

BIENNIAL MESSAGE

OF

B. F. CARROLL

GOVERNOR OF IOWA

TO THE

Thirty-Fourth General Assembly

JANUARY, 1911

DES MOINES  
EMORY H. ENGLISH, STATE PRINTER  
E. D. CHASSELL, STATE BINDER  
1911

THIRTY-FOURTH GENERAL ASSEMBLY, JANUARY, 1911.  
BIENNIAL MESSAGE OF THE GOVERNOR.

*To the Senate and House of Representatives of the Thirty-fourth General Assembly:*

In compliance with the provisions of Article 4, Section 12, of the constitution requiring the Governor to "communicate, by message, to the General Assembly, at every regular session, the condition of the state, and recommending such matters as he shall deem expedient," I present to you the following:

From the biennial report of the Auditor of State you will observe that there was in the state treasury, July 1, 1910, \$1,003,915 to the credit of the general fund. The estimated receipts from that date to July 1, 1913, amount to \$12,540,000, making a total of \$13,543,915. The estimated expenditures, for general purposes, from July 1, 1910, to July 1, 1913, are \$10,938,000, leaving a balance of \$2,605,915. From this should be deducted \$306,000, hunter's license, not available for general purposes and \$800,000, needed to meet current expenses from July 1, 1913, to October 1, 1913, during which time the state's income is very meagre. Deducting these two amounts leaves a net balance of \$1,499,915, available for extraordinary appropriations during the biennial period ending June 30, 1913. More than this amount it would not be safe for you to appropriate.

By reason of the policy of economy practiced by the last session of the General Assembly and because of the increased income from sources other than by taxation the executive council has been able to make a reduction of one-tenth of a mill in the levy for general state purposes made in 1909 and a like reduction in 1910 so that the levy is now three and three-tenths mills instead of three and five-tenths as it had previously been. I scarcely need say to you that the levy for the next two years will depend entirely upon the extent of the appropriations made by you and the means which you provide for raising revenue from sources other than by taxation. I trust that you will keep well within the figures above quoted.



## HOW TO AMEND LAWS.

In my inaugural address of two years ago I called attention to the fact that by reason of our methods of amending the laws many ambiguities exist and in some instances it is almost if not entirely impossible to know what is the law. I am thoroughly convinced that when a section of the law is to be amended it would be much better to repeal the section and re-enact it as it would appear when amended. By so doing the legislature would know when passing upon an amendment just what was being done and the section would stand as an entirety. I feel assured that if you will take the pains to follow some amendments through the session-laws and the supplement, you will not hesitate to adopt the method suggested by me and which is in vogue in many of the states.

## CONTROVERTED QUESTIONS.

Recently a question has arisen between the executive council and the secretary of state upon the one hand, and certain building and loan associations upon the other as to the amount of fees to be paid and the methods of extending articles of incorporation of such association. It is the contention of those representing the associations that to pay the fees held by the secretary of state to be due, makes it impossible for them to incorporate. It is the desire of all concerned that you revise the building and loan laws so as to make them specific as to matters herein referred to and remove any unjust or unnecessary burdens that may be imposed upon the associations by present statutes.

A controversy has also arisen between those in charge of the oil inspection department and certain railway corporations as to whether the oil used by such corporations must be inspected and the usual fee be paid for the inspection. It is the desire of your officials that you make the law relating to the inspection so clear that there can be no room for controversy.

Our laws relating to the amount of fees to be paid by foreign corporations desiring to do business in this state seem to be of questionable validity and also appear to impose unjust burdens upon corporations, a portion only of whose capital is employed in the state. I recommend a careful review of these statutes by you to the end that they may be brought clearly within the decisions of the courts and that they may also be made fair and just if they be lacking in either of these respects.

Some doubt has arisen in the minds of members of the executive council as to whether or not the law relating to the State Board of Education contemplates that the finance committee shall reside in Des Moines, and also, as to the employment of a field man for the institutions under the provisions of section II of the act creating the Board; and with regard to some of the printing to be done for the institutions. It is the wish of the council that you should make the law definite as to each of these matters.

## EVIDENCE AS TO POPULATION.

I wish to call your attention to the fact that if it is your desire that the federal census of 1910 be accepted as evidence of population it will be necessary for you to amend the law so as to make provision therefor. The old law, section 176 of the Code, provided for publishing in the official register the population of counties, cities and towns as shown by the last census, either state or federal, and section 177 provided that wherever in the code the population of any county, city or town was referred to it should be determined by the publication above mentioned. The thirtieth general assembly repealed and re-enacted this law omitting any reference to the federal census or any provision for publication through the official register, so that it appears that the census report of 1905 must be relied upon and taken as evidence in questions as to population until another census is taken by the state in 1915.

That this is a matter of much importance you will readily observe for the reason that the salaries of certain county and township officials, as well as the allowance and compensation for deputies, also the determination of the sufficiency of general consent petitions under the mullet law, the classifications of cities and the right and power of certain municipalities as to paving, etc., are in many instances determined by population.

## COLLATERAL INHERITANCE TAX.

I am advised by those enjoined with the duty of enforcing the collateral inheritance tax law that it needs to be rewritten to the end that it may be made more specific and that ambiguities that now exist may be removed. It is quite defective in some of its provisions, especially as to the collection of interest, and as to bringing suit against those who inherit under a will and who decline or fail to pay the tax in the manner and time provided by law.



The income to the state from collateral inheritance has increased quite perceptibly. The income for the last biennial period, ending June 30, 1910, being \$447,179.40, while for the previous biennial period it was only \$341,359.93, making a net increase of \$105,819.47.

#### DIRECT INHERITANCE TAX.

I believe that the time has arrived when the question of a direct inheritance tax should demand your most serious consideration. It is not a new thing in the affairs of states. Some of the older and more conservative commonwealths, as well as many of the newer ones, have laws providing for the taxing of estates descending to direct heirs. In applying the law larger estates should be taxed at the greater rate and the per cent of tax exacted should increase with the size of the inheritance and with the remoteness in relationship of the deceased to the one who inherits. I recommend the enactment of a direct inheritance tax law, not only as a means of raising revenue, but because I believe it to be correct in principle. Already twenty states, viz., California, Colorado, Connecticut, Idaho, Illinois, Louisiana, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New York, North Carolina, Oregon, South Dakota, Utah, Washington, West Virginia, Wisconsin and Wyoming, have adopted direct inheritance tax laws. Each and all of these states, like our own, has a collateral inheritance law also. It cannot therefore be said that our state is either too old or too young to have such a law, or that the existence of any other statute should interfere.

#### INCOME TAX.

At a later date I will transmit to your honorable body a certified copy of a joint resolution passed by the first session of the Sixty-first Congress proposing an amendment to the Constitution of the United States empowering Congress to enact a law to tax incomes.

Without here raising the question as to the wisdom of such a law, I wish to express it as my personal opinion that Congress should have power to enact such a law if it so desires and I therefore recommend favorable action upon the resolution by you.

For your benefit and instruction I herewith recite the entire contents of the document embodying the resolution as signed by the officers of the two Houses of Congress:

“Sixty-first Congress of the United States of America:

AT THE FIRST SESSION.

Begun and held at the City of Washington on Monday, the fifteenth day of March, one thousand nine hundred and nine.

#### JOINT RESOLUTION.

Proposing an amendment to the Constitution of the United States.

Resolved, by the Senate and the House of Representatives of the United States of America, in Congress assembled (two-thirds of each house concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the legislatures of three-fourths of the several states, shall be valid to all intents and purposes as a part of the Constitution.

“Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment, among the several states, and without regard to any census or enumeration.”

J. G. CANNON,  
*Speaker of the House of Representatives.*

J. S. SHERMAN,  
*Vice President of the United States and  
President of the Senate.*

Attest:

A. McDOWELL,  
*Clerk of the House of Representatives.*

CHARLES G. BENNETT,  
*Secretary.*

By HENRY H. GILFRY, *Chief Clerk.*

I certify that this joint resolution originated in the Senate.

CHARLES G. BENNETT, *Secretary.*

By HENRY H. GILFRY,  
*Chief Clerk.”*



## A TAX COMMISSION.

I wish again to call attention to the fact that the tax laws of the state are very inequitable, and, in some respects, unjust. It has now been fourteen years since there has been a general revision of our revenue laws. Many changes in conditions have arisen in that time, and many new methods of taxation have been adopted in other states which are worthy of consideration.

The tax ferret law, the taxing of moneys and credits; a filing fee upon mortgages, based upon the amount and time to run, and many other features of taxation are attracting much attention.

Our methods of distribution of values are open to criticism, especially is this true as to telegraph, telephone and railway terminal property. Many of these questions are of such magnitude and importance that I do not believe that they can be properly dealt with during the time of an ordinary session of your honorable body. I, therefore, recommend that a commission be provided to study carefully all the phases of the taxing question, prepare an entire new revenue code and submit it to the next session of the General Assembly.

I wish in this connection to say that, in my opinion, the State loses a large sum of money every year by reason of failing to receive from the various counties its share of interest on delinquent taxes and of taxes that have been declared unavailable but are afterwards collected. I gave a great deal of thought and consideration to these matters while I was Auditor of State and then recommended that provision be made for checking the accounts between the State and the counties, and the present Auditor, in his biennial reports, makes like recommendation. I am convinced that the State will receive many times more than the amount expended in making the checking if such a system is established. It has been stated by an accountant who has been checking the books of various counties that in a single instance he found the county owing the State nearly three thousand dollars on the accounts above mentioned.

## PROVIDENTIAL CONTINGENT FUND.

The last session of the General Assembly appropriated \$50,000 as a providential contingent fund, to be expended by order of the Executive Council in the restoration or repairs of property of the state destroyed or damaged by providential causes. But \$3,409.58

of this fund have thus far been expended, all of which went to repair damages caused by fire to the warden's house at the penitentiary at Ft. Madison. Since the state carries no insurance upon its property, I recommend that at least such an amount as was provided by the last session of the Legislature be placed at the disposal of the Executive Council to meet such losses as may occur to the state's property during the next biennial period.

## ENLARGE CAPITOL GROUNDS.

There seems to be no question but that in the course of time the State will of necessity be compelled to acquire additional ground in the vicinity of the State House for the erection of buildings. While it would be very desirable that a number of blocks of ground be acquired, both with a view to locating other buildings and for the purpose of beautifying the State's property, I am convinced that, even if nothing more be done, there should be a reasonable allowance placed at the disposal of the Executive Council for the purchase of lots facing the State House grounds. During the last year opportunities for making such purchases have been afforded, but, there being no funds available, the property was purchased by private parties.

## COMMITTEE ROOMS OCCUPIED.

During the last biennial period several commissions which were created have been without permanent quarters. The Executive Council has found it necessary either to domicile these commissions in committee rooms or to rent quarters outside of the State's buildings. We believed it to be expedient, and that it would meet with your approval, if committee rooms were occupied, so that we have placed the State Board of Education in the Speaker's rooms, the Soldiers' Roster's force, the Conservation and Waterways Commission and the Chief Oil Inspector in committee rooms. A number of departments and offices are located by the Legislature, either by resolution or by statute, so that the Council has not absolute freedom in readjusting or rearranging the location of various departments. I believe that your body should either take these matters into its own hands or should turn it all over to the Executive Council.

We have not yet moved the State Board of Education from the Speaker's rooms, because we have no quarters other than commit-



tee rooms in which to lodge it, and we felt it advisable to wait until we might know your pleasure and convenience as to where we might locate this department during your session.

#### GRANITE STEPS TO CAPITOL BUILDING.

I desire to call your attention to the fact that the steps leading up to the State House, both upon the north and upon the west, are in a very bad state of deterioration, and that they should be replaced with granite steps as soon as, in your judgment, it can conveniently be done.

Judging from the cost of the steps at the east front, the cost of granite steps at the north would likely be about \$5,000, and on the west about \$9,000. If the steps at but one entrance can be replaced during the coming biennial period I suggest that those at the north be replaced first.

#### HISTORICAL BUILDING.

I am pleased to be able to report that the Historical Building, for which generous appropriations have been made by several sessions of the General Assembly, is practically completed, and that it is now occupied by all of the departments intended for its occupancy. The building and its contents do great credit to the State, and it is a popular resort, not only with our own people, but with those of other states who visit our Capital City.

#### GEOLOGICAL SURVEY.

With full appreciation of the value of the work of the Geological Department, I am compelled to say that, in part at least, the Board is so constituted as not to be able to have that opportunity to observe and know as much about the department as should be known by a managing body.

The Board as now constituted consists of the Governor, the Auditor of State, the President of the State University, the President of the Agricultural College and the President of the Iowa Academy of Science. In my judgment, better work could be done, and in a more satisfactory way, if the department were connected with the Geological Department of the State University, and the management and control were passed over to the State Board of Education and its finance committee.

#### DRAINAGE, CONSERVATION AND WATERWAYS COMMISSION.

The thirty-third session of the General Assembly created a commission to study into and investigate the subject of drainage, waterways, conservation of resources, etc., which commission has, without compensation, spent a great deal of time considering and investigating the subjects above mentioned. Mr. A. C. Miller, chairman of the commission, devoted much time and attention to the work, and has added much enthusiasm to the general interest that has been taken in these matters during the last two years. In the published report made by the commission the various subjects included in the scope of its work are thoroughly discussed, and many valuable recommendations are made, all of which will be brought to your attention by supplying each of you with copies of the printed report.

#### LAKES DRAINED.

The Executive Council has authorized the drainage of but two lakes since January, 1909, viz., Bancroft Lake, in Kossuth County, and Wall Lake, in Wright County. The lands within the meandered lines of some lakes authorized to be drained during the administration of my predecessor have been sold, and the drainage taxes assessed against others have been paid. It has not been the policy of the Council to permit the drainage of any lakes that can be maintained as clear bodies of water, but has permitted such as cannot be so maintained to be included in drainage districts, and the lands have either been sold or the taxes assessed against the same for drainage purposes have been paid by the State.

#### MINING LAWS.

The many mining disasters that have occurred within the last year have made it highly important that our laws be made so as to most effectually guard against the danger incident to that very hazardous occupation.

Fortunately, our State has not been visited by any great calamity among those who work under the ground. There seems to be a feeling, however, that our mining code should be carefully gone over and changed in some particulars. The question as to the use of carbide lamps has attracted considerable attention. I therefore recommend a careful consideration of all the laws relating to



mines and mining to the end that the lives of the men, as well as the property and interests of the operators or owners, be properly protected.

#### ARBITRATION.

Some states have enacted laws providing for the arbitration of disputes arising between employers and employed, and apparently with good results. I do not understand that compliance with the finding of a Board of Arbitration with reference to such matters could be enforced, but the public is entitled to know the facts relating to matters of controversy which usually involve the public welfare, and it is hardly likely that either party to a dispute could long maintain itself against the finding of a competent and unbiased tribunal. I therefore recommend that you give careful consideration to the question of establishing such a body in this State.

In this connection I desire to call attention to the fact that efforts will be made at this session of your body to have enacted a law with reference to compensation of workmen injured in hazardous occupations. While not fully advised with reference thereto, it is my understanding that such a law is desired both by the employer and the employed, so that the conditions under which and the amount of damages that may be recovered in so far as is possible may be determined in advance. It is desired also in order that expensive litigation and excessive costs of insurance may be avoided as well as for various other reasons. This is an important subject to the industrial interests of the State, and it merits careful consideration.

#### AGRICULTURAL SOCIETY.

From the appropriation made therefor by the thirty-third session of the General Assembly, together with funds of the Society, there has been erected a splendid and commodious steel and concrete amphitheater upon the grounds of the State Agricultural Society. It has added greatly to the convenience of those visiting the fair, and has brought increased interest and attendance. Many other improvements have been made, such as the construction of more than 70,000 square feet of cement walk, adding two new units or buildings, one to the horse barn and one to the cow barn, and adopting a general and permanent plan for the develop-

ment of the grounds and locating new buildings. About \$175,000 have been spent in various improvements at the Fair Ground since your last session, nearly \$75,000 of which came from the funds of the Society. The State Fair has become to be a great means of education to our people along all the lines of the exhibits, and its benefits and influences are felt in all parts of the State. It stands easily in the front rank of all of the state fairs.

#### HORTICULTURAL INTERESTS.

I have believed, and still believe, that the horticultural interests of the State have been and are being grossly neglected. The fruit crop failure of the last year should not prove a discouragement. It is believed by many that by proper care and the use of smudges much of the crop of last year might have been saved.

We need to have our people better educated along the lines of caring for and protecting our fruit interests. The horticultural people of the State are asking to have some one employed as a field man to spend his time among the fruit growers, informing and enlightening them as to the best means of growing and caring for orchards. Whether this is the best means to employ in educating our people in fruit growing I cannot say, but I recommend that you give every reasonable encouragement to this important interest.

#### DAIRY EXPERIMENT AND EXTENSION WORK.

The last session of the Legislature made an appropriation of \$10,000 for the State Dairy Association to use in promoting the dairy interests of the State. I believe that very much good has been accomplished by the use of this fund, and I recommend that a like amount be appropriated for the same purpose, for the next biennial period, to be expended either through the same channels as provided by the last Assembly or through other equally effective means.

There seems to be an increased demand for short course, institute and agricultural extension and agricultural experiment station work. While realizing that enthusiasts in these lines may become extremists, I am nevertheless convinced that if judiciously handled appropriations for these purposes may be made immensely profitable, and I recommend liberality with reference thereto. Our farmers are beginning to appreciate the value of scientific methods.



I wish, however, to suggest that the State Board of Education, through its Finance Committee, has undertaken to equitably determine about what appropriation is needed for agricultural extension work, for engineering extension work, for the Agricultural Experiment Station and for good roads. These are all matters of great moment, and should receive the most favorable consideration.

The State Food and Dairy Commissioner has constant calls for field work; especially does he feel the almost universal demand for better means of requiring compliance with proper methods of sanitation, so that you will be asked to enact a law conferring upon him additional authority with reference thereto, and I recommend the same for your careful consideration.

#### HOG CHOLERA SERUM.

The sum of \$8,000 was appropriated by the last session of the Legislature for the establishment of a plant for the manufacture of hog cholera serum. The operation and management of the plant was placed under the control of the State Veterinary Surgeon, who, under the advice of the Executive Council, leased 114 acres of ground north of the State Fair Grounds and thereon has located the plant. The entire amount of the appropriation has been used up, but the law provides that the proceeds of the sale of the serum may be used in connection with the operation of the plant. Up to January 1st \$2,534 worth of serum had been sold. So far as can be learned, the serum method of treating the disease of cholera has proven successful. There is every reason to believe that the plant for the manufacture of serum is going to prove to be of great value to the State.

#### SOLDIERS' ROSTER.

A recent session of the General Assembly provided for the printing of a Soldiers' Roster, and that the volumes, when ready for distribution, should be sold at cost, the Executive Council to determine what the actual cost had been. There has been practically no demand for the books, only 119 having been sold. Four volumes are now in print, and have been distributed as the law provides. Much of the material of the two remaining volumes is ready for the printer. It will perhaps require an additional appropriation of \$800 to \$1,000 to complete the work.

It is quite evident that the number of copies originally provided for was far in excess of any probable demand, and it would seem that the present number of 3,000 is more than will ever be called for unless they are distributed free of cost or at greatly reduced price. I believe that, with reasonable restrictions, these books should be distributed as other public documents, rather than to allow them to pile up in the State's storage rooms.

#### THE SOLDIERS' HOME.

The State has undertaken to make the declining years of the soldiers of the Civil War peaceful and happy by providing a home for those who, by reason of health and financial circumstances, may need assistance. I shall not go into details as to the home, but trust that you will provide every means, both as to quarters, equipment and supplies, necessary to make the remainder of life for these heroes both comfortable and enjoyable.

#### THE NATIONAL GUARD.

I am pleased to be able to report to you that the National Guard of the State is in most excellent condition. In my judgment, its efficiency has never been so great as at the present time. The four regiments have been organized into a brigade, and most excellent work is being done. Three of our regiments attended the maneuvers at Sparta, Wisconsin, last August, and received the highest commendation from those in command. At the rifle contest at Camp Perry, Ohio, our team ranked higher than that of any other state, and was only led by two of the teams of the Government service. General Logan deserves great credit for the high standing and efficiency to which he has brought the Guard. I have not found it necessary at any time during my administration to call upon the Guard to keep the peace or to protect life or property.

The Adjutant General, in his report filed with me, makes recommendation as to distribution of the Soldiers' Roster, as to relieving from taxation stocks or bonds issued in aid of erecting armories, and as to an appropriation for the erection of an arsenal and armory, all of which I wish to call to your attention.

#### SHILOH MONUMENT.

Since the adjournment of the last session of the Legislature the National Park, at Shiloh, Tennessee, was visited by a cyclone, the exact date of which was October 14, 1909, which threw down and



greatly damaged the Iowa Monument recently erected there. I visited the park in person in order to determine the extent of the damage so that steps might at once be taken to repair and re-erect the monument. It was my purpose to ask the Executive Council to use sufficient of its providential contingent fund to restore the monument, but in taking the matter up with the Secretary of War he advised me that in as much as the monument when dedicated had been turned over to the Government, he would ask Congress to make an appropriation sufficient to restore it. This took the matter out of our hands, and we waited for congressional action. The appropriation was made, but with the understanding that the State would reimburse the Nation for whatever amount of money is required to re-erect the structure. I therefore recommend and ask that you appropriate and put at the disposal of the Executive Council sufficient funds to meet the above requirements. It was deemed advisable that the State have a representative to see to or assist in supervising the restoration of the monument, and I designated Colonel E. B. Soper of Emmetsburg, who was Chairman of the Iowa Shiloh Commission which had charge of the erection of the monument, to represent the State. There being no provision of law for meeting his expenses in connection with the work of re-erection, I recommend that the appropriation be made sufficient to cover that also.

#### PUBLIC SCHOOL SYSTEM.

In the biennial report of the Superintendent of Public Instruction you will find a very full and able discussion of many questions relating to the office of the Superintendent, to the school laws of the State, and to our public school system. I shall not go into details with reference to any of these questions, but refer you to the report, which contains a great amount of information and many valuable suggestions. The school problem of our State is one of the very important matters which you will have to deal with, and I earnestly urge upon you the necessity for giving it more than usual attention.

#### STATE BOARD OF EDUCATION.

It is not my purpose to deal at length with the State Board of Education nor the institutions under its control. I am glad to be able to say that the Board and its Finance Committee have worked together in harmony for the best interests of the institutions, and

that, in my opinion, the work has been planned along practical and successful lines. In the Board's published report you will find a review of what has been done and also suggestions as to future plans and needs of the various schools under control of the Board. The suggestions as to continuing the millage tax, the re-adjustment of salaries, the application of **business methods, etc.**, deserve especial attention.

The decrease in attendance at the State University has been the occasion of much comment. I have made some inquiry into the cause of this decrease, and find that two reasons are assigned. It is claimed by many that the existence of saloons in Iowa City is responsible for the loss of students, while others attribute it to the more stringent requirements for admittance to the school. It is your duty to ascertain the cause, and unless it is something which tends to the betterment of the institution you should not hesitate to remove it.

#### BANKS.

There is little, if anything, pertaining to banks and banking that needs to be called to your attention.

The banks of the State, in general, seem to be in a very flourishing condition. There have been no failures of state or savings banks during the last two years. The Auditor's biennial report shows that there were nine hundred and fifty state and savings banks and trust companies, carrying deposits of nearly \$247,000,000, reporting to the department at the end of the biennial period ending June 30, 1910. Fifteen or more have been added to the list since that date. The laws relating to the taxing of banks have been rendered somewhat chaotic by reason of some decisions of the courts, but that should be considered with other matters of taxation.

#### INSURANCE.

The insurance laws of the State have been so recently considered by a commission and acted upon by the Legislature that I do not deem it necessary to call particular attention to them at this time. Our companies are extending and enlarging their business, and the magnitude and the importance of the insurance interests of the State are constantly growing. There has been considerable demand for a fire marshal to be provided for the State at large, as



is done by some of our adjoining states, and I have been inclined to look with favor upon establishment of such an office, but must confess that I have not had sufficient opportunity to fully satisfy myself with reference to the matter. It is, however, worthy of your consideration.

#### REORGANIZE SOME DEPARTMENTS.

The last session of the Legislature devoted considerable time to the question of the reorganization and consolidation of some departments of the State Government. This is a subject that I believe can be profitably dealt with by you. In my opinion, much space could be saved and better service rendered by combining a number of the minor departments, but in any event some of them need reorganizing.

Why there should be a Board of Health, a Board of Medical Examiners, a Nurses' Department, and an Embalming Department, a Department of Optometry and a Department of Vital Statistics, with separate allowances for maintaining most or all of them, I cannot understand. These should be brought closer together, and the executive head of all of them should be the man in charge of the office, which, in this instance, would be the man now denominated the Secretary of the Board of Health. He should be clothed with much of the power now lodged with the various Boards, and with him should be entrusted the duty and responsibility of enforcing the laws and rules pertaining to public health. Where an epidemic or a question pertaining to the health of a community needs investigating, he should have authority to call to his assistance physicians of the community where the trouble exists. If the Board of Health is to be continued it should be largely in an advisory capacity, but in any event the members should be paid a fixed compensation instead of a per diem and expenses. The per diem system always has been and always will be a source of abuse.

The last session of the Assembly made an allowance of \$900 for extra clerk hire in the office of the Secretary of the Board of Health. By means of increased work in that office this allowance has all been used up, and it is necessary in order that the work may be properly carried on, that you at once make another appropriation of \$900 for the use of that department.

What has been said as to the Board of Health applies in some respects to the Pharmacy Commission, especially as to the necessity for the man in charge of the office being the executive head of the department. This Board, too, should be made largely advisory and to assist in examinations. The members should be placed upon a salary instead of a per diem. I do not know that any question has arisen as to irregularities or overcharges by any of the present members of the Board, but the system is wrong, has been greatly abused in the past, and may be in the future if continued.

The bill urged at the last session of the Legislature by Representative Moore, now the Secretary of the Commission, was, in the main, if not in detail, a good measure and is worthy of consideration at this session.

The Board of Veterinary Medical Examiners should be made an adjunct to the State Veterinary Surgeon's Department and that official should have full charge and control of all matters now lodged with the Board, except that he should have assistance in conducting examinations. That there should be a separate and distinct department with an office to be carted about the State every time a change is made in the officials of the department does not conform to good business principles.

The per diem method of compensation applies to several departments and many employes. Where the work to be done is sufficiently established for you to determine the time needed to perform it, or where it can be determined what salary should be paid to any official or employe, a fixed amount should be substituted for the per diem, and if some better method could be provided for determining the expense allowance of those entitled to charge their expenses to the State it would be desirable that a change be made.

#### DOCUMENTS AND PRINTING.

I wish again to call your attention to the fact that a careful inquiry should be made into the number of documents now being printed, so as to ascertain whether there are not many more of some kinds being provided than there is a real demand for. I am in receipt of a communication from the Secretary of State in which he says: "The storage rooms for documents is rapidly becoming filled. Large numbers of Soldiers' Roster have been packed in boxes and stored in the paper warehouse. The accumulation of these and other documents will soon fill all storage rooms at my



disposal unless some method for more rapid distribution is provided by the General Assembly." I believe that the State might be saved a considerable sum of money by reducing the number of some documents and by cutting out duplicated matter appearing in different reports.

In my opinion, the time has come when you should give the most serious consideration to placing all State printing and binding in the hands of the Executive Council. With the enlarged facilities of the various establishments of the State for doing the work, there seems to be very little need for continuing the offices of State Printer and State Binder. The Council can very readily handle this work through the office of the Secretary, who now has charge of the paper and other stock used, and must keep a constant check upon the same, while the office of the Secretary of State must check all the work done. The abolition of the offices of Printer and Binder might necessitate the employment of a competent man to aid in looking after the work of printing and binding, but even then it would, in my opinion, prove a great saving to the State and the work would be turned out much more promptly.

#### PUBLIC UTILITIES COMMISSION.

Two years ago I recommended to the General Assembly the creation of a Public Utilities Commission, or the enlargement of the powers of the Railway Commission so as to give it control of public utilities. I then suggested that the membership of the Railway Commission, if clothed with the powers referred to, be increased to five, and that the added members be appointed by the Governor, and as the term of the present members expire their successors be appointed. I desire now to renew that recommendation and to say that, in my opinion, a commission, clothed with such power and authority as is given by the laws of the State of New York or Wisconsin, would prove a great benefit to this State. Added reasons are apparent almost daily why we need such a commission. No more striking example could be found anywhere than here in our Capital City. Two years ago when the Legislature had a public utilities measure under consideration one of the officials of this city is reported to have given out an interview in which he bewailed the fact that after fifteen years of effort, and just at a time when the city officials had the street railway question solved, the Legislature proposed to step in and spoil the whole plan. The

Legislature did nothing. You are familiar with the street car controversy and know about how near it appears to be solved. Neither the commissioners, the committee from the business men's organization, nor the citizens who are willing to spend time and money have been able to bring about a settlement. In the meantime the public suffers the inconvenience and the railway company the uncertainty of an unsettled controversy. What is needed is an unprejudiced and an unbiased commission removed from local and political influence and clothed with the power and authority of the State to deal not only with the question that has been a bone of contention here in Des Moines, but to deal with the many problems constantly arising in the various cities of the State.

Then, too, the question of the regulation and control of the water power of the State should be lodged with the proposed commission. This is an important matter, and one which has been very much neglected.

Nowhere does there seem to be lodged power and authority to regulate rates and character of service of telegraph and telephone companies, nor to control consolidations and physical connections of telephone property. This power should be lodged with the commission herein proposed.

That the establishment of a commission will be opposed by some corporations and by some city officials is not to be doubted. Even the press of this city, which claims to favor legislation of an advanced character and to stand for progressive ideas, was most active in opposition to this most progressive of all measures considered by the Legislature two years ago. But these things should not deter you from doing that which will inure to the best interests of the people of the cities of the State and of the State at large.

The Railway Commission, through its report, calls attention to the fact that its powers are limited as to determining what shall constitute a proper highway or farm crossing, as to railroads crossing each other and as to matters of ordinary drainage, or at least the law is indefinite. It asks for a specific declaration as to its powers with reference to these matters, and I recommend that the request be granted. I wish also to call your attention to the commission's decision of industrial rates, express rates, long and short haul, and to the regulation of rates, service, etc., of telegraph and telephone companies.



## WATERED STOCK.

The thirty-second session of the General Assembly enacted a law to prevent the issuing of watered stock. It provides that no stock shall be issued by any corporation except for cash, unless the consent of the Executive Council is first obtained, and that no stock shall be issued unless the par value is paid in cash, or its equivalent. As to incorporating an ordinary going business, the law does not seem to have worked any particular hardship, but as to promoting new corporations, and especially electric railways, it evidently has proven a hindrance. The particular cause of the trouble seems to be that the law does not take into account the expense incurred before arriving at the time to issue stock, nor does it take into consideration any depreciation in the sale of bonds. It is the claim of those interested in railway building that they cannot meet the requirements of the statute, and, consequently, railway construction in this State is practically at a standstill. It is possible that if other states and the Federal Government were to enact laws similar to our own it might, to some extent, relieve the situation, or at least this State would be placed upon an equality with other states, but until such laws are passed we seem destined to suffer a decided disadvantage.

I have called your attention to this matter in order that you may determine whether any relief can be had without defeating the real purpose of the law, and if none can be had so that you may decide whether the law shall continue unchanged to wait the hope of action by other states and by Congress.

## PRIMARY ELECTION LAW.

One of the important matters that should receive the attention of your honorable body is that of the primary election law. It ought to be so amended as to make it absolutely fair, and, so far as is possible, free from opportunities for abuse. Irregularities in the name of reform are no more excusable than under any other circumstances. If charges that have been made are true, there can be no question but that many delegates to the last Republican State Convention won their seat by sharp political practice, either upon the part of themselves or of others. I am not referring to any particular faction. There ought not to be any ground for such charges, and a law that makes such things possible should either be amended so as to guard against them or should be removed from the statute books.

It has been freely stated that in many instances lists of primary delegates were made up by parties who were not residents of the precincts, and who had no interest in the delegates chosen except to be able to secure or control their votes.

Much complaint has also been made as to methods pursued in the selection of committeemen and with regard to the printing of pasters and marking them before they were handed to the voter. The paster has always been, and, in my opinion, always will be, a source of abuse. Its use should be abandoned and the names of all delegates and committeemen should be filed with the County Auditor and printed upon the ballot. The same care should be exercised with regard to these matters as is exercised as to candidates for office.

The primary law conveys the idea that party lines and party organizations are to be recognized and respected. It not only makes no adequate provision for enforcing party affiliations, but it affords easy opportunity for an utter disregard thereof. There can be no valid reason assigned why the law should recognize the right of any party to have its ticket printed upon the official ballot to be voted at the general election unless party lines are to be respected and maintained in the naming of candidates.

The claim that the voters of one party interfering with the naming of candidates of another party is more than mere suspicion. This is clearly shown by an analysis of the vote of Polk County at the general election in 1908 and at the primary in 1910. In 1908 President Taft received 12,555 votes and Mr. Bryan received 7,924 votes. At the primary in June, 1910, the two Republican candidates for Governor received 12,982 votes, and all of the Democratic candidates for Governor received only 775 votes. In other words, 427 more Republicans voted in the primaries in Polk County last June than voted at the preceding presidential election, and 7,149 Democrats stayed away from the polls or for every Republican who stayed away a Democrat voted in the Republican primary. Is there any one who believes that the number of Republicans who voted at the last June primary was one hundred three and four-tenths per cent of those voting at the preceding presidential election, while the Democratic vote at the primary was less than nine and eight-tenths per cent of the presidential vote of that party?

I do not believe that any man will contend that such a policy is either in the interests of good political morals or party integrity.



It can have but one ultimate result, and that is the splitting of the majority party into hostile factions and the distintegration of the minority party. I believe it to be your duty to so amend the law as to obviate this abuse.

Two years ago I called the attention of the Legislature to the fact that the alphabetical arrangement of names upon the ballot apparently gave an advantage to the candidate whose name came first. The thirty-third session of the General Assembly so amended the law as to provide that names should be rotated upon the ballot. This doubtless had the effect of equalizing the advantages and disadvantages of the old system, but it emphasized the fact that as to candidates with which the people cannot acquaint themselves they vote with apparent blindness. This is shown by the fact that at the last primary in forty-four counties the candidate for railway commissioner whose name came first carried the county. In seventeen other counties the reason that the candidate whose name came first did not carry the county seems to have been due to the location of other candidates. As to the office of Superintendent of Public Instruction fifty-eight counties gave their largest vote to the candidate whose name headed the list and twenty-two other counties seem to have been effected by location of candidates. As to the office of Clerk of the Supreme Court, seventy-six counties favored the candidate whose name came first upon the ballot, while for the office of Supreme Court Reporter eighty-nine counties gave a majority of votes to the candidate whose name came first and in the remaining ten counties it is quite clear that seven others were effected by location, two by the fact that the candidates resided in them. It will thus be seen that for what might be termed minor state offices candidates are being nominated almost by chance, and not by deliberation based upon knowledge and judgment as to fitness for the position sought. Can it be said that such results are consistent with the highest type of official service?

These results have led many to conclude that it would be wise to so amend the law as to exempt from its provision all state officers except Governor and Lieutenant Governor. There is much argument in favor of this suggestion, and when divested of mere sentiment there is not much against it.

One of the inconsistencies of the law is that we require candidates for state offices to go before the people at a primary, but we select delegates to the state convention, which may be called upon to nominate candidates for state offices, through a county conven-

tion. Were I writing a primary law, I should provide that the delegates to the state convention should be elected at a direct primary, would forbid the use of proxies and would then nominate candidates for state offices by convention, composed of the men whom the people had selected.

I am not in favor of the repeal of the primary law, but I am in favor of such amendments as will make it fair and just. That widespread opposition exists as to the entire system there can be no room for dispute, but whether this opposition shall cease and the law become a permanent part of the statutes of our State depends upon whether it shall be freed from its many abuses and objectionable features.

Since there can be no doubt but that when the time comes for the selection of delegates to the National Convention of 1912 a question will be raised as to whether the delegates selected at the recent primaries shall constitute the county conventions to name delegates to the state conventions which are to select delegates to the National Conventions. I deem it expedient to call your attention to the fact that much difference of opinion exists with reference thereto. Those who hold that the primary delegates chosen last year will constitute the county convention base their conclusions upon the language of Section 1087-a25 of the Supplement to the Code, as amended, which reads: "The term of office of such delegates shall begin on the day following the final canvass of the votes by the Board of Supervisors, and shall continue for two years and until their successors are elected," while those who hold the opposite view base their conclusions upon the fact that nowhere is there any reference in the primary law to anything regarding delegates to a national convention or to the convention itself, and they further argue that these are not subjects of legislation for the reason that the national conventions and committees of each party determine for themselves how conventions shall be constituted and how the delegates thereto shall be chosen. Personally, I have never believed that the primary law applies in any respect to delegates to national conventions or to anything pertaining to the selection of such delegates. I call this matter to your attention, not for the purpose of making recommendation, but simply that you may determine what, if any, consideration you may care to give to it.



## INSTITUTIONS UNDER MANAGEMENT OF THE BOARD OF CONTROL.

The institutions under the management of the Board of Control demand your most careful consideration. You will find in the report of the Board, recently made public, a comprehensive review and discussion of the affairs and necessities of the various institutions, and I earnestly request that you make a careful study of this report.

Some of the suggestions made by the Board, as well as some not referred to in the report, I desire to call to your attention. Especially would I impress upon you the necessity for a careful study of the chapter devoted to insane and epileptics. The report shows that we now have in our hospitals for insane and our institution for feeble-minded children five hundred and fifty-one epileptics, and that there are perhaps from two to four thousand outside of any institution. It is estimated that twelve to fifteen hundred of these people might be formed into a colony and cared for by the State. That it is very desirable that those now in institutions for the insane and the feeble-minded should be removed therefrom is well established and is necessary because of the crowded conditions there existing, as well as for other reasons.

I believe the time has come when our State should begin to make preparations for the care of its epileptics, and I therefore recommend that steps looking to that end be taken by you. I wish also to suggest in this connection that any arrangement for the location of such a colony should, in my opinion, provide that it be located near the center of the State, and where it would be easily accessible by railroad.

Under the law the superintendents or managing officers of all the institutions, except those of the Penitentiary and Reformatory, have the supplies for their tables provided at the expense of the State. Whatever may have caused this discrimination originally, it is now grossly unjust, and should not exist. It is expected that the Board of Control and the Board of Parole, as well as other officers, when visiting these institutions will stop with the wardens. If this is done the warden must, from his own funds, bear the expense. Because of this fact, the Board of Parole, at least, has recognized the impropriety of stopping with the warden and lodges at hotels. Many demands are made upon the warden's hospitalities which he cannot afford to meet. I recommend that the same rule which applies to furnishing the tables of the superintendents of the various institutions of the State be extended to the wardens.

There are some conditions existing at our industrial schools which, in my opinion, should be changed. One of the worst features which I have observed is the existence of what is known as the dormitory system, whereby a large number of girls or boys, possibly as many as thirty to fifty, in some instances, are housed in one room during the night time, and without any attendant except possibly for an occasional visit by the night watch. I am advised that the reason that no attendants for night time are provided is due to lack of sufficient allowance to employ them.

I am told by those in charge of the institutions that crime and vice result from these unobserved associations. Some of our more recently erected buildings have been constructed upon the dormitory plan. I recommend that those at the Mitchellville institution be changed to the individual room plan at as early a date as is possible, and that until such time as the changes can be made, night attendants be provided for the dormitories, and that attendants for the dormitories be permanently arranged for at the Eldora institution. There are reasons why the dormitory system is best at the boys' school, which does not obtain as to the school for girls, but there should at all times be a watch over the boys in the night time. The reasons are quite obvious, and are of such importance as to demand early consideration.

I would suggest also that as an aid to better discipline, and for the protection of the boys and girls, a method whereby the more incorrigible and vicious can be transferred from the Eldora and Mitchellville institutions to the institution at Anamosa be adopted.

In other words, I would recommend a thorough system of gradation, so far as is possible, according to age and also to conduct and habits, extending through our industrial schools and to the reformatory, keeping always in mind the fact that where it can be done it is best to put children into private families or homes.

I want also to call your attention to the advisability of reducing the maximum age limit for admittance. I believe it to be the judgment of the Board of Control and of those in charge of the Mitchellville institution that it was a mistake to advance the age at which girls should be admitted to that institution to eighteen years, and I recommend that you look carefully into this matter and satisfy yourselves as to what is best and correct the mistake, if you believe it to be a mistake.

I have given a good deal of thought and consideration to the Hospital for Inebriates at Knoxville, and believe it to be my duty



to say to you that the results accomplished there are far from being satisfactory. I have doubted, very much, the wisdom of continuing the institution, and yet I am not ready to recommend that it be abolished unless provision is made for caring for some of the inmates elsewhere. I am, however, convinced that as between continuing the institution as it has been run and abolishing it and using the building and grounds for some other state purpose, it would be wise to abolish it. It has not been an entire failure, but it has not succeeded to that degree that would justify its continuance under present methods. I have discussed the condition existing with the present Superintendent who took charge the first of last October, and with members of the Board of Control, and I believe we pretty generally agree that some radical changes should be made.

At present there is great lack of ability upon the part of the Superintendent to enforce regulations and to inaugurate and enforce methods which he believes to be necessary to accomplish the purpose for which the institution was created. There is absolutely no means of restraining a large part of the men. If they want to run away there is nothing to prevent them from doing so. During the last biennial period two hundred and twenty-nine men escaped, and it appears that since the institution was established January, 1906, out of a total number of two thousand one hundred and five new commitments nearly seven hundred have escaped, and perhaps only about two hundred and twenty-five were returned.

There is practically nothing with which to employ the time of the men, except during the farming season, and then comparatively little, so that one hundred and fifty or more who are capable of doing work and who ought to be made to work are constant loafers at the State's expense. One of the first needs of the institution is to equip it with means of furnishing employment for every man who is able to work and then clothe the Superintendent with authority to require him to work. Make it an institution of correction and reformation, and let every man who is sent there understand that he goes there to be disciplined and to remain until he is capable of properly conducting himself at home. This would necessitate the establishment of proper means for restraining the men, provisions for enforcing the conditions of paroles, and general enlargement of the powers of the Superintendent and others in authority, but, in my opinion, nothing short of this will justify the continuance of the institution.

Some of the persons sent there need medical attention, perhaps when first committed most all of them do, so that it would be necessary to maintain a hospital, but a large per cent of the inmates, after the first few days or weeks, at most, are abundantly able to work and need to be thoroughly disciplined. Nothing would have a more lasting or beneficial effect upon such individuals than a few months of labor. In other words, the institution should partake both of the nature of a hospital and a reformatory. It is impossible to determine what per cent of those committed to the institution are cured. The present management does not seem to regard the published figures as being reliable, and the means of securing information are not sufficient to enable a correct conclusion to be reached.

I am recommending further along in this message the creation of a committee to which I believe this entire matter should be referred. The Superintendent and the members of the Board of Control should then be asked to come before the committee and this whole subject should be gone into carefully and thoroughly.

There has been considerable demand, ever since the establishment of the Board of Control, to have the schools for the blind and deaf classed with the educational institutions. In view of the recent establishment of a State Board of Education with a finance committee which devotes all of its time to the institutions and also because of the enormous amount of work devolving upon the Board of Control, I am strongly impressed with the idea that it would be wise to transfer these schools to the care of the State Board of Education.

I have discussed the advisability of this transfer both with the Board of Control and the Finance Committee of the State Board of Education, and, while the former would, perhaps, not recommend the transfer, it does not oppose it, and the latter body is ready and willing to accept the control of the two schools referred to if the transfer is deemed by you to be advisable.

#### GENERAL OBSERVATIONS.

There are a few general observations which I desire to make as to matters pertaining to the Board of Control and its affairs. First, let me say that when the Board was created the law provided that the term of office of the members should expire in April of the year in which the sessions of the Legislature were held. At that time the sessions were held in the even numbered years. When

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they were changed to the odd numbered years and no change was made in the terms of the members of the Board, it left them to expire one year after the adjournment of the legislative session. I recommend a restoration of the original custom except that it would perhaps be better to make the term expire at the end of the fiscal year, June 30, instead of in April. In order to accomplish this, I would recommend that the present term of each member of the Board be extended one year, so that they too will expire in the odd numbered years, 1913, 1915, etc.

It is my opinion also that the law as to confirmation should be changed so as to provide that only a majority of the Senate, instead of two-thirds, might be required. Under the present method seventeen members of the Senate can defeat the will of the remaining thirty-three members and of the Executive, which belittles rather than dignifies the importance of confirmation.

I believe that greater good and more satisfactory results would be obtained if a recess committee were provided for, which committee would have authority to visit, inspect and investigate all of the State institutions between sessions of the Legislature and be ready to report when the General Assembly convenes, than to continue the present junket system. I would require the Board of Control to make up its report and file its estimates in such time that the committee could thoroughly study and investigate them before the Legislature convenes. It might be wise also to permit the committee to visit the institutions of other states for the purpose of making comparisons and gaining information.

I believe, too, that a study of the cause and prevention of insanity, epilepsy, criminality, etc., should be entered upon scientifically by some competent and properly constituted body or committee with a view to preventing as well as caring for or curing diseases and diseased.

Before leaving this subject I want to recommend a thorough and careful review and study of the laws governing the Board of Control and of the methods in vogue. It would seem that in some instances the Board has regarded the provisions of the law as scarcely workable and has adopted methods not easily reconciled with the statute. Especially does this appear to be true as to the manner of purchasing goods and awarding contracts. If the law is not easy of application or is defective, it should be amended, but if not so amended it should be strictly complied with. One of the things complained of to me is that a lack of publicity of informa-

tion as to prices paid for goods and the sources from which purchased, the Board having held that this information should be kept from the public, assigning as a reason that by so doing it has been able to get concessions by way of prices. While this may be true it can scarcely be denied that such a course might also be used as a cloak for wrong doing, and it would be difficult to assign any very good reason why the state should expect to receive any better prices than individuals or firms who handle an equal amount of goods or wares. I believe that the plan which is safest and least open to criticism is to let the public know what its officials are doing and this can best be done by a reasonable amount of publicity, or at least by furnishing information on request.

In my opinion some of the institutions have an unnecessary amount of money invested in supplies, other than provisions. In some instances numerous articles are found in the store rooms that apparently will not be needed for many months or even years. While the amount of money thus tied up may not be large it, nevertheless, would seem to me to be wise for the Board of Control to require the steward of each institution to furnish a complete inventory of everything on hand, if such information is not already in the Board's possession, and where a surplus of anything is found to exist and will not be needed within a reasonable time, transfer it to some other institution where needed, giving proper credit therefor.

During the last session of the legislature a special committee from the House to investigate the hospitals for insane was created. In view of the general tendency in that direction as well as by reason of the unusual amount of criticism and comment during the last year there is little doubt but there will be a disposition to inquire more closely into institution matters this session than previously. If any investigation is undertaken it should be by an unprejudiced and unbiased committee whose purpose should be to ascertain the real condition of affairs for the betterment of the institutions themselves. Then too, there are many matters which the Board will want to present which have a bearing on its work generally as relates to a number of institutions, under its control. The House has various committees on the different institutions under the management of the Board of Control but the Senate has not. I therefore suggest that a committee of small membership from each house be appointed to consider Board of Control matters; that the committees be empowered to act jointly and to hear all



matters which the Board may wish to present to it and may also inquire into or investigate any board or institution affairs that it may deem proper. Such a committee, if provided for, should be named in the same manner as other regular committees so that the presiding officers can exercise the greatest freedom in determining who are proper parties to serve upon such a committee.

#### BOARD OF PAROLE AND INCREASE IN PRISON POPULATION.

A study of the report of the Board of Control and of the Board of Parole will disclose the fact that our prison population has increased quite materially since the establishment of the latter Board. The average number of prisoners at Ft. Madison for the last biennial period was 487 as against 443 for the preceding period and at Anamosa it was 437 as against 354, or an average increase in the two institutions of 127.

The number of prisoners received at the two institutions during the last biennial period was only 803 as against 843 for the preceding period. It seems quite clear then that the increased average daily number of prisoners in the two institutions is not due to increase in crime but to the lengthening of the term of service occasioned by the operation of the new law creating the Board of Parole and providing for an indeterminate sentence. No doubt this lengthening of term of service applies in a greater degree to those having previously served in prison than to first term men, but as to this there are no figures obtainable. I am in full sympathy with the Board of Parole and indeterminate law, but I would so amend it as to lodge more discretion with the Board and afford better opportunity for observing the conduct of paroled men so that greater clemency might safely be extended.

At present the Board is only allowed compensation for, not to exceed, one hundred days in each year. I believe the time has arrived when the members of the Board should be put upon a salary and their entire time should be required in the performance of their official duties. If this be done, in addition to having much more time to devote to the work now done by the Board, I believe that the members could also look after the paroled men, both as to securing employment and observing their conduct, thus obviating the necessity for a parole agent.

Furthermore, I would repeal that provision of the law requiring applications for pardon or parole of prisoners who have been found guilty of murder in the first degree to be submitted to the

legislature leaving the governor to act independently or I would confer the power now lodged with the legislature upon the Board of Parole, as I believe that every one of you who has served upon the committee of pardons will bear me out in the statement that within the short time of your sessions and the time you have to devote to investigations and hearings it is wholly impossible for you to so acquaint yourselves with the facts and circumstances as to be able to intelligently pass upon applications. Then too, applications from this class of prisoners must wait until the meetings of the legislature thereby giving only three months in two years for considering such cases, whereas, the Board could hear them at any time.

I think also, that there are some classes of crimes where the maximum limit of punishment might be thrown off and leave it to the discretion of the board as to the length of service. I am strongly in favor of exercising a great degree of clemency with **first offenders** where the family history and all the circumstances are well and favorably known, but I am likewise a believer in severe punishment for the habitual criminal. Possibly the following is a suggestion which you will not be prepared to receive, and I may be called an extremist in suggesting it, but I believe the time is coming when neither courts nor legislatures will concern themselves with the length of time of service of criminals, except as to those guilty of murder. Legislatures will determine the character of crime for which criminals shall be committed to a prison. Courts will determine the question of guilt and boards of parole and pardon will determine how long the convicted should be incarcerated. In other words, the Board of Parole will become a branch of the court. This I believe to be the ultimate and proper sphere of a Board of Parole, when the system reaches a degree of greater development and perfection.

The work of establishing a reformatory at Anamosa has only been fairly begun. While I have no desire to criticise what has been done, there is no question but that it should be extended. Men who are sent out from the institution ought to be able to take up some regular line of work and the fact that they are not able to do so makes it difficult for employment to be found for many of them and where men are not able to secure employment there is much greater danger that they will go wrong. Our institution is much behind those of some other states in respect to the



training given the men at the reformatory and I do not deem it necessary to more than call your attention to this matter.

The question of providing a means whereby a part of the earnings of each prisoner may be used for the support of those dependent upon him is of vital importance, as many women and children are left as objects of charity and often to suffer severely by reason of having no one to assist in their support. Where there is no one dependent upon the prisoner the fund might be allowed to accumulate and be turned over to him at the time of his release to assist him in getting started. I, however, seriously question the wisdom of turning money over to a prisoner to be used upon himself while in prison.

The Board of Parole has recently made public its first printed report of its doings and transactions and I respectfully direct your attention to it as it will furnish much valuable information.

#### PARDONS, PAROLE, ETC.

As soon as the report can be put into published form there will be laid before you in detail information with reference to pardons, suspensions, restorations, commutations and remissions covering the period of my administration, but for your present information I will say that fourteen pardons have been granted by me, one of which upon recommendation of the Thirty-third General Assembly and nine upon the recommendation of the Board of Parole. I have paroled from the penitentiary and reformatory twenty-six persons, one of which was upon recommendation of the Board of Control and nineteen upon recommendation of the Board of Parole. Seventy jail sentences have been suspended by me. I have restored to citizenship upon recommendation of the Board of Parole, seventy-nine persons, and upon my own initiative, thirty-four, making a total of one hundred thirteen. I have revoked the parole of six persons who had been released from the penitentiary and reformatory and have, likewise, revoked the suspension of sentence of four individuals who have been released from county jails. One prisoner has had his sentence commuted by me upon my own initiative and six upon recommendation of the Board of Parole. I have remitted twenty-two fines and two forfeitures.

#### BETTER HIGHWAYS.

The question of better roads has received more than usual attention during the last year. Many meetings have been held in various parts of the state and great interest has been taken in the matter of road building. Many of the highways of the state have become models of dirt roads and with constant attention I believe can be kept so most of the year. Especial consideration has been given to what is known as the River-to-River Road, connecting Council Bluffs with Davenport and following generally the line of the Rock Island railroad and to the Trans-Continental road between Council Bluffs and Clinton and following the general course of the Northwestern Railroad. And now it is proposed to establish a route through the southern part of the state to be known as the Blue Grass road and connecting Council Bluffs with Ft. Madison. Also one in the north part of the state to be called the Hawkeye Route connecting Dubuque and Sioux City. Perhaps the best and most scientifically constructed highway to be found in the state is that connecting Montezuma, Maileom, Brooklyn, and Grinnell in Poweshiek county. It is built by contract out of the one mill levy expended by the Board of Supervisors.

I believe that some legislation is needed with regard to highway construction and maintenance. I would clothe the Board of Supervisors with power to employ a competent engineer to work under the direction of the Board. I would abolish the office of county surveyor and have the duties now devolving upon him performed by the engineer. As a special fund to be used for dragging the roads, I would set aside one-quarter or one-third of the taxes collected for road purposes and to be expended by the trustees, and would forbid its use for any other purpose than that of dragging. Then it should be provided that the work of road building should be done before the fall of the year when to work the roads, except to drag them, means to put them in condition often almost impassible during the winter and spring months.

One of the just sources of criticism regarding the expenditure of road funds is that too much of the money collected for road purposes is invested in heavy and costly machinery which is unnecessary in the care of the roads. Some such machinery is needed but too much is simply a waste of funds. I urge upon you careful consideration of the question of better highways. I do not, however, recommend an increase in the levy for road purposes, but



the adoption of means whereby better results can be had from the income from the present levy.

If hundreds of miles of roads can be put in shape and kept up on the present levy why cannot many thousands of miles be so kept if proper attention and care is exercised?

The question of state aid in the building of highways has been a subject of much discussion. I am not opposed to state aid but it is well to consider where the money to be offered by the state is to come from. Some people discuss the question of state aid as though the state had unlimited means, derived elsewhere than from the tax payers. At present more than fifty-three per cent of all the money expended by the state comes from the three-tenths mills levy for state purposes. It scarcely needs to be suggested that to offer any considerable amount in aid of road building would mean an increase in the levy for state purposes unless there are other means provided for raising the funds. A few years ago when the primary election law was enacted it contained a provision that the state should pay one-half of the expense of holding the primary. It only required one election to show the people that the money of the state paid to the counties it first collected from them. That law was repealed at the first session of the legislature following its enactment. If the people of the counties want to contribute to the state in order that the state may turn the funds back to them by aiding in the construction of highways I do not object but I only wish to recommend such use of the funds now provided for as will, in my judgment, bring about better and more satisfactory results.

It is well here, also, I think to say that the use of wide-tired wagons has proved a great aid to the keeping of highways in better condition. It has been suggested that after a given time none but wide-tired wagons be permitted for hauling heavy loads along the public roads. This is a suggestion that is worthy of your consideration.

I believe that the road laws of the state should be rewritten in order that they may be simplified and brought together in one continuous enactment.

#### FISH AND GAME.

The last session of the General Assembly enacted a law providing that all persons desiring to pursue the pastime of hunting in the state should procure from a county auditor of some county

of the state a license, for which an annual fee of one dollar should be paid. The fees derived from the sale of the licenses were to be forwarded to the Treasurer of State and were to constitute a fund to be known as the "Fish and Game Protection Fund," which should be used for the protection and propagation of fish and game and for the care and preservation of the lakes. An unexpectedly large amount of money was received in this fund which for the first year amounted to \$107,798 and from July 1, 1910, to January 1, 1911, \$68,293 have been received. There was in the treasury January 1st of this year \$121,823.21 to the credit of this fund.

The remainder of the fund collected has been expended in maintaining the Fish and Game department, in the employment of deputies, in the care and preservation of the lakes and in the protection and propagation of fish and game.

I am advised by the State Fish and Game Warden that since the fund above referred to was created, he has placed in the lakes of the state more than 300,000 game fish of adult size, and has seined from ponds and bayous of the state and placed in the streams more than 1,000,000 fish of various sizes; that he has bought and distributed over the state for hatching 6,500 ring-necked pheasant eggs and has bought and placed with farmers and others for breeding purposes 1,800 pheasants; that he has established in the state two small game farms, one in Pottawattamie county and one in Blackhawk county, and that he has contracts for delivery between December 15th, last, and the 1st day of March, 10,000 Hungarian partridges which are to be distributed over the state.

It is his purpose to continue his efforts until, if it is possible, the state may be thoroughly stocked with game birds of the varieties above named and the lakes and streams of the state may be well supplied with fish.

#### LAW OBSERVANCE.

Two years ago when I delivered my inaugural address, conditions in the state were such that it seemed not only appropriate but necessary that I emphasize the necessity for better observance of the laws of the state, especially the laws relating to the sale of intoxicating liquors.

The General Assembly then in session enacted a number of statutes the purpose of which was to secure a better observance of law and also, better and cleaner official service. While there has been



much criticism of this legislation there is no doubt but that it has resulted in bringing about better service upon the part of otherwise lax officials and has secured a better observance of laws in general. In my opinion the liquor laws of the state are better enforced today than they have been at any time in recent years.

#### THE DEATH OF SENATOR DOLLIVER.

The state was greatly shocked at the news of the death of Senator Bolliver, which occurred on the evening of the 15th day of October last, at his home in Ft. Dodge. At the time of his death he was representing our state, as its senior member in the United States Senate and his death caused a vacancy which I have filled by the appointment of Hon. Lafayette Young. As you are aware, his appointment lasts only until your honorable body fills the vacancy or adjourns without filling it.

There has been much talk about the legislature's withholding action on the matter of electing a senator and providing for a special primary so that the people may express their preference with reference thereto. The law clothes you with all the authority necessary to act and enjoins upon you the responsibility of filling the vacancy and I trust that you will do so in due time.

#### REFERENCE DEPARTMENT.

I have found the reference department under the supervision of Mr. A. J. Small of the Law Library, to be of great value in the study of new laws and in securing current information upon any subjects pertaining to the affairs of the different states and especially legislation proposed or enacted by them. I desire to in this manner commend the work that has been done and to recommend that provision be made for its continuance and extension.