the benefit of the State, county, or municipality; and (3) debts due employees for labor. The Forty-first General Assembly passed a law declaring that the provisions of this section shall not apply to the receivership of "state banks, savings banks, loan and trust companies, or private banks", and that in these cases no such preference or priority shall be allowed, "except for labor as provided by statute."[212] National banks were not permitted, according to the Federal laws, to grant this preference. Moreover, the State laws concerning these funds were inconsistent: one law provided that all public funds in banks should be secured by bonds; while the section mentioned above provided that they be paid first.

Another amendment to the Code provides that banking corporations shall be liable for the payment of taxes assessed to their stockholders and the same may be collected by an action in the name of the county. The corporation may in turn recover from each stockholder his proportion of the taxes so paid, and shall have a lien on his stock and unpaid dividends. If the unpaid dividends are not sufficient to pay the tax the corporation may enforce the lien and after due notice may cause the shares to be sold. Under the provisions of this law a person owning corporation stock is not required to report it to the assessor since it will be assessed in the hands of the corporation. Frequently the corporation pays a certain dividend including taxes. Thus the law is a convenience in the collection of taxes.[213]

[212] *Acts of the Forty-first General Assembly*, Ch. 182; *Code of 1924*, Sec. 12719.

[213] *Acts of the Forty-first General Assembly*, Ch. 159.

Another measure of the Forty-first General Assembly which touches the subject of banking is one which declares that any officer, director, or employee of a bank who shall use the funds of the bank except for the regular business transactions of the bank "shall be guilty of embezzlement and shall, on conviction thereof, be imprisoned in the penitentiary not to exceed twenty (20) years." This measure is further discussed in connection with the subject of criminal law.[214]

INSURANCE

Ten laws were passed by the Forty-first General Assembly relative to insurance, five of which deal with life insurance alone. The officers or directors of each life insurance company are required annually, by the first day of March, to prepare and file in the office of the Commissioner of Insurance a statement of its affairs for the previous calendar year. The Commissioner is then required to ascertain the net cash value of every policy in force in all companies of the State. The net cash value of all policies of any company being ascertained, the Commissioner shall notify the company of the amount, and the officers shall deposit approved securities with the Commissioner for the amount of the ascertained valuation. Such securities may consist of Federal bonds, State bonds, municipal bonds, real estate bonds and mortgages, policy loans, or real estate. A recent amendment introduced by Senator William J. Goodwin provides, however, that in lieu of the policy loan agreement any company may file a verified statement of such policy loan. The company shall thereafter furnish to the Commissioner on the first day of each month, a verified report as to any cancellations or additions to such loans during the preceding month. Such lists shall be taken as a security to

[214] *Acts of the Forty-first General Assembly*, Ch. 177.

be deposited as provided by law, and, furthermore, shall be checked at least quarterly by the Commissioner of Insurance.[215]

Securities which life insurance companies are required to deposit with the Commissioner of Insurance may be changed at any time by substituting therefor other securities of a like character and amount. A recent amendment to the law, introduced by Senator Charles J. Fulton, permits sheriffs' certificates of the sale of land, as well as mortgages, to be deposited with the Commissioner as a substitute for other securities. Such certificates shall be accepted for deposit, however, only for the amount of the original securities and shall be withdrawn at the end of the period of redemption, or within thirty days if redemption is made or a deed obtained prior to the expiration of the time fixed for redemption.[216]

In like manner, fraternal life insurance companies may substitute for their original securities others of a like character and amount. Such new securities may consist of "certificates of sale furnished by the sheriff in connection with the foreclosure of mortgages on Iowa real estate", or "warranty deeds conveying all the property included in the original mortgage". Such deeds shall be held by the Commissioner of Insurance in trust for the policy holders of the society, and all deeds must be recorded and accompanied by an abstract showing that the company has good title. They shall be accepted only for the amount of the security and only for so long as the company annually certifies that taxes are paid and fire insurance maintained. Moreover, the total amount of certificates of sale and deeds deposited shall not exceed five per cent of the amount the

[215] *Acts of the Forty-first General Assembly*, Ch. 163; *Code of 1924*, Secs. 8653, 8654, 8655.

[216] *Acts of the Forty-first General Assembly*, Ch. 164.

society is required to deposit with the Insurance Department.[217]

The law of Iowa provides that funds deposited with the Commissioner of Insurance by life insurance companies or associations and the funds or accumulations held in trust for the purpose of fulfilling any contract of insurance shall be invested in approved securities. Among other securities which have formerly been approved by law are bonds and mortgages which are first liens upon real estate worth at least double the amount loaned thereon, exclusive of improvements, or worth two and one-half times such amount including the improvements thereon, "if such improvements are constructed of brick or stone". A measure passed by the Forty-first General Assembly amended the law so that the buildings need not be constructed of brick or stone.[218]

Any fraternal benefit society authorized to do business in the State of Iowa and operating on a lodge plan may provide for the payment of death or annuity benefits upon the lives of children between the ages of two and eighteen years of age. Under the provisions of the *Code of 1924* such insurance could be taken out only for the benefit of children for whose support and maintenance a member of the society was responsible, but in case such membership terminated the insurance might be continued for the benefit of the child's estate or for any other person who assumed the responsibility of supporting the child. The law has been amended, however, so that insurance may now be taken out for any child of proper age, regardless of whether or not such child is maintained and supported by a member of the society issuing the policy of insurance.[219]

[217] *Acts of the Forty-first General Assembly*, Ch. 166; *Code of 1924*, Sec. 8834.

[218] *Acts of the Forty-first General Assembly*, Ch. 165; *Code of 1924*, Sec. 8737.

[219] *Acts of the Forty-first General Assembly*, Ch. 167; *Code of 1924*, Secs. 8837, 8849.

Any company issuing policies of insurance other than life may insure the fidelity of persons holding places of private or public trust or execute as surety any bond or other obligation required by law, except bonds required in criminal cases. The *Code of 1924* provided, however, that none but stock companies should "engage in fidelity and surety business; and insure the maker, drawer, drawee or indorser of checks, drafts, bills of exchange, or other commercial paper against loss by reason of any alteration of such instruments." Senator Ed. Hoyt Campbell introduced a bill which removed this limitation and allows any company writing insurance other than life to issue such insurance.[220]

Section 8990 of the *Code of 1924* provided that a policy of insurance, other than life, which required the insured to bear any portion of the loss of the property covered by the insurance should be void; and the Commissioner of Insurance was required to refuse to authorize any company to do business if the form of policy issued or proposed to be issued contained such a contract. An amendment has now been passed, limiting the application of this restrictive provision to any policy of fire, lightning, tornado, cyclone, wind storm, and sprinkler leakage insurance. Thus automobile insurance is not included within this provision of the law, and an automobile accident policy written on a "deductible plan" is valid.[221]

Every fire insurance company or association authorized to transact business in the State of Iowa is required to conduct its business in the name under which it is incorporated. And there shall not appear on the face of the policies anything that would indicate an obligation on the

[220] *Acts of the Forty-first General Assembly*, Ch. 168; *Code of 1924*, Secs. 8940, 8941.

[221] *Acts of the Forty-first General Assembly*, Ch. 169.

part of any other company. A recent amendment introduced by Senator Ed. Hoyt Campbell provides, however, that companies "associating themselves together for the purpose of issuing joint policies may issue them under the underwriter's title used by them, provided the names of the companies represented by such underwriter's title shall appear on the face and filing back of the policy and the percentage of the total risk assumed by each shall be set out opposite the signature of each company."[222]

The *Code of 1924* provides that actions to collect assessments from any member of an association organized to insure against loss by hailstorms shall be brought in the county where the member resides. A bill introduced by Representative Earl W. Vincent resulted in an amendment to the law making this rule applicable not only in case of hail insurance but to all mutual fire, tornado, hailstorm, and other assessment insurance associations which are provided for in Chapter 406 of the Code.[223] In like manner no court other than that of the county in which the policy holder resides now has jurisdiction of actions to collect premiums or premium notes payable or given for insurance other than life, any statement or agreement in the policy to the contrary notwithstanding.[224]

REAL ESTATE

Four measures were passed by the Forty-first General Assembly touching the subject of real estate. In accordance with the laws of this State recorded mortgages upon real estate may be assigned of record by the execution of an appropriate written instrument duly acknowledged and recorded in the county in which such real estate is situated. An additional provision to the law on this point was intro-

[222] *Acts of the Forty-first General Assembly*, Ch. 170.

[223] *Acts of the Forty-first General Assembly*, Ch. 171; *Code of 1924*, Sec. 11044.

[224] *Acts of the Forty-first General Assembly*, Ch. 172.

duced by Senator George M. Clearman, providing that when a mortgage or other incumbrance upon real estate shall be assigned or released by a separate instrument it shall be the duty of the recorder to enter in the margin of the record of such mortgage or instrument the character of the assignment or release and the book and page where the same is recorded. Under this provision of the law the mortgage or incumbrance will show on its face if an assignment or release has been made, and will refer to the book and page where detailed record may be found.[225]

Section 11024 of the *Code of 1924* provided that no action based upon any claim arising prior to January 1, 1900, should be maintained to recover real estate or any interest in real estate, against the holder of the record title in possession, when such holder and his grantees are shown to have held chain of title since January 1, 1900, unless such claimant "shall within one year from and after July 4, 1919" file in the office of the recorder of deeds of the county wherein the real estate is situated, a statement in writing, describing the real estate involved and the nature and extent of the claim and stating the facts upon which the claim is based. Representative Lafe Hill introduced a bill in the Forty-first General Assembly, which after amendment, resulted in changing the dates 1900 and 1919 in this section to 1915 and 1925 respectively, thus making it possible for persons having claims arising since January 1, 1915, to file claims for the same at any time prior to July 4, 1926.[226]

Part of section two of House File No. 270 of the *Acts of the Extra Session of the Fortieth General Assembly*, which deals with the forfeiture of real estate contracts, was rejected by the General Assembly. The words "or ninety

[225] *Acts of the Forty-first General Assembly*, Ch. 188; *Code of 1924*, Sec. 10107.

[226] *Acts of the Forty-first General Assembly*, Ch. 189.

days as the case may be'', as they appear in section five, were likewise omitted when the law was passed. In both of these cases, however, these rejected parts were copied into the enrolled bill, as signed by the presiding officers and by the Governor, and were finally incorporated into the *Code of 1924* as parts of Sections 12390 and 12393. The Forty-first General Assembly passed a bill striking these provisions from the Code to make it conform to the former bill as passed by the extra session of the Fortieth General Assembly. The same bill amended Section 12391 of the Code and provides that notice in case of forfeiture of real estate contracts may be served personally or by publication in the same manner as is provided for the service of original notices, except that when the notice is served by publication no affidavit therefor shall be required before publication. Service by publication shall be deemed complete on the day of the last publication.[227]

The law relative to hearing and notice on application to sell or mortgage real estate, in the settlement of estates, is not clearly stated in the *Code of 1924*. Representative L. B. Forsling introduced a bill which repeals Sections 11934 and 11935 of the Code and substitutes a new section which reads: ''The court or judge shall fix the time and place of hearing of the application, and prescribe the time and manner of service of the notice of such hearing on all persons, including claimants, interested in said estate.''[228]

CRIMINAL LAW

Two acts were passed dealing directly with the subject of criminal law. One of these deals with the embezzlement of bank funds and provides that any officer, director, or employee of a bank who shall in any manner, directly or

[227] *Acts of the Forty-first General Assembly*, Ch. 190.

[228] *Acts of the Forty-first General Assembly*, Ch. 191.

indirectly, use the funds or deposits of a bank or any part thereof, except for the regular business transactions of the bank, or who secretes, with intent to embezzle or fraudulently convert to his own use, any funds or deposits of the bank shall be guilty of embezzlement and shall, on conviction thereof, be imprisoned in the penitentiary not to exceed twenty years. This measure is in accord with other bills passed for the protection of bank deposits.[229]

Another amendment to the law deals with the crime of rape. Formerly the penalty for this offense was imprisonment in the penitentiary "for life or any term of years." Under the new law imprisonment may be for life or any term of years, not less than five, and the court may pronounce sentence for a lesser period than the maximum, the provisions of the indeterminate sentence law to the contrary notwithstanding, and when a lesser than the maximum sentence is pronounced, the prisoner shall be subject to the jurisdiction of the Board of Parole.[230]

PROFESSIONS

Section 2583 of the *Code of 1924* provides that "after July 1, 1925" no college of pharmacy shall be approved by the Pharmacy Examiners as a college of recognized standing unless the entrance and graduation requirements are equivalent to those prescribed "from time to time" by the American Conference of Pharmaceutical Faculties. This has been amended by striking out the words "from time to time" and inserting at the end of the section the words "for the year nineteen hundred twenty-four". Accordingly the regulations that are to be followed are those of 1924, and not such as may be prescribed from time to time. The words "after July 1, 1925" were also stricken out, as being

[229] *Acts of the Forty-first General Assembly*, Ch. 177.

[230] *Acts of the Forty-first General Assembly*, Ch. 197; *Code of 1924*, Sec. 12966.

of no effect, since the new law would, under the provisions of the State Constitution, become effective on July 4th of that year.[231]

Persons who wish to engage in the practice of veterinary medicine are required to take an examination and to pay a license fee of twenty-five dollars to the Department of Agriculture. This license must be renewed annually and under the *Code of 1924* a fee of two dollars and fifty cents was charged for each renewal. This renewal fee has now been reduced to one dollar.[232]

MILITARY AFFAIRS

Two measures were passed by the Forty-first General Assembly relative to military affairs. Section 6946 of the *Code of 1924* provides that certain property to the extent of eighteen hundred dollars should be exempt from taxation in the case of honorably discharged soldiers, sailors, and marines of the war with Spain, Chinese relief expedition, or the Philippine insurrection. A recent amendment adds to this list of soldiers members of the "Tyler Rangers", the Colorado volunteers in the War of the Rebellion, 1861 to 1865, and participants in Indian wars.[233]

The second measure provides for the creation of a commission of three members to determine the location of unmarked graves of soldiers or sailors who served in the American Revolution and to supervise the erection of suitable markers or monuments. This commission shall be known as the Revolutionary War Memorial Commission and shall consist of the Curator of the Historical, Memorial, and Art Department of the State Library and two other members to be appointed by the Governor, one of whom

[231] *Acts of the Forty-first General Assembly,* Ch. 51; *Code of 1924,* Sec. 2583.

[232] *Acts of the Forty-first General Assembly,* Ch. 56; *Code of 1924,* Secs. 2769, 2773.

[233] *Acts of the Forty-first General Assembly,* Ch. 147.

shall be a member of the Sons of the American Revolution and one a member of the Daughters of the American Revolution. An appropriation of twenty-five hundred dollars was made to be used in the erection of monuments — the cost of each not to exceed two hundred and fifty dollars.[234]

JUDICIAL PROCEDURE

Several changes were made by the Forty-first General Assembly in the law relative to the jurisdiction of courts and the method of judicial procedure. A law of this type was introduced by Senator Wm. E. McLeland and provides that the court in which the estate of any deceased person is administered, before final distribution, may allow and set apart from such estate a sum sufficient to provide an income adequate to pay for the care and upkeep of the cemetery lot upon which the body of the deceased is buried. The sum thus set apart shall be paid to the cemetery trustees.[235]

In the matter of security for costs, the Iowa law provides that if a defendant, before answering, shall file an affidavit that he has a good defense, in whole or in part, the plaintiff, if he be a non-resident of the State or a private or foreign corporation, must file in the clerk's office a bond for the costs in the amount fixed by the court. A recent amendment to this law provides that this bond shall be sufficient in amount to pay "all costs which may legally be adjudged against plaintiff."[236]

In order to secure the peace, provision is made that if there be just reason to fear the commission of an offense, the person complained of shall be required to enter into an undertaking, in such sum as the magistrate may direct, "to abide the order of the district court of the county at the

[234] *Acts of the Forty-first General Assembly*, Ch. 211.

[235] *Acts of the Forty-first General Assembly*, Ch. 192.

[236] *Acts of the Forty-first General Assembly*, Ch. 196; *Code of 1924*, Sec. 11245.

next term'', and in the meanwhile to keep the peace. This undertaking, together with the complaints, affidavits if any, and other papers in the proceeding must be returned by the magistrate to the district court by the first day of the next term. At this time, in accordance with a recent amendment, the case shall stand for trial in the district court in the same manner as appeals from justices' courts, no notice of appeal being required.[237]

Section 13678 of the *Code of 1924* provides that at the term of court at which grand jurors are required to appear, the names of the twelve persons constituting the panel of the grand jury shall be placed in a box by the clerk, who shall draw therefrom seven names, and the persons whose names are so drawn shall constitute the grand jury. An amendment to this law provides that the names of any of the twelve who may have died, removed from the county, or have been excused by the courts shall not be included in the list from which the final selection is made.[238]

Another law which touches upon the subject of the jurisdiction of courts, discussed in connection with real estate, provides that in case of an application to sell or mortgage land for the settlement of an estate, the court or judge shall fix the time and place of hearing the application.[239]

LEGALIZING ACTS

Cities and towns, counties, townships, and school districts are authorized to exercise only such powers as are delegated to them by the State, and such powers must be exercised only in accordance with the law granting such power. It frequently happens that officers of these areas of government overstep their authority or exercise powers contrary

[237] *Acts of the Forty-first General Assembly*, Ch. 198; *Code of 1924*, Sec. 13519.

[238] *Acts of the Forty-first General Assembly*, Ch. 199.

[239] *Acts of the Forty-first General Assembly*, Ch. 191.

to law. Usually these acts are done in good faith; and in order to obviate any difficulty the General Assembly is frequently called upon to legalize acts which have been thus performed. The number of legalizing acts passed by the Forty-first General Assembly was relatively small, but there were enough measures of this character to require that an entire section of the laws be devoted to this subject.

Of the twenty-three legalizing acts passed at this session of the legislature twelve relate to cities and towns. In three cases franchises granted to electric light and power companies by a group of neighboring towns were legalized. The Iowa River Light and Power Company had such a franchise from the towns of Steamboat Rock, Union, Beaman, New Providence, Whitten, Conrad, Hubbard, Radcliffe, Liscomb, and Eldora; the Rolfe Light and Power Company was granted a similar franchise in the towns of Rolfe, Plover, Mallard, and Curlew; while the Britt Light and Power Company claimed a franchise from the towns of Britt, Crystal Lake, Wesley, and Woden. In each of these three cases doubts had arisen regarding the legality of the franchise, and in each case the matter was adjusted by means of a legalizing act.[240]

In two instances legalizing acts were necessary where measures had been passed by the city council, but the records were lost or incomplete. Thus the town of Primghar had granted authority to G. A. Healy and his successors to build an electric light line through the streets of the town, the action being ratified and approved by the voters of the town at an election held for that purpose. The records of the council showing the adoption of such an ordinance, the calling of the election, and canvass of voters having been lost, a legalizing act was necessary to properly adjust the matter. In like manner the town of Ossian had granted a

[240] *Acts of the Forty-first General Assembly*, Chs. 261, 267, 268.

franchise to Harry Bullard and his assigns to erect an electric light and power plant in the town of Ossian. The records in the case being insufficient, doubt had arisen as to whether or not all of the provisions of the law had been fulfilled. In order to remove any question in this regard the Forty-first General Assembly passed an act legalizing the proceedings of the town council so far as they cover the passage of the ordinance in question. In a third case, very similar to these, the Armstrong Cement Works and its assigns had been granted an electric light and power franchise by the town of Armstrong. Doubts having arisen as to whether or not all of the provisions of the law relative to the granting of franchises were strictly complied with, a legalizing act was passed to avoid further dispute.[241]

In two other cases warrants issued by city councils were legalized. The city of Oelwein, in order to secure funds for water and sewage purposes, issued warrants of indebtedness in 1924 in the amount of about nineteen thousand dollars. The legality of this debt being in question a legalizing act was passed, making valid the warrants as issued together with whatever interest had accrued thereon.[242]

In 1921 the town of Bellevue issued warrants in the sum of about four thousand six hundred dollars for the purpose of constructing a sanitary sewer system. Some doubt arose concerning the legality of these warrants on the ground that the expenditure evidenced thereby was contracted in excess of the appropriations made for the funds against which the warrants were drawn. The indebtedness being a just one and the funds having been used for a legal purpose, the claims were made good by means of a legalizing act.[243]

In another instance the town of Bellevue through its

241 *Acts of the Forty-first General Assembly,* Chs. 257, 259, 275.

242 *Acts of the Forty-first General Assembly,* Ch. 258.

243 *Acts of the Forty-first General Assembly,* Ch. 273.

town council had appropriated the sum of nine thousand dollars of the surplus earnings of its electric light and power plant for the purpose of making legal corporate expenditures. To avoid any difficulty which might arise an act was passed declaring this appropriation legal.[244]

In October, 1924, the city of Council Bluffs awarded to the Wickham Bridge and Pipe Company a contract for the building of certain storm sewers. The form of contract followed that of the *Code of 1897* and some question arose as to its validity because of a failure to comply with the exact provisions of the *Code of 1924*. To avoid any further questions an act was passed declaring the contract valid.[245]

A special election was held in Webster City in 1920 to determine whether or not the city should issue bonds for the purchase and maintenance of a gas works. The proposition having received an affirmative vote the bonds were issued. Subsequently doubts arose concerning the validity of the election and the bonds because of the form in which the proposition was submitted. Accordingly a legalizing act was needed and adopted.[246]

An act was also passed legalizing the sale of the electrical distribution and transmission system in the town of Alvord — doubts having arisen as to whether or not all of the provisions of the law were strictly complied with.[247]

Six legalizing acts were passed with reference to corporations. The Iowa Dairy Company of Dubuque, the State Bank of Blairsburg, and the Van Nostrand Saddlery Company of Muscatine each desired to secure a renewal and extension of their incorporation. In each case, however, irregularities had arisen which gave rise to questions of legality. Accordingly, a legalizing act was passed for each

244 *Acts of the Forty-first General Assembly*, Ch. 277.

245 *Acts of the Forty-first General Assembly*, Ch. 256.

246 *Acts of the Forty-first General Assembly*, Ch. 266.

247 *Acts of the Forty-first General Assembly*, Ch. 271.

of these corporations granting an extension of the period of their incorporation.[248]

An act was passed to legalize the certification and levy of taxes and assessments on property by municipalities as defined in Chapter four, *Acts of the Extra Session of the Fortieth General Assembly.*[249]

The Louisa County Fair Association in 1923 failed to file its report with the Secretary of Agriculture until some forty days after the expiration of the time for such filing. The report was legalized by an act of the Forty-first General Assembly.[250]

Section 10411 of the *Code of 1924* deals with the publication of notices of incorporation. This section was repealed and another enacted "legalizing corporations which failed to publish notice within the time required by law and whose articles of incorporation were defective." This measure is in the nature of a general legalizing act.[251]

Three legalizing acts were passed with reference to counties. In Clay County a special election was held in 1919 to vote upon the question of hard surfacing certain roads. The proposition was approved and the board of supervisors authorized to proceed with the work; but a vote was taken in 1924 to repeal the order. The notice to submit this latter proposition to the voters was published for only one week, whereas the law requires such notices to be published for two weeks. The vote cast indicated, however, that the people of the county generally participated in the voting and an act was passed legalizing the election.[252]

The board of supervisors of Plymouth County allowed a claim of $200 for the construction of a culvert in the town of Hinton. Subsequently it was learned that the law rela-

[248] *Acts of the Forty-first General Assembly,* Chs. 264, 270, 272.

[249] *Acts of the Forty-first General Assembly,* Ch. 269.

[250] *Acts of the Forty-first General Assembly,* Ch. 265.

[251] *Acts of the Forty-first General Assembly,* Ch. 278.

[252] *Acts of the Forty-first General Assembly,* Ch. 260.

tive to the size of culverts had recently been changed, so that the one constructed did not conform to the regulation size, although neither the board of supervisors nor the council of the town of Hinton were aware of this fact when the claim was allowed. This claim was legalized.[253]

In Linn County the board of supervisors entered into contract for the construction of a number of bridges and culverts. Because of a mistake as to the time of the taking effect of certain provisions of the *Code of 1924* relative to public contracts, the board failed to give notice as required by law. The Forty-first General Assembly passed a legalizing act to validate this contract.[254]

Two legalizing acts were passed for the benefit of school districts. A special election was held in District No. 5, Fredericksburg Township, Chickasaw County, to vote upon the question of issuing bonds for building purposes. Doubts having arisen as to the validity of the bonds, the regularity of the prior proceedings, the sufficiency of the record of the proceedings, and the authority of the board of directors, a legalizing act was passed to validate all proceedings.[255] In like manner a special election was held for the establishment of the Independent School District of Baldwin, in Jackson County. Doubts having arisen as to the regularity and validity of the proceedings, it was deemed advisable to adopt a legalizing act.[256]

JACOB A. SWISHER

THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY IOWA

[253] *Acts of the Forty-first General Assembly*, Ch. 263.
[254] *Acts of the Forty-first General Assembly*, Ch. 276.
[255] *Acts of the Forty-first General Assembly*, Ch. 262.
[256] *Acts of the Forty-first General Assembly*, Ch. 274.