IOWA MONOGRAPH SERIES: NUMBER 1
Edited by BENJ. F. SHAMBAUGH

The Legislation of the Forty-third General Assembly of Iowa

By
JACOB A. SWISHER

PUBLISHED AT IOWA CITY IN 1929 BY
THE STATE HISTORICAL SOCIETY OF IOWA

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EDITOR'S INTRODUCTION

The purpose of this review of the legislation of the Forty-third General Assembly of Iowa is neither to criticize nor to eulogize: its sole aim is to present in plain language the law enacted by the legislature at its regular session in 1929.

Similar reviews covering the legislation of the nine preceding General Assemblies have been published in *The Iowa Journal of History and Politics.*

The author of this monograph, Mr. Jacob A. Swisher, is a research associate in the State Historical Society of Iowa and a member of the Iowa bar. He was assisted by Orval H. Austin.

BENJ. F. SHAMBAUGH

OFFICE OF THE SUPERINTENDENT AND EDITOR
THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY IOWA

CONTENTS

THE LEGISLATION OF THE FORTY-THIRD GENERAL ASSEMBLY OF IOWA

The Forty-third General Assembly of Iowa convened at Des Moines on Monday, January 14, 1929, and adjourned, according to the *Journals,* on Friday, April 12th. As a matter of fact, the clocks were stopped before noon on April 12th, the date set for adjournment, and all business transacted after that time, including adjournment, is written in the records as of that date, but the actual adjournment did not occur until six days later, on April 18th. The actual time between the convening and adjournment was ninety-five days, although the records show only eighty-nine days. During the session there were thirteen Sundays, the customary spring recess from February 23 to March 4, and a temporary adjournment on January 18th, 19th, and 21st to give the presiding officers an uninterrupted period in which to name the chairmen and members of the standing committees. The Assembly was, therefore, in session only seventy-three days. On the basis of days thus actually spent in formulating legislation, the members received approximately thirteen dollars per day.[1]

Some idea of the work of the legislature may be obtained from a brief summary of the number of bills introduced. During this session, one thousand and fifty-six bills and nineteen joint resolutions were introduced — five hundred and ten bills and ten joint resolutions in the Senate, and five hundred and forty-six bills and nine joint resolutions in the House. Of these, four hundred and five, including

[1] *Senate Journal,* 1929, pp. 1, 91, 492, 1558; *The Des Moines Register,* January 13, April 20, 1929.

six joint resolutions, were passed by both houses and approved by the Governor. Two measures, both originating in the Senate, were vetoed. Two hundred and fourteen of the bills finally enacted into law originated in the Senate, and one hundred and eighty-five in the House. Three successful joint resolutions were introduced by each body. The House failed to act upon fifty Senate bills and two joint resolutions; while fifty-four House bills and one joint resolution were not acted upon by the Senate. However, the majority of bills which failed of passage were killed in the chamber in which they originated, many of them by withdrawal. This method has the advantage of disposing of the bills without a prejudicial record, leaving the way open for their re-introduction at a more favorable time during the same or a later session.

All together five hundred and twenty-five chapters or sections of existing statute law were amended or repealed —five hundred and twenty-two chapters or sections of the *Code of 1927,* one act of the Twenty-fifth General Assembly, and two acts of the Forty-second General Assembly. In addition, the Forty-third General Assembly amended four of its own acts, three of which had already become effective upon publication.[2]

ELECTIONS

Nine laws bearing directly upon the subject of elections were passed by the Forty-third General Assembly. One of these amended two sections of the Code and changed the time of keeping the election polls open. In primary elections the polls in precincts where registration is not required were formerly opened at nine o'clock in the morning and closed at eight in the evening. Under the new pro-

[2] These data were compiled from the *Index and History of Senate and House Bills,* 1929.

vision of the law they will be opened at eight o'clock — an hour earlier than under the former law — and will close as before at eight P. M. At general elections the polls were formerly closed at seven o'clock. The time has now been extended to eight o'clock, thus making the closing hour the same as it is at the primary elections.[3]

The law with regard to the work of the counting board was also amended to provide that the county board of supervisors may, if it deems it necessary, direct the counting board to begin work as early as nine o'clock in any precinct where at least fifty ballots have been cast. This would apply to the city council in municipal elections. Under the former law this board was authorized to begin work at one o'clock on the day of the election. The amendment will result in obtaining earlier election returns.[4]

Paragraph four (4) of Section 548, and Sections 549, 555, and 556 of the Code, all dealing with the arrangement of the names of candidates on the primary ballot were repealed and a new section designated as Section 556 was enacted unifying the law upon this subject. The bill providing for this change was introduced in the House on March 11th and approved on March 27th. The law as amended provides that "The county auditor shall prepare a list of the election precincts of his county, by arranging the various townships, towns, and cities in the county in alphabetical order, and the wards or precincts of each city, town, or township in numerical order under the name of such city, town, or township. He shall then arrange the surnames of all candidates for such offices alphabetically for the respective offices for the first precinct in the list; thereafter, for each succeeding precinct, the names appearing first for the respective offices in the last preceding pre-

[3] *Acts of the Forty-third General Assembly,* Ch. 36.

[4] *Acts of the Forty-third General Assembly,* Ch. 39.

cinct shall be placed last, so that the names that were second before the change shall be first after the change.''[5]

Section 546 of the *Code of 1927* provides that in nominations by primary elections, nomination papers must be signed by a certain per cent of the party voters as shown by the last preceding general election. The percentage varies for the different officers. Prior to 1929 the vote cast for the ''head of the ticket'' was taken as a basis upon which to compute the percentage designated. A bill amending this section so as to make the vote cast for ''Governor'' the basis of the computation instead was introduced in the Senate on February 15, 1929. It passed the Senate on February 22nd, passed the House of Representatives on April 12th, and was approved by the Governor on April 16th. This act also amended Section 549 of the Code, which deals with the order of names of candidates, in a similar manner, by striking out the words ''head of the ticket'' and inserting in lieu thereof the word ''Governor''. The effect of this amendment so far as Section 549 is concerned is not clear, however, since, as was noted above, the entire Section 549 had been repealed by an act approved on March 27th.[6]

In cities where registration is required, the registers formerly met on election day at a place convenient to, but not within one hundred feet of the voting place. By an amendment passed by the Forty-third General Assembly they were authorized to meet at the polling places and to serve as clerks of the election as well as registers, although the former provision for the appointment of clerks was not repealed.[7]

A measure introduced by Representative Samuel B. Tor-

[5] *Acts of the Forty-third General Assembly,* Ch. 40.

[6] *Acts of the Forty-third General Assembly,* Ch. 35; *Index and History of Senate and House Bills,* 1929, pp. 113, 309.

[7] *Acts of the Forty-third General Assembly,* Ch. 38.

geson of Worth County provided for uniformity in marking the ballots in cases where propositions are submitted to the voters at a school election. Formerly in such cases the voter indicated his wish by writing ''yes'' or ''no'' at the designated place on the ballot. This was changed to make the method of marking uniform with that of other elections in which the voter's wish is indicated by the use of a cross, ''x'', placed in the proper square, or by registering the same on the voting machine in case this method is used.[8]

Section 584 of the Code relative to the recount of ballots in primary elections was repealed and a substitute section introduced by Representative Richard W. Cox of Taylor County was enacted. The law now provides that ''Any candidate whose name appears upon the official primary ballot of any voting precinct may require the board of supervisors of the county in which such precinct is situated to recount the ballots cast in any such precinct as to the office for which he was a candidate, by filing with the county auditor not later than one o'clock P. M. on Monday after the official canvass made by the board of supervisors is finished, a showing in writing, duly sworn to by such candidate, that fraud was committed, or error or mistake made, in counting or returning the votes cast in any such precinct as to the office for which he was a candidate.''[9]

Another measure passed by the General Assembly resulted in adding to the Code a new section dealing with presidential electors. This section is to be designated as Section 606-c1, and provides that ''Vacancies in nominations for presidential electors shall be filled by the party central committee for the state.''[10]

The Forty-second General Assembly in 1927 enacted a

[8] *Acts of the Forty-third General Assembly,* Ch. 41.

[9] *Acts of the Forty-third General Assembly,* Ch. 42.

[10] *Acts of the Forty-third General Assembly,* Ch. 43.

permanent registration law, which was made applicable to cities having a population of 125,000, and to such other cities as might by ordinance adopt the system. The law originally provided that registration places should be open on certain days "in the year 1928". This time having passed it was necessary for the Forty-third General Assembly to amend the law to make it applicable to present and future conditions. The date 1928 was accordingly stricken out and a provision inserted that registration places should be open on a specified number of days "between July 1, and up to and including the tenth day prior to the next election following the adoption of the plan for registration." Under this law a voter who changes his residence within ten days preceding an election may vote in the precinct from which he moved and in which he is already registered.

Other sections of this law provide for the registration of absent and disabled voters, authorize the city council to adopt ordinances necessary to carry into effect the provisions of the registration law, and stipulate that the "cost of material, equipment and labor for the installation and maintenance of the permanent registration system shall be shared equally by the county and the city".[11]

STATE OFFICERS

A bill introduced in the Senate by the Committee on Compensation of Public Officers fixes the salaries of various State officers whose compensation has formerly been set forth in the State budget but has not been included in the Code. Under this law the Secretary of State, the Treasurer, the Auditor, and the Secretary of Agriculture are to receive an annual salary of five thousand dollars, and the Attorney General six thousand dollars. This is in each case

[11] *Acts of the Forty-third General Assembly,* Ch. 37.

an increase of a thousand dollars a year over the salary formerly received.

The *Code of 1927* provided that the Secretary of the State Fair Board should receive such compensation as the State Fair Board might fix, but that such sum should not exceed four thousand dollars per year. This sum has now been increased to five thousand dollars per year.[12]

By the provisions of another act the salaries of the members of the State Highway Commission were increased from $2000 to $4000.[13]

The Committee on Cities and Towns in the Senate introduced a measure which resulted in several changes in the law relative to appeals to the Director of the Budget. According to the *Code of 1927* objectors in some school districts, in towns, and in townships might appeal to the Budget Director if the sum involved were five thousand dollars or more. In cities and towns and in certain designated school districts appeals may be had if ten thousand dollars or more is involved. The inclusion of the word "towns" in both of the above mentioned groups was clearly an error and the correction was made by striking the word "towns" from the first section. Minor amendments were also made in Section 357 of the Code dealing with the hearing and decision of the Director of the Budget.

The law dealing with decisions of the Director of the Budget in matters pertaining to bond issues for public improvement was rewritten. In accordance with the new law, "The director shall examine the entire record and if he finds that the bonds are to be issued and arrangements for payment have been made in accordance with law he shall approve the same, otherwise the director shall recommend

[12] *Acts of the Forty-second General Assembly,* Ch. 275, Secs. 3, 5, 26, 40, 44; *Acts of the Forty-third General Assembly,* Ch. 2; *Code of 1927,* Sec. 2882.

[13] *Acts of the Forty-third General Assembly,* Ch. 27.

such modifications as in his judgment are necessary to comply with the provisions of the state law and if such modifications are so made the director shall approve the same, and his decision shall be final." This amendment takes from the Budget Director the authority to pass on the need of the improvement and limits his work to a review of the legality of the procedure. The law also provides for permanent and temporary transfers of funds under the direction of the Director of the Budget.[14]

The law provides that assessors shall record and report the names, ages, sex, and post office addresses of all deaf or blind persons within the assessed district. Blanks for such reports were formerly furnished by the Secretary of State to the county auditor. They are now furnished by the State Board of Education.[15]

Chapter 55 of the *Code of 1927* prescribes the manner in which a surety on the bond of a State or other public officer may be released from his obligation. An act of the Forty-third General Assembly provides that petitions for the release from such bond may be presented by either the principal or the surety on the bond.[16]

Previous to 1929 no member of the Board of Control was eligible to any other lucrative office, elective or appointive, in the State during his term of office, or for one year thereafter. This latter disqualification was removed by the Forty-third General Assembly, so that the term of ineligibility to another office now exists only during membership on the Board.[17]

Section 1632 of the *Code of 1927,* relating to the State Fire Marshal, was rewritten. The part of the section

[14] *Acts of the Forty-third General Assembly,* Ch. 19.

[15] *Acts of the Forty-third General Assembly,* Ch. 93; *Code of 1927,* Sec. 4426.

[16] *Acts of the Forty-third General Assembly,* Ch. 44.

[17] *Acts of the Forty-third General Assembly,* Ch. 86.

authorizing the State Fire Marshal, his deputies, and inspectors to enter and examine any building or premises in the performance of their duties shows little change. A sub-section was added, however, authorizing the chief of the fire department of any city to enter and inspect any building or premises, and to order the correction of any condition which may endanger other buildings or property because of liability to fire on account of the dilapidated condition of the property, or inflammable materials contained therein. In case the order is not complied with, the facts are reported to the State Fire Marshal who is then authorized to proceed as though the inspection had been made by him personally. This amendment to the law was introduced by Senator C. F. Clark of Linn County.[18]

Representative Lafe Hill of Floyd County introduced a bill which provided that any agent or investigator, appointed by the Board of Parole for the purpose of making investigations and of apprehending and returning paroled persons under the jurisdiction of the Board, shall, while engaged in such work, have the powers of a peace officer. A similar measure, also introduced by Representative Hill, provided that the State Fire Marshal, his deputy, and assistant deputies, while engaged in the duties of their office, shall likewise be vested with the powers of peace officers.[19]

Representative Frank W. Elliott of Scott County introduced a measure which provided for the creation of the position of health department inspector for the purpose of assisting in the enforcement of the law relating to the practice of certain professions affecting public health. This officer is a member of the State Department of Health and his compensation until June 30, 1931, shall be such salary as the Executive Council may approve, but shall not exceed

[18] *Acts of the Forty-third General Assembly,* Ch. 94.

[19] *Acts of the Forty-third General Assembly,* Chs. 88, 95.

the money received by virtue of the law relative to the regulation of professions affected.

The same law which provided for an inspector in the Health Department also provided for a minor change in the law relative to a petition for the revocation of a professional license. Formerly such a petition was presented to the clerk of the district court either by the Attorney General, or by the county attorney. Now all such petitions are presented by the Attorney General.[20]

By virtue of a measure introduced by Representative Wm. M. Dean of Sac County provision is made for the registration of all military graves in Iowa. The duty of keeping this record is assigned to the Adjutant General. The law stipulates that this officer "shall make and preserve by counties a permanent registry of the graves of all persons who shall have served in the military or naval forces of the United States in time of war and whose mortal remains may rest in Iowa."[21]

The Committee on Judiciary in the House introduced a measure authorizing the State Highway Commission to request of the Attorney General the assistance of a special attorney to look after the legal work of the Commission. The law further stipulated that the Attorney General should appoint a special assistant to take charge of this work. This officer shall be allowed a salary of $4500 per year and the Highway Commission shall, upon the request of the Attorney General, provide and furnish a suitable office for the newly appointed officer.[22]

It is the duty of the Secretary of State to keep a record of contracts relative to the purchase, sale, or leasing of public utility equipment. Prior to 1929 the law provided

[20] *Acts of the Forty-third General Assembly,* Ch. 64.

[21] *Acts of the Forty-third General Assembly,* Ch. 134.

[22] *Acts of the Forty-third General Assembly,* Ch. 236.

that such contracts should be recorded by the Secretary of State in a record kept for that purpose, and certain fees were designated for such recording. This law has been amended to provide that such contracts shall be filed with the Secretary of State who shall number them consecutively, and maintain a card index of them alphabetically arranged which shall be preserved as a permanent record. A fee of one dollar is allowed the Secretary for filing each contract.[23]

Formerly a fee of ten cents per one hundred words was payable to the Secretary of State for recording the articles of incorporation of foreign corporations not organized for pecuniary profit. The provision for this fee was stricken out, so that they are now filed free of charge. By the same act the Secretary of State is instructed to number consecutively all such copies filed in his office, and to maintain a card index thereof alphabetically arranged to be preserved as permanent records of his office.[24]

A bill was introduced in the Senate by George A. Wilson of Des Moines to define, regulate, and provide for the licensing of real estate brokers and salesmen. For the purpose of the administration of this act, the Secretary of State is constituted the Real Estate Commissioner. He has the power of issuing licenses to real estate brokers and salesmen, under conditions provided in the act, without which it is declared unlawful to act or advertise as such broker or salesman. A fee of ten dollars is to be charged for a broker's license and five dollars for a salesman's license. The act provides for the suspension or revocation, as well as for the issuing of licenses. Any conduct which constitutes improper, fraudulent, or dishonest dealing is grounds

[23] *Acts of the Forty-third General Assembly,* Ch. 240.

[24] *Acts of the Forty-third General Assembly,* Ch. 216; *Code of 1927,* Sec. 8601.

for the revocation of a license, and unlawful conduct on the part of the salesman, agent, or employee of a broker is cause for the revocation of the license of the employer if he had guilty knowledge thereof. The Commissioner is required to prepare a list of all licenses issued, suspended, or revoked by him during the past year at least semi-annually and to mail copies of such lists to the clerk of the district court of each county and to any person in the State upon request. Besides revocation of licenses, the act provides punishment for violation of any of its provisions. This regulation does not become effective until January 1, 1930.[25]

LEGISLATURE

Provision was made by the Forty-third General Assembly that each member of the legislature and the Lieutenant Governor shall, while attending the regular session of the General Assembly, be paid his actual expenses to the extent of five hundred dollars. This is in addition to the regular salary. Sworn itemized claims for the amounts thus expended shall be filed with the State Board of Audit. The law was made applicable to members of the Forty-third General Assembly.[26]

The Code provides that the Superintendent of Printing shall make free distribution of the Code and session laws to various public institutions and offices. This law was amended to provide that two copies of each of these books shall also be sent to the Library of Congress.

The Superintendent of Printing is also authorized to distribute gratuitously to interested persons copies of the *Code of 1897* and supplements thereto, also the session laws of the Fortieth and previous General Assemblies. Under

[25] *Acts of the Forty-third General Assembly,* Ch. 215.

[26] *Acts of the Forty-third General Assembly,* Ch. 1.

the new law the *Code of 1924* may also be distributed gratuitously.[27]

COURTS AND COURT PROCEDURE

The salary of district judges was increased by the Forty-third General Assembly from four thousand to five thousand dollars per year. When a judge is required to leave the county of his residence to perform his duties, he is allowed his actual and necessary expenses. Such expenses are itemized and certified to the Auditor of State, who is authorized to pay the same. Formerly such accounts were audited by the Board of Audit. This is no longer required.[28]

By virtue of a measure introduced by the House Committee on Judiciary, the number of judges of the Supreme Court of the State was increased from eight to nine, five of whom shall constitute a quorum to hold court. The additional judge was appointed by the Governor to hold office until the first of January following the general election of 1930, and until his successor is elected and qualified. His successor in office is to be elected at the general election in 1930 for a term of six years. By the provisions of another act of the legislature, passed later in the session, an appropriation of approximately thirty-four hundred dollars was made to pay the salary of this judge and his secretary from the date of appointment until July 1, 1929.[29]

Where terms of the district court are held in any city or town not a county seat the city or town is required to furnish a meeting room free of charge to the county. A bill introduced by Representative Harry M. Greene of Avoca provides that any necessary alterations, repairs, or addi-

[27] *Acts of the Forty-third General Assembly,* Chs. 3, 4; *Code of 1927,* Secs. 235, 237.

[28] *Acts of the Forty-third General Assembly,* Chs. 251, 252.

[29] *Acts of the Forty-third General Assembly,* Chs. 290, 296.

tions to such rooms shall be provided at the expense of the county,[30] and the county board of supervisors is authorized and empowered to make the necessary repairs. This measure, although stated in general terms, was apparently passed to apply to specific conditions existing in Pottawattamie County. The district court meets at the city of Avoca as well as at Council Bluffs which is the county seat.[31]

Justices of the peace and constables in townships having a population of ten thousand or over are allowed to retain such fees as may be allowed by the board of supervisors, not to exceed five hundred dollars per year, for the expenses of their offices actually incurred. All other fees are to be paid to the county treasurer. This law was amended to provide that such officers, in townships having a population of fifty thousand, may retain one thousand dollars for office expenses.[32]

Senator Ralph U. Thompson of Muscatine was the author of a bill relative to the filing and approval of appeal bonds. This law reads as follows: "The filing by an approving officer of a duly tendered appeal bond in an appeal to any court shall carry the presumption until the contrary is established that said officer approved the bond even though no formal approval is endorsed on the bond."[33]

Section 10071 of the *Code of 1927* provides that when there is a difference between the Christian names or initials in which a title is taken, and the Christian names or initials of the grantor in the next succeeding conveyance, but the surnames in both are the same, such conveyances or

[30] *Acts of the Forty-third General Assembly,* Ch. 249; *Code of 1927,* Sec. 10771.

[31] *Iowa Official Register,* 1909-1910, p. 183.

[32] *Acts of the Forty-third General Assembly,* Ch. 250.

[33] *Acts of the Forty-third General Assembly,* Ch. 240.

record thereof shall be "conclusive" evidence that the surnames in the several conveyances refer to the same person. This law applied, however, only to conveyances executed prior to January 1, 1900. This section was amended to make such conveyances or records only "presumptive" evidence that the signatures were of the same person, and the law was made applicable to conveyances executed prior to January 1, 1915. The measure which provided for this change in the law was introduced by Representative L. B. Forsling of Woodbury County.[34]

A judge's order may issue in vacation, directing any of the officers of the court in relation to the discharge of their duties. Formerly such an order remained in force only during the vacation in which it was granted and for the first two days of the ensuing term. This latter provision has been amended to provide that such order, except in case of an order which regulates the business of a receiver, assignee, trustee, or other officer of the court who is conducting a continuing business or a process of liquidation, shall be in force during the vacation in which it is granted "and until the close of the next ensuing term of court." No order or ruling heretofore made in vacation regulating the act of a receiver, assignee, trustee, executor, administrator, or guardian shall be declared void on account of the fact that it was made or entered in vacation unless an action to set it aside shall be commenced within ninety days after the taking effect of the law.[35]

In actions cognizable in equity, wherein issues of fact are joined, the court may order the evidence or any part thereof to be taken in the form of depositions, or either party may take depositions as authorized by law. Formerly such parties were entitled to a continuance to another

[34] *Acts of the Forty-third General Assembly,* Ch. 242.

[35] *Acts of the Forty-third General Assembly,* Ch. 253.

term for the purpose of taking depositions. In accordance with an amendment to this law a continuance "may in the discretion of the court be granted", but a litigant is not entitled as a matter of right to such a continuance.[36]

Senator C. F. Clark of Linn County introduced a measure which amended the law relative to executions. The new law provides that if real estate is levied upon, except by virtue of a special execution issued in cases foreclosing recorded liens, the officer making the levy shall make an entry in the encumbrance book in the office of the clerk of the district court. Such an entry shall contain the number and title of the case, date of levy, date of entry, amount of the claim, and a description of the property levied upon, and shall constitute notice that such levy has been made.[37]

The Iowa law provides that if a debtor is a resident of this State and the head of a family, he may hold exempt from execution certain designated property including wearing apparel, a private library, two cows and two calves, fifty sheep, poultry to the value of fifty dollars, household and kitchen furniture, and other designated articles of a like nature. This law was amended by the Forty-third General Assembly to provide that if such a resident debtor does not own one or more of these items of property, "his wife, if she is an actual member of the family, and owns one or more such items, and is the debtor, shall be entitled to hold such items exempt from execution." Moreover, if the debtor is a woman and a resident of this State, although not the head of a family, she may hold exempt from execution a sewing machine, and poultry to the value of fifty dollars.[38]

[36] *Acts of the Forty-third General Assembly,* Ch. 254.

[37] *Acts of the Forty-third General Assembly,* Ch. 255.

[38] *Acts of the Forty-third General Assembly,* Ch. 256; *Code of 1927,* Sec. 11760.

The foreign guardian of any non-resident "minor, idiot, lunatic, or person of unsound mind" may be appointed the guardian of the property of such person in this State. When such an appointment is made the guardian is required to file in the office of the clerk of the district court in the county where the property is situated, a certified copy of his official bond. The law formerly provided that upon the filing of such a bond the court or judge should order the personal property of the "minor" to be delivered to the guardian. The term "minor" as here used does not include all persons under guardianship. Accordingly, the law was amended substituting the word "ward" for the word "minor", thereby directing that the property of any such "ward" be delivered to the guardian.[39]

The law with regard to assignments made for the benefit of creditors provides that when an assignment is made, the assignee shall give notice of such assignment by publication, and send notice by mail to creditors of whom he is informed. Prior to 1929 such creditors were required to present their claims under oath to the assignee within three months. Under an amendment to this law, claims are now filed in the office of the clerk of the district court.[40]

Another act repealed the law forbidding prosecuting attorneys to refer in their arguments to the fact that the defendant in a criminal case was not a witness. This bill created much discussion among the lawyer members of the Senate, and not in recent years has there been a more serious or more studied debate over any question in either house. Those in favor of the repeal contended that a law prohibiting mention of the defendant's failure to testify in his own behalf was a technicality shielding him from conviction, and giving him an unfair advantage over the

[39] *Acts of the Forty-third General Assembly,* Ch. 257.

[40] *Acts of the Forty-third General Assembly,* Ch. 258.

State. The argument on the other side was that it would afford to county attorneys an opportunity to substitute their opinions for evidence as to the guilt of the prisoner.[41]

A number of sections in the chapter of the Code relating to the form, contents, and sufficiency of indictments were rewritten by an act of the legislature. The act provides that the indictment may charge the offense of which the defendant is being accused, either by using the name given to the offense by statute, or by stating so much of the offense as is sufficient to give the court and the accused notice of the offense being charged. If the indictment fails to inform the defendant of the offense sufficiently to enable him to prepare his defense, the county attorney is instructed to furnish a supplemental or a new bill of particulars. If it appears that the bill of particulars does not state the offense charged in the indictment, or that a prosecution is barred by the statute of limitations, the indictment may be set aside on a motion of the defendant unless the county attorney files another bill of particulars correcting these defects. The requirement as to the name by which the defendant is designated in the bill of particulars is very general, even a fictitious name being sufficient under the new provision. An indictment need contain no allegation as to the time, place, means, or intent of the act unless those are material ingredients of the offense charged, and no indictment need state any matter not necessary to be proved. The requirements of indictments as to articles to be used as evidence were likewise made very general. Any allegation unnecessary under the provision of this act, or under existing law, if contained in an indictment may be disregarded. The form of indictment to be used is also given.[42]

[41] *Acts of the Forty-third General Assembly,* Ch. 269; *The Des Moines Register,* February 14, 1929.

[42] *Acts of the Forty-third General Assembly,* Ch. 266.

A motion for setting aside an indictment had formerly to be sustained if the grand jury were not selected, drawn, summoned, impaneled, or sworn as prescribed by law. The Forty-third General Assembly made an exception to this provision, providing that a motion to set aside an indictment shall not lie on the ground that the grand jury which returned the indictment was composed of more than one juror from the same civil township.[43]

Section 13946 of the Code which defined a motion in arrest of judgment in criminal cases was repealed.[44]

The old law provided that the plea of guilty could only be made in open court by the defendant himself. This section was amended by adding the provision that "The plea may be entered in vacation at the usual place of holding court in any county of the judicial district." This amendment was introduced by Representative Marion R. McCaulley of Calhoun County.[45]

APPROPRIATIONS

Any attempt to discuss in detail all the appropriations made by the Forty-third General Assembly for the biennium commencing July, 1929, is quite beyond the scope of this article; but a tabulation of the larger items of expenditure gives some idea of the types and the amounts of appropriations made from public funds for the purpose of running the State government.

The following table presents a tabulation of all appropriations for the ensuing biennium under four headings, "For the Maintenance of State Government and State Officers", "For the Support and Maintenance of State Institutions", "To Satisfy Claims", and "Miscellaneous".

[43] *Acts of the Forty-third General Assembly,* Ch. 267.

[44] *Acts of the Forty-third General Assembly,* Ch. 270.

[45] *Acts of the Forty-third General Assembly,* Ch. 268.

APPROPRIATIONS BY THE FORTY-THIRD GENERAL ASSEMBLY

FOR THE MAINTENANCE OF STATE GOVERNMENT AND STATE OFFICERS

CHAPTER	FOR WHAT	AMOUNT	PERIOD
287	Department of the Adjutant General	$230,145.00	Each year of biennium
287	Department of Agriculture	472,350.00	Each year of biennium
287	Board of Audit	4,200.00	Each year of biennium
287	Auditor of State	27,500.00	Each year of biennium
287	Commission for the Blind	12,000.00	Each year of biennium
287	Director of the Budget	30,800.00	Each year of biennium
287	Board of Conservation	130,000.00	Each year of biennium
287	Board of Control, salaries and expenses, general office	92,300.00	Each year of biennium
287	Custodian	60,380.00	Each year of biennium
287	Judges of District Courts	317,500.00	Each year of biennium
287	Board of Education, salaries and expenses	56,112.00	Each year of biennium
287	State Entomologist	9,000.00	Each year of biennium
287	Executive Council, general office expense	24,280.00	Each year of biennium
287	Executive Council, State purposes	214,250.00	Each year of biennium
287	State Fair Board	63,000.00	Each year of biennium
287	Agricultural Societies	160,000.00	Each year of biennium

CHAPTER	FOR WHAT	AMOUNT	PERIOD
287	Fire Marshal	17,300.00	Each year of biennium
287	Geological Survey	12,200.00	Each year of biennium
287	Office of Governor	20,700.00	Each year of biennium
287	Department of Health	81,525.00	Each year of biennium
287	Historical Department	49,550.00	Each year of biennium
287	State Historical Society	40,200.00	Each year of biennium
287	Industrial Commission	36,730.00	Each year of biennium
287	Department of Insurance	55,510.00	Each year of biennium
287	Department of Justice	98,950.00	Each year of biennium
287	Bureau of Labor	21,900.00	Each year of biennium
287	Library Commission	24,320.00	Each year of biennium
287	State Library	54,320.00	Each year of biennium
287	Board of Mine Examiners	1,250.00	Each year of biennium
287	Mine Inspectors	13,960.00	Each year of biennium
287	Board of Parole	33,500.00	Each year of biennium
297	Salary of Peace Officers	5,000.00	Lump sum
287	Pharmacy Examiners	8,900.00	Each year of biennium
287	State Printing Board, salaries and office expenses	17,950.00	Each year of biennium

Chapter	For What	Amount	Period
287	State Printing Board, State purposes	142,020.00	Each year of biennium
287	Superintendent of Public Instruction, salaries	32,300.00	Each year of biennium
287	Superintendent of Public Instruction, State aid	484,950.00	Each year of biennium
287	Board of Railroad Commissioners	82,465.00	Each year of biennium
287	Secretary of State	48,100.00	Each year of biennium
287	Clerk of the Supreme Court	10,900.00	Each year of biennium
287	Supreme Court	85,375.00	Each year of biennium
296	Salary of additional Supreme Court Justice	3,349.56	**Lump sum**
287	Reporter of the Supreme Court and Code Editor	14,350.00	Each year of biennium
287	Treasurer of State	90,445.00	Each year of biennium
287	Board of Vocational Education	37,286.45	Each year of biennium
287	General Contingent Fund	20,000.00	Each year of biennium
291	Chaplains' Fees for Forty-third General Assembly	$5.00 each Amount necessary	
291	Rental of Typewriters for use of General Assembly	$10.00 and $12.00 each Amount necessary	
291	Miscellaneous Expenses of General Assembly	1,457.01	Lump sum
292	Miscellaneous Expenses of General Assembly	9,241.50	Lump sum

Chapter	For What	Amount	Period
292	Per diem compensation under Senate Joint Resolution No. 1, for additional employees of General Assembly	Amount necessary	
293	Expenses of members of General Assembly including Lieutenant Governor	54,500.00	Lump sum
294	Increase in salaries under Senate File No. 456	10,000.00	Lump sum

For Support and Maintenance of State Institutions

Chapter	For What	Amount	Period
287	State Hospital and Colony for Epileptics and Feeble-minded, at Woodward	844,319.48	Biennium
287	Institution for Feeble-minded Children at Glenwood	837,360.00	Biennium
287	State Hospital for Insane at Cherokee	793,000.00	Biennium
287	State Hospital for Insane at Clarinda	721,130.00	Biennium
287	State Hospital for Insane at Independence	838,000.00	Biennium
287	State Hospital for Insane at Mt. Pleasant	869,340.00	Biennium
287	State Juvenile Home at Toledo	285,790.00	Biennium
287	State Penitentiary at Fort Madison	812,760.00	Biennium
287	Men's Reformatory at Anamosa	749,000.00	Biennium
287	Women's Reformatory at Rockwell City	142,000.00	Biennium
287	State Sanatorium for Tuberculosis at Oakdale	528,350.00	Biennium
287	Iowa Soldiers' Home at Marshalltown	501,600.00	Biennium

Chapter	For What	Amount	Period
287	Iowa Soldiers' Orphans' Home at Davenport	466,500.00	Biennium
287	Training School for Boys at Eldora	399,780.00	Biennium
287	Training School for Girls at Mitchelville	196,870.00	Biennium
287	Emergency fund for State institutions under Board of Control	50,000.00	Biennium
287	State roads at State institutions under Board of Control	40,000.00	Biennium
287	State University of Iowa	5,396,003.20	Biennium
287	Iowa State College of Agriculture and Mechanic Arts	5,122,000.00	Biennium
287	Iowa State Teachers' College	1,518,000.00	Biennium
287	Iowa School for the Deaf	711,000.00	Biennium
287	Iowa School for the Blind	201,000.00	Biennium
287	Psychopathic Hospital at Iowa City	216,000.00	Biennium
287	Bacteriological Laboratory	29,110.00	Biennium

To Satisfy Claims

Chapter	For What	Amount	Period
287	Relief of Fredrick M. Hull	360.00	Each year of biennium
287	Relief of Mitchell's Cavalry	240.00	Each year of biennium
291	W. T. Frame	$2.00 per day each day of the session of the 43rd G.A.	
295	Edgar A. Morling	3,250.00	Lump sum
304	Refund to Monroe County of fees erroneously paid	26.00	Lump sum
305	Reimbursement of Iowa National Guard	1,691.05	Lump sum

Chapter	For What	Amount	Period
306	Twin Lakes Protective Association for Labor	137.08	Lump sum
307	Emmet County for special taxes on State-owned land	1,755.63	Lump sum
308	Muscatine County for maintenance tax against State lands	4,708.53	Lump sum
308	Louisa County for maintenance tax against State lands	1,865.64	Lump sum
309	Polk County for special assessments for oiling of streets	354.56	Lump sum
310	Various veterinarians for services rendered to the State	542.81	Lump sum
311	Compensation for animals slaughtered	930.87	Lump sum
312	Compensation for animals slaughtered	1,100.00	Lump sum
313	James L. Armstrong for services rendered in the World War	315.00	Lump sum
314	Marjorie Ball for injuries received on the Iowa State Fairgrounds	200.00	Per annum
314	Dr. A. E. Shaw	100.00	Lump sum
314	George A. Kern, attorney's fees	100.00	Lump sum
315	Lillian Bandy	395.20	Lump sum
316	Julius Boeckh, Commission on Interstate Bridges	55.87	Lump sum
317	Gerald L. Bolen, for injuries received while an employee of the Highway Commission	1,500.00	Lump sum
318	Thomas P. Brennan for money paid for legal service	200.00	Lump sum
319	George Burger for injuries received at Men's Reformatory	900.00	Lump sum
320	Clear Lake Light and Power Company	29.40	Lump sum

Chapter	For What	Amount	Period
321	Joseph R. Collins for injuries received while an employee of Iowa State Training School for Boys	127.74	Lump sum
322	Des Moines Coliseum Company for armory rental	350.00	Lump sum
323	James A. Devitt for legal services	250.00	Lump sum
324	Charles M. Dutcher for legal services	747.45	Lump sum
324	W. E. Mitchell for legal services	516.13	Lump sum
325	Farmers Mutual Hail Insurance Association, for overpayment of taxes	1,051.29	Lump sum
326	Grant Central Church of Iowa Falls	16.30	Lump sum
327	W. L. Hall for apprehension of paroled prisoners	50.00	Lump sum
328	Hopper Furniture Company	67.20	Lump sum
329	William J. Hudgel for injuries on Iowa State Fairgrounds	485.00	Lump sum
331	Jaeger Manufacturing Company	215.25	Lump sum
332	Minnie E. Johnson and Emma McNulty as compensation for damages to their property	3,500.00	Lump sum
333	Patricia Jones for injuries received on Ames campus	1,500.00	Lump sum
334	Mrs. John Laskewetz for damages to her home	172.31	Lump sum
334	G. V. Lyon for injuries	41.45	Lump sum
335	To the Iowa Industrial Commissioner for Charles Lindwall	149.00	Lump sum
336	Frank Melka for injuries received while an employee of Iowa State Hospital for the Insane	283.50	Lump sum
337	Refund to the Mutual Old Line Insurance Company	30.20	Lump sum
338	Refund of taxes to the National Guardian Life Insurance Company	222.78	Lump sum

Chapter	For What	Amount	Period
339	Carl U. Niederman for injuries received at an encampment of the Iowa National Guard	945.00	Lump sum
340	Ralph W. Pabst and Leslie E. Williams for injuries received as members of the Iowa National Guard	172.00	Lump sum
341	E. L. Riemschneider	6.00	Lump sum
341	Sunny Side school district	14.50	Lump sum
342	Mrs. George Robinson	88.50	Lump sum
343	Henry Schwark	125.00	Lump sum
344	Albert Sharp for policing State property	136.00	Lump sum
345	Ralph J. Shaw for damages to his property by a State-owned snowplow	30.50	Lump sum
346	Kai Sommer for injury resulting from collision with a State tractor	1,500.00	Lump sum
347	John A. Stewart for compensation as a member of the Iowa National Guard	535.32	Lump sum
348	Stipp, Perry, Bannister and Starzinger, for legal services	6,000.00	Lump sum
348	Senneff, Bliss, Witwer, and Senneff for legal services	4,141.05	Lump sum
349	Wickes Engineering and Construction Co.	3,910.72	Lump sum
350	Craig M. Work for services on the Iowa Board of Dental Examiners	855.17	Lump sum

For Miscellaneous Purposes

Chapter	For What	Amount	Period
114	Research, handicapped children	8,000.00	Lump sum
273	Survey of industries and resources	10,000.00	Lump sum
274	Merle D. Hay monument	5,000.00	Lump sum

Chapter	For What	Amount	Period
287	Soldiers' tuition	20,000.00	Biennium
287	Grand Army of the Republic	750.00	Each year of biennium
287	Commission on Uniform Laws	500.00	Each year of biennium
287	Pioneer Law Makers	150.00	Biennium
287	Insurance Examiners	$15.00 and $12.50 per diem and expenses	Amount necessary
287	County and Municipal Examiners	$7.00 per diem and expenses	Amount necessary
287	Board of Engineering Examiners, secretary	600.00	Each year of biennium
287	Medical and surgical treatment of indigent persons at the University Hospital	2,000,000.00	Biennium
288	Repairs upon State Capitol and Historical Buildings	80,050.00	Lump sum
289	Expense of Governor's inaugural ceremony	577.00	Lump sum
290	Election expenses in the Ditto-Hattendorf contest	641.81	Lump sum
294	Reconstruction of the House voting machine	7,000.00	Lump sum
298	The Capitol Extension Fund	21,009.74	Lump sum
299	Emergency appropriation to the University of Iowa, College of Medicine	238,198.26	Lump sum
300	Aid for blind students	2,000.00	Lump sum
301	Grand Army of the Republic, National Encampment	15,000.00	Lump sum
302	Prevention, control and eradication of European corn borer	100,000.00	Lump sum

Chapter		Amount	Period
303	Expenses of the Iowa Academy of Science	2,000.00	Lump sum
401	Legislative Committee on Roads	5,000.00	Lump sum
402	Legislative Committee for State Parks	500.00	Lump sum

TAXATION

Perhaps the most important law to be adopted by the Forty-third General Assembly in regard to taxation is the law creating a State tax commission. This law provides for the appointment by the Governor, subject to confirmation by the Senate, of a board officially designated as the "State Board of Assessment and Review". This board is composed of three members, not more than two of whom may belong to the same political party. The members are to receive a compensation of $4500 per year, and they are to serve six years. In the appointment of the first three, however, one is designated to serve two years, one four, and one six.

All of the powers and duties regarding taxation which were formerly vested in the Executive Council of the State are transferred to this board. In addition to the powers and duties transferred to it, the new board is given the right of supervision over all tax levying boards of the State to the end that all assessments of property and taxes levied thereon be made relatively just and uniform. It is empowered to confer with and advise other boards obligated by law to make assessments as to their duties under the law and may require public officers to report information as to assessment and collection of taxes, and it may direct proceedings, actions, and prosecutions instituted for the

enforcement of laws governing the return, assessment, and taxation of property.

The board may hold public meetings, summon witnesses, and compel them to produce any materials which the board has authority to investigate or determine and it may likewise inquire into any cases of tax dodging which may be brought to its attention. It is instructed to make out a summary of the tax situation of the State, setting out the amount of the moneys raised by taxation; and to formulate and recommend legislation for the better enforcement of the fiscal laws so as to secure just and equal taxation. This section imposes upon the board the duty of recommending such additions to and changes in the present system of taxation as will in its judgment be for the best interest of the State and eliminate the necessity of a millage levy for State purposes. It is quite generally recognized that the direct tax for State purposes should be reduced, but no general agreement exists as to what methods should be used to raise the necessary revenues. The proposal of such a method is one of the most important of the duties of the State Board of Assessment and Review.[46]

The legislature also adopted a resolution providing for the naming of a special tax committee composed of three members from the House, and three members from the Senate who will also make a study of taxation matters and formulate proposed legislation to provide State revenue without direct property tax. A sum of five thousand dollars was appropriated for the use of the committee in the carrying forward of this work.[47]

In search of new methods by which to increase the public revenue in a relatively painless manner, the Forty-third

[46] *Acts of the Forty-third General Assembly,* Chs. 205, 206; *The Iowa Homestead,* June 15, 1929; *The Des Moines Register,* March 14, 1929.

[47] *Acts of the Forty-third General Assembly,* Ch. 401.

General Assembly adopted the Iowa estate tax. The direct inheritance tax was adopted in 1921, and collateral inheritances have been taxed since 1896.

The new law provides for the imposition and collection of a tax for general State purposes upon the transfer of estates of decedents dying after February 26, 1926, and being residents of or owning property in the State of Iowa. The tax ranges from four-fifths of one per cent on estates between fifty and one hundred thousand dollars, to sixteen per cent on the amount by which the net estate exceeds ten million dollars. The tax very closely resembles the Federal estate tax approved on February 26, 1926. In fact where the Iowa estate tax is mentioned in the *Index and History of Senate and House Bills and Joint Resolutions,* it is referred to as the "Iowa Estate Tax — collection under provisions of Federal Estate Tax."[48]

One of the acts passed renders immune from the provisions of the chapter relating to the inheritance tax on non-residents the intangible personal property of certain non-resident decedents. The act applies only in case the State or Territory of which the decedent was a resident has a reciprocal exemption from inheritance and other death taxes for Iowa residents.[49]

There were several acts of relatively minor importance with respect to taxation. One of these exempts from taxation the property of any nurse who served in the War with Spain, the Tyler Rangers, the Colorado Volunteers in the Civil War, Indian wars, or the Philippine Insurrection, to the same extent that the property of any honorably discharged soldier, sailor, or marine is exempt.[50]

[48] *Acts of the Forty-third General Assembly,* Ch. 204; *United States Statutes at Large,* Vol. XLIV, Ch. 27.

[49] *Acts of the Forty-third General Assembly,* Ch. 203.

[50] *Acts of the Forty-third General Assembly,* Ch. 198.

In lieu of making special levies for the funds for grading, improvement, sewer construction, certain public utilities, and the general fund, cities and towns are authorized to levy one tax. This consolidated levy shall not, however, exceed the total amount of taxes which the municipality might have levied. The Forty-third General Assembly made this provision applicable to special charter cities.[51]

A minor change was made in the law relative to the redemption of lands which have been sold for taxes. When a certificate of redemption has been issued by the auditor and recorded in his sale book, the treasurer must note the same in his sale book opposite the entry for the sale of such lands. According to the new law, "Said entries by the auditor and treasurer shall be made in ink, and in case errors are subsequently discovered such entries shall not be erased but shall be corrected by drawing a line through the erroneous entries with ink accompanied by the initials of the person who made the alteration and the date when made."[52]

The Fortieth General Assembly provided that delinquent taxes for the current year should not be turned over to the collectors until the first of November, thus giving the taxpayer an extra month to make payment without the additional penalty of five per cent for collection. The Forty-third General Assembly passed a measure stipulating that this provision of the law should not apply in counties having a population of eighty thousand or more.[53]

The county treasurer is required to keep a list of delinquent personal taxes of any preceding year. A subsequent section of the Code stipulates that taxes due from any person on personal property shall become a lien upon real

[51] *Acts of the Forty-third General Assembly,* Ch. 189.

[52] *Acts of the Forty-third General Assembly,* Ch. 202.

[53] *Acts of the Forty-third General Assembly,* Ch. 201.

estate owned by such person. The Forty-third General Assembly provided that a list must also be kept of delinquent poll taxes, which likewise become a lien upon the real estate of such person.[54]

The maturity and payment of bonds was also the subject of an act passed by the General Assembly. A provision of the Code with regard to the retirement of bonds issued by counties, cities, towns, and school districts was stricken out and the following enacted in its place: "Each issue of bonds shall be scheduled to mature serially in the same order as numbered." The change was apparently made in order to make such bonds serial but not callable.

The annual levy for the payment of such bonds must be sufficient to pay the interest and principal of such bonds within a period not exceeding twenty years. Any tax limitations must be based on the latest equalized valuation, and shall only restrict the amount of bonds which may be issued. The provisions of this law do not apply to bonds, the interest or principal of which are payable out of the primary road fund, and the Forty-third General Assembly added to this exception bonds payable "out of special assessments against benefited property."[55]

COUNTY OFFICERS AND GOVERNMENT

The duty to enforce the law relative to the destruction of noxious weeds was formerly vested in the county board of supervisors, the township trustees, and the councils or commissions of all cities and towns. By an act of the Forty-third General Assembly general supervision of all these agencies is placed in the hands of the county boards of supervisors, and the territory for which each is responsible is set out. The law now provides that the board shall by

[54] *Acts of the Forty-third General Assembly,* Ch. 200.

[55] *Acts of the Forty-third General Assembly,* Ch. 196.

resolution fix the date for the destruction of noxious weeds. The order, directed to all property owners, must be published in the official newspapers of the county. Provision is made for the selection of a weed commissioner by every board of township trustees, and by the councils of towns and cities having a population of less than five thousand. In cities of over five thousand the authority for the enforcement of these provisions is vested in the councils or commissioners, as the case may be. Each weed commissioner has charge, subject to the supervision of the county board, of the destruction of the weeds growing in his district. If it becomes necessary, or if the above mentioned order is not complied with, the commissioner may enter upon the land and destroy or keep from seeding any weeds growing thereon, provided the expense shall in no case exceed one hundred dollars. This money is payable temporarily from the county general fund but is charged to the property as taxes. Each commissioner is required to make an annual report to the board of supervisors, relative to the weeds growing in his district, the attempts made to exterminate them, and his views on their further treatment. Several other sections were amended by the act so as to make them to conform with the main change involved in this act.[56]

One change was made, however, which was not in conformity with this act. Section 4824 of the Code authorizes the trustees, councils, commissioners, or boards of supervisors to assess the costs for the destruction of weeds by any of these officers against the land and the owner thereof by a special tax. Section 4825 provides that before making such assessment thirty days notice must be given such owner of the time and place of meeting of the board, council,

[56] *Acts of the Forty-third General Assembly,* Ch. 116; *Code of 1927,* Secs. 4818, 4827.

or trustees. The notice must contain a statement of the work done and the costs thereof; and provision is made for its publication. The owner may appear at the meeting with the same rights as those given by law before boards of review upon increase in assessments. Both of these sections were amended by the act of the Forty-third General Assembly, so as to vest these powers and duties solely with the county board of supervisors. Two days later, however, an act was passed by the General Assembly, which repealed Section 4825 of the Code providing for the notice of assessments and provided a substitute which takes no cognizance of the provision of the previous act. Instead of charging the board of supervisors with the duty of publishing the notice, as would have to be the case to be consistent with the first amendment, the act provides that "Before making any assessment the board of supervisors, city or town council or township trustees, as the case may be, shall prepare a plat or schedule showing the various lots, tracts of land or parcels of ground to be assessed, and the amount proposed to be assessed against each of the same for weed cutting prior thereto during that calendar year." It also provides for a hearing before the board, council, or trustees as the case may be, at which the owner of said premises, or any one liable to pay such assessments, may appear with the same rights given by law before boards of review, in reference to assessments for general taxation.[57]

Provision is made by law for a State Apiarist, who, upon the petition of one or more beekeepers, is required to examine the bees of any locality in the State for contagious or infectious diseases common to bees. He may issue a notice to any owner of diseased bees to treat or destroy the same. In case the owner does not comply, the State Apiarist is authorized to treat or destroy them, the costs thereof to

[57] *Acts of the Forty-third General Assembly,* Ch. 117.

be assessed against the owner as a special tax, but no public fund was set aside for that purpose. The Forty-third General Assembly provided for such a fund not to exceed six hundred dollars to be appropriated by the county board of supervisors upon the petition of fifteen or more beekeepers of the county. Such work of eradication is to be done in the county under the supervision of the State Apiarist.[58]

Certain of the powers of the board of supervisors are included under a section of the Code entitled "General Powers". To this section was added the power to own, operate, and service any automobiles or motorcycles used or needed by the county sheriff in the performance of the duties of that office. "The board of supervisors may also make such contracts with the employees of the sheriff's office who use automobiles in the performance of their duties in connection with the use of such automobiles as in their judgment shall be advantageous to the county."[59]

Another addition to this section empowers the board of supervisors to establish, publish, and enforce rules regulating and restricting the use of all county buildings and grounds. Any violation of such rules is declared a misdemeanor, punishable by a fine not to exceed one hundred dollars or imprisonment not to exceed thirty days.[60]

The next county officer to be dealt with was the county recorder. A fee of twenty-five cents for the recording of every marginal release (except those made by the clerk of the district court) was added to the fees which the county recorder may charge and collect.

With regard to the filing and indexing of conveyances, it was provided that as soon as a marginal assignment or

[58] *Acts of the Forty-third General Assembly,* Ch. 139.

[59] *Acts of the Forty-third General Assembly,* Ch. 140.

[60] *Acts of the Forty-third General Assembly,* Ch. 141.

release has been witnessed by the county recorder, the county recorder shall forthwith index the same just as though such assignment or release had been by a separate written instrument.[61]

The coroner is required by law to report to the clerk of the district court all cases which may call for the exercise of his jurisdiction, with the cause or mode of death, in accordance with forms furnished by the State Department of Health. Hereafter, he must also report to the State Bureau of Investigation all deaths coming within his jurisdiction due to accidental or violent means. These reports must be upon forms to be prescribed and furnished by the State Bureau of Investigation.[62]

In any county having within its limits a city with a population of forty thousand or over, the Code provides for a deputy auditor, a deputy treasurer, and a deputy clerk, and an assistant in each case, the salaries of which shall each be sixty-five per cent of the amount of the salary of the auditor, the treasurer, or the clerk as the case may be. Provision is also made for additional deputies in such counties, who shall receive fifty per cent of the amount of the salary of these respective officers. These provisions were extended so as to apply to any county having within its limits a city with a population of thirty-six thousand.[63]

The salary of the county recorder in counties having a population of between sixty-five and ninety thousand was raised from twenty-five to twenty-eight hundred dollars.[64]

A bill introduced by Senator Wilson of Polk County provided for a county budget system. The bill is stated in

[61] *Acts of the Forty-third General Assembly,* Ch. 142.

[62] *Code of 1927,* Sec. 5214; *Acts of the Forty-third General Assembly,* Ch. 143.

[63] *Acts of the Forty-third General Assembly,* Ch. 144.

[64] *Acts of the Forty-third General Assembly,* Ch. 145.

general terms, but is applicable only to counties having a population of one hundred twenty-five thousand or more. Since Polk County is the only one having a population so large, it is the only county to which the act applies. Each county officer in charge of any office or department shall, on or before December 31st of each year, prepare and submit to the county board of supervisors estimates of proposed expenditures for the following year. The board shall, not later than January 31st of each year, appropriate such amounts as shall be deemed necessary for the maintenance of the various departments for the current year. The board may appropriate a contingent fund to be spent for purposes which can not be anticipated at the beginning of the year, but this contingent fund together with other appropriations may not exceed the anticipated revenues. If the actual receipts to any county fund are larger than were anticipated, supplementary appropriations may be made, if it can be shown that a specific need exists. In case any office has exceeded or finds it necessary to exceed the amount of its appropriation in any particular account, the board of supervisors may authorize a transfer of funds from one or more of the appropriation accounts of said office. Transfers from one office or department to another are also authorized under certain conditions, provided that the funds transferred are derived from the same tax fund, and that the transfer does not violate existing statutes.[65]

Chapter 265 of the *Code of 1927* practically prohibits counties from building a courthouse, jail, or county home without submitting the question to the voters, since no such building can be erected at a cost of more than ten thousand dollars without the submission of the question to a vote. An exception is made, however, in the case where a courthouse has been destroyed by fire, and a sum of not less than

[65] *Acts of the Forty-third General Assembly,* Ch. 146.

one hundred thousand dollars has been donated for the erection of a new one. In such case, the board may use the sum for the construction of a courthouse without submitting the proposition to the voters, and in addition may appropriate from any of the general fund not otherwise appropriated a sum not exceeding one-half of the amount donated. The Forty-third General Assembly also authorized the board of supervisors in any county having a population of sixty-five thousand or over to make necessary additions to such courthouse, jail, or county home, if the funds are available in the general fund, unappropriated for other purposes, without additional tax levy, and without submitting the proposition to the voters of such county, provided the cost thereof does not exceed twenty-five thousand dollars.[66]

The Iowa law provides for the support of poor persons who are unable to earn a living by labor. In case the person has no relatives to support him, it is the duty of the county to bear the expense. Provision is made, however, that any county having expended any money for the support or relief of a poor person may recover the same from his relatives, from the poor person, should he become able, or from his estate. The Forty-third General Assembly made the homestead of such poor person liable for these expenditures when the person dies without leaving a surviving husband or wife, or minor children.[67]

Under Section 5334 of the *Code of 1927,* the board of supervisors might enter into contracts for furnishing medical or dental services required by the poor. Such contracts, however, had to be made with the lowest bidder. This section was amended so as to permit the board to enter into such contracts with any reputable and responsible per-

[66] *Acts of the Forty-third General Assembly,* Ch. 147.

[67] *Acts of the Forty-third General Assembly,* Ch. 148.

son licensed to practice medicine or dentistry in this State. All such contractors are required to give bonds in such sum as the board believes sufficient to secure the faithful performance of the contract.[68]

It is the duty of the board of supervisors of each county to provide suitable care for indigent persons suffering from tuberculosis. Formerly the board was required to allow from the poor fund of the county a sum not exceeding fifteen dollars per week for the support of each person. An act of the Forty-third General Assembly raised this maximum sum from fifteen to twenty dollars, but the allowance of the sum was made optional.[69]

Under the Iowa law no person may keep or operate a road-house without first procuring a license therefor from the township trustees. Until 1929, however, there was no definition by which the trustees might be guided in issuing such licenses. A road-house is now defined for the purpose of licensing as "any building or establishment open to the public and located on or accessible to a road or public highway, outside the limits of an incorporated town or city, where entertainment, prepared food, or drink is furnished to the public generally for hire, sale, or profit."[70]

Whenever funds have been raised by taxation in any county for the purpose of erecting and maintaining memorial buildings or monuments, and the funds are under the control of a commission as provided by law, and have remained unexpended for a period of five years, and there are no unpaid obligations, the commission may use such funds for the erection or purchase of one or more buildings, monuments, parks, or homes for duly incorporated American Legion posts of the county. If such a purchase is made

[68] *Acts of the Forty-third General Assembly,* Ch. 149.

[69] *Acts of the Forty-third General Assembly,* Ch. 150.

[70] *Acts of the Forty-third General Assembly,* Ch. 152.

the commission shall take the legion post's promissory obligation to repay the money thus expended. Funds not so disbursed shall be invested in securities and all interest accumulations shall become a part of the principal fund. All uninvested funds shall be kept on deposit with the county treasurer.[71]

Cities, towns, and townships are authorized by law to act as trustees in receiving and expending money donated or left by bequest for the purpose of caring for the property of the donor in any cemetery. This law was amended in such a way as to place a like responsibility upon counties. In case there is no cemetery association the income from the fund thus received by any county shall be expended under the direction of the county board of supervisors in accordance with the terms of the donation or bequest.[72]

Senator O. E. Gunderson of Forest City introduced a measure relative to the duty of the clerk of the district court in the cancellation of notes before recording. This law stipulates that unless otherwise directed by the court or judge, the clerk "shall not enter or spread upon the records of his office any judgment based upon any promissory note or notes or other written evidence of indebtedness, unless the note or notes or other written evidence of indebtedness are first delivered to the clerk."[73]

MUNICIPAL LEGISLATION

Section 5663 of the *Code of 1927* consists of sixteen subdivisions enumerating powers of city and town councils. Representative Howard A. Mathews of Des Moines County introduced a bill which added to this list the provision that cities under the commission form of government having a

[71] *Acts of the Forty-third General Assembly,* Ch. 277.

[72] *Acts of the Forty-third General Assembly,* Ch. 243.

[73] *Acts of the Forty-third General Assembly,* Ch. 239.

population of 20,000 to 30,000 inhabitants may provide uniforms and suitable equipment for the use of the members of the fire and police departments. This law is applicable only to Burlington, Fort Dodge, and Ottumwa — these being the only commission governed cities with a population such as is designated in the law.[74]

Chapter 36 of the *Code of 1927* sets forth the law governing the nominations by primary elections of candidates by political parties for all offices to be filled by a direct vote of the people in cities of the first class, and cities acting under a special charter having a population of over fifteen thousand, except all such cities as adopt a plan of government which specifically provides for a non-partisan primary election. An amendment to Section 639 of this chapter adds the provision that "In other cities, and in towns, candidates of a political party which at the last preceding general state election cast, in such city or town, for its candidate for governor at least two percent (2%) of the total vote cast in such city or town, may . . . . be nominated by a convention or caucus for city or town offices elective by the people."[75]

An amendment to Sections 5632 and 5633 of the Code, introduced by Samuel D. Whiting of Johnson County, provides that in all cities and towns the mayor, treasurer, and assessor shall be elected by the people and the clerk shall be appointed by the council. An auditor, solicitor, and engineer may be elected if it is so provided by ordinance, or they may be appointed by the council, but the appointment or election of these three officers is optional with the council. In cities of the first class where there is no municipal or superior court a police judge may also be appointed at the discretion of the council. By successive amendments, however, it was stipulated that this new law should not apply to commission governed cities, to cities under the manager plan by election or to cities and towns with a population of less than forty thousand. These restrictions virtually annul the law since there are but five cities in Iowa having a population in excess of forty thousand, and all of these except Davenport are specifically excluded by the restrictions mentioned. Davenport being a special charter city is not included since no reference is made to special charter cities.[76]

[74] *Code of 1927*, Sec. 5663; *Acts of the Forty-third General Assembly*, Ch. 163.

[75] *Code of 1927*, Sec. 1639; *Acts of the Forty-third General Assembly*, Ch. 158.

Cities and towns are authorized to restrain and prohibit the deposit and removal of offensive materials and substances and those engendering offensive odors and sights. As a further protection to the public this law was slightly amended so as to include "refuse" and "junk" among the offensive materials thus restricted.

Municipalities are also authorized to establish and regulate slaughterhouses, sanitary districts, and garbage disposal plants. A measure introduced by Representative Irving H. Knudson amended this section of the law so as to authorize the establishment and regulation of swimming pools and to allow the expenditure of public funds for the building or purchase of such municipal improvements.[77]

Immediately following a regular or special meeting of the city or town council, it is the duty of the clerk to prepare a condensed statement of the proceedings, including a list of claims allowed and from what funds appropriated, and to cause such statement to be published in one or more

[76] *Code of 1927*, Secs. 5632, 5633; *Acts of the Forty-third General Assembly*, Ch. 162.

[77] *Code of 1927*, Sec. 5744; *Acts of the Forty-third General Assembly*, Chs. 164, 165.

newspapers. The compensation allowed each newspaper for such publication was originally limited to one-third of the legal fee provided by statute for the publication of legal notices. A measure introduced by Senator Otto F. Lange of Dubuque increased this compensation from one-third to one-half of the statutory fee paid for the publication of legal notices.[78]

For the purpose of providing funds for the acquisition of necessary ground, and for purchasing, erecting, constructing, or reconstructing a memorial building or monument a county, city, or town may issue liberty memorial bonds. For the purpose of liquidating such bonds and interest the corporation may levy a special tax. Prior to 1929 the law provided that the bonds thus issued and the tax levy for the liquidation of such bonds should be for a period of time not to exceed fifty years. A new law, which was introduced in the Senate by the Code Revision Committee, provides that neither the bonds nor the levy for the liquidation of bonds shall run for more than twenty years.[79]

Chapter 114 of the *Code of 1927* deals with the registration of vital statistics, for which purpose the State is divided into registration districts. Every city and town constitutes a registration district, while outside of cities and towns the areas are based upon townships. Section 2389 of the *Code of 1927* provides that a local registrar of vital statistics shall be appointed by the county board of supervisors for every registration district in the county. By a measure introduced by Senator Bertel M. Stoddard this section was so amended as to permit the appointment of the local registrar to be made by the local board of health

[78] *Code of 1927*, Sec. 5723; *Acts of the Forty-third General Assembly*, Ch. 155.

[79] *Code of 1927*, Secs. 488, 489; *Acts of the Forty-third General Assembly*, Ch. 156.

in cities having a population of thirty-five thousand or more.[80]

Representative John Ryder of Dubuque introduced a measure which makes it possible for township trustees to coöperate with city and town officials in purchasing fire equipment to be used jointly by the township and the city or town. For the purpose of paying for such equipment the trustees may levy a tax of one mill when so authorized by a majority vote of the electors of the township. The proposition to levy such a tax may be submitted to a vote by the trustees on their own motion and must be so submitted upon a petition of twenty-five per cent of the electors.[81]

The Auditor of State is required to have the financial conditions and transactions of certain municipalities examined by the State examiner of accounts once each two years. Prior to 1929 this law was applicable only to cities having a population of three thousand or more. By virtue of a measure introduced by Representative John M. Bixler of Corning such examinations are now required in all cities having a population of two thousand or more.[82]

The State Highway Commission has jurisdiction, "subject to the approval of the council", to construct or improve a street or road which is a continuation of a primary road within the limits of certain cities or towns. The phrase "subject to the approval of the council" as herein used was construed by an act of the Forty-third General Assembly to authorize the council to act "only in its relation to municipal improvements" such as sewers, water

[80] *Code of 1927*, Sec. 2389; *Acts of the Forty-third General Assembly*, Ch. 67.

[81] *Acts of the Forty-third General Assembly*, Ch. 154.

[82] *Acts of the Forty-third General Assembly*, Ch. 157; *Code of 1927*, Sec. 113.

Among the general powers of cities and towns is the power to maintain a fire department and to levy a tax therefor. This is in the nature of a special tax, and varies in different cities. Formerly, commission governed cities with a population of over ninety thousand (Des Moines) could levy a tax of only three mills for that purpose, while other cities of over nine thousand could levy such a tax not to exceed seven mills. Now any city, regardless of the form of government, with a population of more than eight thousand may levy a tax for a fire department maintenance fund not exceeding ten mills; any city with a population of less than eight thousand, not exceeding five mills; and any town, not exceeding two mills. These levies may be used only to maintain a fire department, except that any city of less than three thousand and any town may also use such funds for the purchase of fire equipment.[89]

By another act of the recent session of the legislature, cities and towns are given the power, when authorized by a majority vote of the electors thereof, to own jointly with any other city, town, or township fire equipment or apparatus, and to pay out the tax as authorized by law for the purchase or maintenance of such equipment and services.[90]

Cities and towns situated on any natural or artificial navigable waterway within or bordering upon the State of Iowa are authorized to create a department of public docks which has jurisdiction and authority over that part of the streets and alleys and public grounds which abut upon or intersect such waters. According to the *Code of 1927* any improvements to such property must be paid for out of funds in the hands of the board, and not by assessments against abutting property. By a law enacted by the Forty-third General Assembly the city council may construct

[89] *Acts of the Forty-third General Assembly,* Ch. 188.

[90] *Acts of the Forty-third General Assembly,* Ch. 169.

street improvements or sewers on such streets and alleys and adjacent property and may assess the cost of such improvements or sewers to the real estate which is specifically benefitted thereby but not in excess of the benefits. The plans and specifications for such improvements must, however, be approved by the dock board.[91]

The dock board is also vested with exclusive government and control of the harbor and water front consistent with the laws of the United States governing navigation. This control includes the power to make reasonable rules and regulations governing the traffic thereon and the use thereof. No means of enforcing these rules and regulations was formerly provided, but an act introduced by Senator Otto F. Lange of Dubuque and Senator Clyde H. Topping of Burlington provides that obedience to such rules and regulations may be enforced in the name of the city or town by a fine not exceeding one hundred dollars or by imprisonment not exceeding thirty days, provided the council of such city or town shall first adopt the same as an ordinance of the municipality.[92]

Still another change was made in the law relative to the department of public docks. Formerly, only cities acting under the commission plan of government having a population of less than thirty thousand were authorized to levy an additional special tax on the taxable property of the municipality to defray the expenses of exercising the powers conferred by this chapter. This provision was amended so as to be applicable to all cities having a population of less than thirty thousand.[93]

Under a new provision of the Iowa law, cities and towns may grant franchises to bus and motor transportation lines

[91] *Acts of the Forty-third General Assembly,* Ch. 170.

[92] *Acts of the Forty-third General Assembly,* Ch. 171.

[93] *Acts of the Forty-third General Assembly,* Ch. 172.

authorizing them to operate motor busses on the streets and to carry passengers for hire similar to street railways. Such franchises may be granted to individuals or private corporations, but they may not be exclusive, nor may they extend over a period of more than ten years. In cities where a street railway is in operation the proposed franchise must first be offered to the owner of the existing railway. If he agrees within thirty days to accept the franchise, the question of granting it to him is submitted to the electorate. If he does not agree, the franchise may be offered to another, and again submitted to a vote.[94]

The above act, which provides for bus franchises and elections thereon, was amended by a later act, which provided that in cities where a street railway is in actual operation, no franchise may be granted unless the proposition receives a vote equal to at least forty per cent of the total number of voters voting at the last preceding general election.[95]

Two sections of the Code relative to assessments for permanent sidewalks were rewritten by an act which was introduced in the Senate by the Committee on Code Revision. Section 5963 of the *Code of 1927* provides that all objections to the cost of construction of permanent sidewalks, and all objections on account of errors, inequalities, or irregularities must be made in writing and filed with the city clerk prior to the date fixed for said assessment. All objections not so made will be deemed waived when fraud is not shown. Section 5964 formerly provided that if the owner of any lot or parcel of ground against which an assessment for permanent sidewalks is made should agree in writing that in consideration of having the right to pay his assessment in installments he would not make any objection of illegality

[94] *Acts of the Forty-third General Assembly,* Ch. 173.

[95] *Acts of the Forty-third General Assembly,* Chs. 173, 174.

or irregularity of such tax, and would pay the same with interest thereon, not exceeding six per cent, the tax should be payable in seven equal annual installments. This section was rewritten. Unless the owner files written objections to the legality or regularity of the assessment or levy of such tax within thirty days after the assessment, he is now deemed to waive objections on these grounds and shall have the right to pay said assessment with interest thereon in seven equal annual installments unless the amount is twenty-five dollars or less. The first of these installments matures and becomes payable on the date of the assessment, and the others, with interest on the whole amount unpaid, annually thereafter at the same time and in the same manner as the March semi-annual payment of ordinary taxes. If the aggregate of all the assessments against the property of any one owner is twenty-five dollars or less, such assessments must be paid in one installment.

Section 5965 which provided for payment in case the owner did not waive objections was stricken out, and in its place a substitute was enacted. This stipulates that each installment of such taxes with interest shall become delinquent on the first day of March next after its maturity, and shall bear the same rate of interest with the same penalties as ordinary taxes.[96]

Senator F. C. Gilchrist was the author of a bill containing several amendments to the law relative to street improvements, sewers, and special assessments. Section 5998 of the Code provides that the city council may, by a resolution, order the construction or reconstruction of a street improvement or sewer after a resolution of necessity has been approved. The next section stipulates the vote required for the passage of the "resolution" by the council, but it is not clear whether the resolution of necessity is

[96] *Acts of the Forty-third General Assembly,* Ch. 175.

meant, or the one making the order for improvement. One section of Senator Gilchrist's bill remedied this difficulty by placing the words "of necessity" after the word "resolution" where it appears in the section, thus preventing any misunderstanding.

When the construction or repair of any such street improvement or sewer is ordered, the council is authorized to contract for furnishing labor and material therefor. The act of the Forty-third General Assembly mentioned above provides that no work shall be performed under any such contract until "a properly signed contract and a duly executed and approved contractor's bond shall be filed in the office of the clerk." The amount of the bond which every contractor is required to give for the faithful performance of his contract was formerly left to the discretion of the city council. The law as amended requires that the amount of the bond shall be in a sum at least equal to the contract price.

The Code provides that if the owner of any lot subject to special assessment divides the same into two or more lots, he may discharge the lien upon any of them by payment of the amount unpaid calculated by the ratio of the area of such lot to the area of the whole. This provision was also amended, the stipulation being added that such a plan of division shall be accepted or approved by the city council before it becomes effective.

Cities and towns are authorized to anticipate the taxes levied for certain municipal purposes, and to issue bonds and certificates therefor. In addition to the taxes which all cities and towns may anticipate, first class cities may anticipate those used for the construction of main sewers. By an addition to this section, they may also anticipate the taxes used for the construction and maintenance of interception sewers and disposal works. This act contains also

a few other amendments, enacted for the purpose of clarifying the law.[97]

Before the council orders any street improvement or sewer construction, a plat must be made showing the extent and location of such improvement, the cost thereof, and the amount assessable against each property owner. Notice of the proposed changes must be published, and any objections must be filed within five days after the last publication of the notice. After the expiration of this period, the council may determine what changes, if any, should be made in the plans, and issue proposals for bids for the work. An addition to this law provides that when a remonstrance has been filed with the council, signed by sixty per cent of the property owners, and by the owners of seventy-five per cent of the property subject to assessment, a three-fourths vote of the council is required for the passage of a resolution ordering the construction.[98]

Special assessments for street improvements and sewers, when levied and certified, are payable at the office of the county treasurer thirty days after the date of such levy with interest at six per cent per annum. This interest formerely ran from the date of levy. In accordance with a measure introduced by the Committee on Cities and Towns in the Senate, this provision of the law was amended so as to provide that the interest shall not commence until the date of the acceptance of the work.[99]

The Code provides that unless objection is made to the legality of such special assessments the owner may pay them in installments, the first of which is payable thirty days from the date of such levy. This section was amended to provide that the total amount of the assessment, if less

[97] *Acts of the Forty-third General Assembly,* Ch. 179.

[98] *Acts of the Forty-third General Assembly,* Ch. 193.

[99] *Acts of the Forty-third General Assembly,* Ch. 180.

than ten dollars, shall be payable in one installment thirty days from the date of levy.[100]

By virtue of an act introduced by Senator Wilson of Polk County any commission governed city with a population of 125,000 or more — Des Moines — is empowered to organize any number of city employees into an advisory committee for the purpose of investigating and advising the council in the matter of street improvements and sewer construction and assessments. Certain of the city officers are named as members of the board. Provision is also made for the appointment of a valuation committee, the members of which must be persons skilled in the values of real estate in the city, whose qualifications will justify the receipt of their testimony by the district court. The powers and duties of this committee are set forth by the act.

The act sets forth in considerable detail the procedure for initiating certain public improvements to be paid for by special assessments. Notice must be published and an opportunity given for a public hearing on any proposed resolution of necessity, and any schedule of valuations and assessments. After final passage of the resolution of necessity, the schedule of real estate valuations and special assessments must be approved by the district court before the performance of the work. If no objections are filed, the court must immediately confirm the assessment; and upon the receipt of the certified court order, the council must pass a resolution ordering the work done. In the event of objections, distinct and detailed procedure is prescribed for the confirmation of the acts of the council by the court. Corrections of assessments or valuations made by the court are conclusive, subject only to appeal or review as provided by the act.

[100] *Code of 1927,* Sec. 6033; *Acts of the Forty-third General Assembly,* Ch. 181.

Other sections of the act provide for re-assessment in certain cases, rebates, forfeitures, the issuance of bonds, and liens for special assessments.[101]

Senate File No. 311, the only bill introduced by the Senate Committee on Public Utilities which was passed, provides that street railways operating upon the streets, avenues, or public places of cities and towns are required to furnish a suitable foundation for the track of a width equal to their ties. They shall also be assessed for the construction and reconstruction of paving between the rails and for one foot outside each rail thereof in the amount that the cost of such pavement per yard exceeds the cost per yard of the remainder of the paving on such street. Under the old law they paid the entire cost of this paving. Separate bids shall be taken in case of single track upon that portion of the street between the rails and one foot outside of each rail, and in the case of double track, upon the entire portion of the street between lines one foot outside of the outer rail of each. The railroad company may bid upon this portion of the pavement, and, if the lowest bidder, shall be awarded the contract. The remaining cost of such improvement shall be divided equally among the railroad, the abutting property owners, and the city. All repairs and maintenance of this area made necessary by the operation of the street railway must be made by the railway company. If not made, the city may make the repairs and assess the cost thereof to the company.[102]

Cities were formerly authorized to improve the streets by paving, graveling, and macadamizing. By an act of the recent session of the legislature the "use of shale or other surfacing material" was also authorized.[103]

[101] *Acts of the Forty-third General Assembly,* Ch. 194.

[102] *Acts of the Forty-third General Assembly,* Ch. 182.

[103] *Acts of the Forty-third General Assembly,* Ch. 176.

By another provision of the Code, cities are empowered "to condemn, in the manner provided for the condemnation of land for their needs, right of way through private property to and along ravines and natural watercourses sufficient for the construction and maintenance of sewers." The words "to and along ravines and natural watercourses" were stricken from this section by an act of the Forty-third General Assembly.[104]

In addition to other powers, cities having a population of less than forty-seven thousand are authorized to assess the whole or a part of the cost of construction of any main sewer system against the property benefited thereby. A bill was introduced by Senator G. A. Wilson of Polk County which, if passed as introduced, would have given all cities the power to assess the cost of sewer construction against the benefited property. The bill was amended in passage, however, and as finally passed, the act confers the power only upon cities having a population in excess of one-hundred and twenty-five thousand, in addition to the cities under forty-seven thousand as provided by the former law.[105]

An act of the Thirty-eighth General Assembly, which practically constitutes Chapter 314 of the *Code of 1927* conferred upon cities having a population exceeding one hundred thousand the power to "own, construct, erect, establish, acquire, purchase, maintain, and operate" a waterworks within and not more than ten miles beyond their corporate limits. Before the waterworks can be purchased, constructed, leased, or sold, the action must be approved by a majority of those voting thereon. And such waterworks may not be leased for a period longer than twenty-five years. The chapter also sets out in considerable detail the regulations in regard to the tax levy, bond issue, sinking fund, organization and duties of the board of waterworks trustees, determination of rates, and exertion of political influence. While the provisions of this chapter are couched in general terms, the language is so specific that Des Moines is the only city to which it can apply. By an act of the Forty-third General Assembly, this chapter, ten years after its initiation, was extended so as to be applicable to cities now or hereafter having a population of fifty thousand inhabitants or over, including cities acting under special charter.[106] This law was apparently intended for the benefit of Davenport.

[104] *Acts of the Forty-third General Assembly,* Ch. 178.

[105] *Acts of the Forty-third General Assembly,* Ch. 177.

The books and records of the board of waterworks trustees were formerly audited in the same manner as other city accounts. Hereafter they must be audited at least once a year by a public accountant selected by the council, and a copy of such audit must be filed with the Auditor of State.[107]

The scope of Chapter 314-a1 of the Code, dealing with the extension of water mains, was also altered. This chapter was formerly limited in its application, since it did not apply to cities operating a waterworks under Chapter 314, nor to cities having a population of thirty-five thousand or more acting under the city manager plan of government, nor to cities having a population of seventy thousand or more acting under the commission plan. These last two restrictions were removed by two successive acts of the Forty-third General Assembly, so that now the only cities to which the chapter may not apply are those operating a waterworks under Chapter 314.[108]

[106] *Acts of the Thirty-eighth General Assembly,* Ch. 288; *Acts of the Forty-third General Assembly,* Ch. 184.

[107] *Acts of the Forty-third General Assembly,* Ch. 185.

[108] *Acts of the Forty-third General Assembly,* Chs. 186, 187 (4).

Some other changes were made in the law with regard to the extension of water mains. The section providing for petitions for such extensions was rewritten. The new section reads as follows: "Such extensions and the assessments for the cost thereof, may be ordered only when such extensions have been petitioned for by at least seventy-five per cent of the owners of property subject to such assessment who are residents of the city wherein the petition is presented."

The section providing for the order of the council for such extensions was also rewritten. Before final action may be taken, hereafter, the council must approve a resolution of necessity. An opportunity is furnished to the persons subject to the assessment to object to the resolution if they so elect. If any objections are made, final action may not be taken by the council until the board of waterworks trustees is given an opportunity to appear before the council in support of its approval of the petition. If the resolution is adopted by the council, the extension is made as provided by the chapter.

Provision was formerly made that the owners of property so assessed should be rebated annually from the water dues until the amount of the rebate should equal the amount of the assessment. This was amended to the effect that cities may provide by ordinance, after the approval of the same by the board of waterworks trustees, that the owners of such property shall be rebated annually at the rate of ten per cent of the assessment and interest from water dues payable, until the amount of rebates equals the amount of the assessment and interest paid. The adoption of such an ordinance was made compulsory in cities having a population in excess of seventy-five thousand.[109]

An act applicable only to Muscatine empowers the mayor

[109] *Acts of the Forty-third General Assembly,* Ch. 187.

in special charter cities having a population of less than twenty-five thousand, owning two or more public utility plants and works, to appoint a "coördinated board of trustees" to manage, operate, extend, and control such plants in accordance with certain designated chapters of the Code. This board, which replaces the existing one, is composed of five resident electors, appointed by the mayor for a term of five years. Provision is also made for the compensation of members of the board, their removal, filling vacancies, and defining their powers and duties.[110]

In order to facilitate the transfer of surplus earnings of public utilities, a bill was passed by the Forty-second General Assembly in 1927 which provided that where waterworks, gas works, heating plants, or electric plants have been erected or purchased by any city or town, and the original purchase bonds or the bonds for improvement have been paid, and if there is no indebtedness against such utility the city may, with the approval of the Director of the Budget, transfer surplus earnings of the utility to other municipal funds. The Forty-third General Assembly amended this law by providing that in all cities having a population of less than five thousand and in all towns the transfer of funds may be made without the approval of the Budget Director, by a three-fourths vote of all the members of the council, on condition that the amount transferred in any one fiscal year does not exceed fifty per cent of the surplus in that fund at the beginning of that fiscal year.[111]

In commission governed cities having a population under thirty thousand any city property which, in the opinion of the council, will not be needed for municipal purposes for twenty years, may be leased for such industrial purposes as the council shall deem for the public benefit, but before

[110] *Acts of the Forty-third General Assembly,* Ch. 192.

[111] *Acts of the Forty-third General Assembly,* Ch. 183.

any such lease shall be made for a longer period than one year, a notice of the contemplated lease must be published. If ten per cent of those voting at the last general or city election object, a hearing must be held and if the objection is sustained such lease shall not be executed. If the objection is overruled, an appeal may be taken to the district court. This law was also made applicable to cities having a population in excess of twenty thousand, governed by the city manager plan — Dubuque and Mason City.[112]

A statute formerly provided that in cities organized under the commission plan of government, the council should print each month a statement of receipts and expenditures, and a summary of its proceedings during the preceding month, and furnish printed copies thereof to the State Library, the city library, the newspapers published in the city, and to such persons as should apply for them. An amendment to this section provides that in such cities of less than fifty thousand, itemized statements of all receipts and disbursements shall be published quarterly, and a summary of proceedings immediately after each regular or special meeting. Such publications are to be made in one or more newspapers of general circulation in the city. No change was made in the law with regard to such statements in cities having a population of more than fifty thousand.[113]

Section 5669 of the Code fixes the compensation of assessors and deputies in towns, cities of the first and second class, and cities acting under the commission plan having a population of more than forty-five thousand. By an amendment to this section which is in reality a piece of special legislation although stated in general terms, the Forty-third General Assembly provided for the appointment of

[112] *Acts of the Forty-third General Assembly,* Ch. 190.

[113] *Acts of the Forty-third General Assembly,* Ch. 191.

six full time deputies by the assessor in any commission governed city of 125,000 population or more — Des Moines. The compensation of the city assessor and such deputies is to be fixed by the city council and the board of supervisors, and is payable by the county from its general fund.[114]

An act was passed authorizing any city or town to acquire any bridge by purchase, condemnation, bargain and sale, lease, sub-lease, gift, construction, or otherwise. The powers set out in this act may be exercised by the governing body of the city or any committee thereof, or by a special commission to be appointed by the mayor for that purpose.

If the bridge is to be built across a stream which forms a boundary between the State of Iowa and an adjoining State, such authority as may be necessary must be first procured from such State or from the United States. Any power granted in this act may be exercised by the city independently, or in coöperation with another city or county in the State of Iowa or an adjoining State, or with such States, or with the Federal government. A city acquiring a bridge under the provisions of this act may convey the same to the State of Iowa, or an adjoining State, or the United States in case any of them should agree to maintain and operate it as a free public bridge at their expense. Cities may also grant or assign the rights connected with such bridges, subject to conditions set forth in this act.

The issuance of various kinds of bonds for the purposes of this act is authorized and the manner of issuance prescribed. Certain conditions are placed on the bond issues, and they are protected by restrictions as to changes in the rights and powers granted in the act and limitations on competing bridges. The method and extent of collecting toll is also provided.

The act provides for the appointment of the bridge com-

[114] *Acts of the Forty-third General Assembly,* Ch. 151.

mission mentioned above. The powers of this commission, including the acquisition of property by condemnation or purchase, the removal of obstructions, the payment of damages, and the restoration of public works damaged in bridge construction, are granted to the governing body of the city as well as to the commission. However, the city may grant them exclusively to the commission if it seems advisable to do so.[115]

In a case contested by the Rock Island Railroad, Chapter 24 of the *Code of 1927,* designated as the "Local Budget Law", was held to violate Article III, Section 29, of the Constitution of Iowa, in so far as it provided for an emergency fund which municipalities are authorized to include in their estimates for budget purposes with power to levy a tax to create such a fund. The decision was based on the fact that no suggestion of such a fund or levy therefor was contained in the title of the act. This section was repealed by the Forty-third General Assembly and a substitute was enacted in its place. The new section provides more in detail than the old one for a tax levy to constitute such an emergency fund. It also provides for the transfer of money from the emergency fund to any other fund of the municipality for the purpose of meeting deficiencies.[116]

SCHOOL LEGISLATION

An act raising the normal training requirements for applicants for teachers certificates was passed by the Forty-third General Assembly. In addition to the former requirements, an applicant is now required to have completed an approved four year high school course or its equivalent,

[115] *Acts of the Forty-third General Assembly,* Ch. 195.

[116] *Acts of the Forty-third General Assembly,* Ch. 197; Chicago Rock Island and Pacific Railroad Co. *v.* Streepy, 224 N. W. 41; *Code of 1927,* Secs, 368, 373.

and the twelve weeks of normal training must now be approved by the State Board of Educational Examiners.[117]

The Forty-third General Assembly likewise enacted into law a measure relating to the education of Indian children. This law vests in the county board of education or a school board in a county in which an Indian reservation is located, power to enter into a contract with the United States government to operate and maintain a public school or schools for the purpose of educating Indian children. This law although general in form is in fact applicable only to the schools of Tama County.[118]

A measure was passed amending the law relating to the acceptance of gifts for the State educational institutions, and the investment of the money derived therefrom. The finance committee of the State Board of Education, subject to certain regulations, is authorized to loan funds belonging to educational institutions. The amendment stipulates that any gift accepted by the Iowa State Board of Education for the use and benefit of any institution under its control may be invested in securities designated by the donor, but when such gifts are accepted and the money invested in accordance with such request, neither the State, the Board of Education, the finance committee, nor any member thereof shall be liable for a loss resulting from such investment.[119]

Two changes were made in the method of procedure by which a county high school may be abolished. The question was formerly submitted to the electors of the county at the time of the general election or at a special election, upon a petition signed by twenty-five per cent of the voters in the county at the last general election. Under the present

[117] *Acts of the Forty-third General Assembly,* Ch. 96.

[118] *Acts of the Forty-third General Assembly,* Ch. 97.

[119] *Acts of the Forty-third General Assembly,* Ch. 98.

law such a petition must be signed by five hundred voters of the county. A second change in this law was made by striking out the provision that Chapter 278 of the Code shall apply and govern in the matter of presenting petitions and remonstrances relative to the abolition of county high schools.[120]

Sections 4129, 4130, and 4151 of the *Code of 1927* were changed with respect to the date when the formation and the division of school townships become effective. Formerly a formation or change in boundary took effect on the first Monday in March after such change had been voted and the necessary additional directors were elected at this time. This date has been changed to the second Monday in March to conform with the date of the regular school election.[121]

Subject to certain regulations a child may attend a school in a corporation adjoining the one of his residence, and his tuition must be paid by the board of the district of his residence. If such tuition fee is not paid, either because of refusal or neglect, the board of the creditor corporation is authorized to file a certified account thereof with the auditor of the county where the child resides. Under the new provision of the law, the auditor shall then "transmit to the county treasurer an order directing him to transfer the amount of such account from the funds of the debtor corporation to the creditor corporation, who shall pay the same accordingly".[122]

The *Code of 1927* provides for detaching territory from one school corporation and attaching it to an adjoining one if the children of such territory, because of natural obstacles can not with reasonable facility attend the school of their own district. This section of the Code was amended by

120 *Acts of the Forty-third General Assembly,* Ch. 99.

121 *Acts of the Forty-third General Assembly,* Ch. 101.

122 *Acts of the Forty-third General Assembly,* Ch. 105.

providing that, in an independent district not consolidated, consisting of an incorporated town and four or more sections of land outside the corporation limits, the county superintendent may, upon a petition signed by two-thirds of the electors of a territory, detach such territory from the independent district and attach it to an adjoining district as designated in the petition. In case the adjoining district will not receive such detached territory the county superintendent shall organize such territory into a rural independent school district.[123]

The law provides that a school board shall audit and allow all just claims against the school corporation and no order shall be drawn upon the treasury until the claim therefor has been audited and allowed. Prior to 1929 there was likewise a provision that the board should present "at each regular meeting of the electors" a full statement of receipts and expenditures. Since there is no regular meeting of electors under the present organization, this provision was repealed.[124]

School boards are required to meet annually on the first secular day in July to examine the books and settle with the secretary and treasurer of the school corporation for the year ending on June thirtieth preceeding. The Forty-third General Assembly added the provision that the treasurer at the time of such settlement "shall furnish the board with a sworn statement from each depository showing the balance then on deposit in such depository."[125]

Representative Harry M. Greene of Avoca was the author of a measure relating to school attendance and the payment of tuition in certain specific cases. This act is phrased in

123 *Acts of the Forty-third General Assembly,* Ch. 102.

124 *Code of 1927,* Sec. 4239-a2; *Acts of the Forty-third General Assembly,* Ch. 103.

125 *Acts of the Forty-third General Assembly,* Ch. 104.

general terms but is in fact applicable only to a school district or portion thereof which does not maintain a high school and is severed from the balance of the State or the school district by a navigable stream. Any person under twenty-one years of age residing in such a district may, with the consent of the school board of his residence district, attend any high school in any adjoining State willing to admit him, if such a high school is nearer to his place of residence than any high school in Iowa. The tuition charged by the district thus attended shall be paid by the school district in which the pupil resides. The person attending high school in another State under this law shall, however, continue to be treated as a pupil of the district of his residence in the apportionment of the current school fund and the payment of State aid.[126]

The Code provides for the establishment and maintenance of part time schools in an independent school district wholly or in part in a city having a population of twelve thousand or over in which there are fifteen or more children from fourteen to sixteen years of age who are not in regular attendance in a full-time day school. An act passed by the Forty-third General Assembly specified that in figuring the number of such children, high school graduates should not be counted.[127]

Formerly no schoolhouse could be erected at a cost exceeding three hundred dollars save upon proposals therefor invited by advertisements for four weeks in some newspaper in the county. By a new provision added to the law by the Forty-third General Assembly before any one-room schoolhouse shall be erected or repaired at a cost exceeding five hundred dollars, or any schoolhouse containing more than one room at a cost exceeding one thousand dollars, proposals therefor must be invited by advertisement published once each week for two consecutive weeks. Provision is made, however, that a contract for an emergency repair costing more than one thousand dollars may be let by the board without advertising for bids if the county superintendent certifies that such repairs are necessary to avoid closing the school.[128]

[126] *Acts of the Forty-third General Assembly,* Ch. 106.

[127] *Acts of the Forty-third General Assembly,* Ch. 108.

The law provides for the compulsory school attendance of blind or deaf children between seven and nineteen years of age. The enforcement of this law was formerly vested in the district court, but action may now be had in the juvenile court as well.[129]

A measure with respect to the making of a school survey and the securing of data relative to mentally and physically handicapped children of school age was passed by the Forty-third General Assembly. Under this new law, the Superintendent of Public Instruction is authorized to employ a statistician and appoint a committee to aid in making the survey. This is to be "a research study embracing the administration, supervision, and the instruction of the public school system and the costs thereof with data to show the financial ability of the various districts to meet such costs and to secure data as to the types and number of each type of handicapped children of school age in the state." An appropriation of eight thousand dollars was made to defray the expense of such a survey.[130]

An act was passed which provided that the State shall contribute to the support of public schools in a school district, not located within the limits of any city or town, in which the State owns agricultural lands. The amount of

[128] *Code of 1927,* Sec. 4370; *Acts of the Forty-third General Assembly,* Ch. 111.

[129] *Acts of the Forty-third General Assembly,* Ch. 112.

[130] *Acts of the Forty-third General Assembly,* Ch. 114.

aid thus given is computed and certified by the board of supervisors of the county containing such lands "on the basis of the proportion that the average assessable value of the total number of acres owned by the State in such school district bears to the average assessable value of the total number of acres in said district."

The board of supervisors in making this estimate shall deduct from the total amount estimated for such district the amount which the State is to contribute and shall fix a levy sufficient to raise the remaining funds necessary for the district. If the State has paid any tuition for the children of appointees or employees of the governing body in charge of such land, this amount shall be deducted from the amount certified or provided in this law.[131]

The Committee on Code Revision in the Senate introduced a measure which resulted in the passage of a law, consisting of thirty-six sections, to revise and recodify the school election laws. The purpose of this act was to clarify the law, place but one subject in a section, and embody in that section all of the provisions that relate to that subject.

In precincts in which registration is not required, which are composed in whole or in part of cities, towns, or in consolidated school districts, the law provided that the polls at school elections should be open from twelve, noon, until seven o'clock in the evening. This law has been amended by providing that in districts where the board has combined voting precincts the board may order the polls to open at seven A. M. and close at seven P. M. Other changes of a minor character were made, but the chief significance of the recodification lies in the fact that the law is now more concise and uniform than before.[132]

[131] *Acts of the Forty-third General Assembly,* Ch. 115.

[132] *Code of 1927,* Chs. 211, 211-b1; *Acts of the Forty-third General Assembly,* Ch. 100.

The law with regard to the education of children of State and Federal employees was revised and recodified by the Forty-third General Assembly. The present law provides that when the children of the appointees or employees of the board or governing body of any institution reside in such institution but attend school in the school district in which such institution is situated or in any nearby district, "the state shall pay to the school corporation which conducts such school the tuition for said children to the extent that said tuition exceeds any sum which said corporation may have received during the school year from the semi-annual apportionments derived from the permanent and temporary school funds, less the amount of school taxes paid to said district by the parent or guardian of said child." The law provides, however, that the tuition thus paid shall not exceed the average cost of tuition per week for the school the pupil attends.[133]

A slight amendment was made in the law restricting the expenditure of State aid funds given to standard schools. Such funds are now spent only "with the approval of the county superintendent", for the purpose of making improvements and in purchasing necessary apparatus for the school.[134]

The *Code of 1927* provides for the establishment of a pension and annuity retirement system for the public school teachers of any independent school district having a population of seventy-five thousand or more. The system was extended by the Forty-third General Assembly to districts located wholly or in part within cities having a population of twenty-five thousand one hundred or more, provided it

[133] *Code of 1927,* Ch. 215-b1; *Acts of the Forty-third General Assembly,* Ch. 107.

[134] *Code of 1927,* Sec. 4335; *Acts of the Forty-third General Assembly,* Ch. 109.

be ratified by a vote of the people of the district at a general election. A further provision of the law stipulates that such approval by the electors shall not be necessary in cities having a population in excess of seventy-five thousand.[135]

SOCIAL LEGISLATION

Three measures were passed by the Forty-third General Assembly dealing with the subject of workmen's compensation. The law provides that employers, coming under the provisions of the workmen's compensation law, by filing with the Insurance Commission satisfactory proof of solvency and ability to pay the compensation provided for by law, may thereby be relieved of carrying insurance. This law was amended so that an employer, who has more than five persons working for him in hazardous employment and who has failed to secure the payment of compensation by carrying insurance, is required to furnish a bond, approved by the Iowa Industrial Commission, to insure payment of compensation to persons who may be injured. The act makes it compulsory that every such employer keep posted a notice stating the form of security furnished; and it is the duty of each factory and mine inspector to report to the commission any employer in his district who has failed to comply with the provisions of the law. Continued violation of the provisions of the act will result in a decree in equity for an injunction, the violation of which will be regarded and punished as contempt of court.[136]

The Code provides for a board of arbitration to serve in case the employer and employee fail to reach an agreement in regard to compensation. The findings of this board are

[135] *Code of 1927*, Sec. 4345; *Acts of the Forty-third General Assembly*, Ch. 110.

[136] *Code of 1927*, Sec. 1477; *Acts of the Forty-third General Assembly*, Ch. 48.

subject to review on the petition of either party. Formerly all petitions for review were heard at the seat of government unless the parties agreed otherwise. This is still true of petitions for review of the decisions and findings of a board of arbitration, but an amendment passed by the Forty-third General Assembly provides that "all petitions for review of payments and settlements shall be heard in the county where the injury occurred, provided, however, with the approval of the industrial commission, the parties interested may agree upon another place of hearing."[137]

In addition to other compensation an employer under the workmen's compensation law may be required to furnish surgical, medical, and hospital service to the extent of one hundred dollars, and in exceptional cases, when the Industrial Commission so orders the employer may be called upon to furnish additional medical service. Formerly the cost of this additional service was limited to one hundred dollars, but this limit has been raised to two hundred dollars.[138]

Section 3618 of the Code defines the term "dependent" or "neglected" child. This definition includes any child who is destitute, homeless, or abandoned; any child who is dependent upon the public for support, including one who habitually begs; and one who, if under 10 years of age, gives public entertainments for his support; and any child who lives in a house of ill fame, or in any home or surroundings unfit for such child. To this list was added a child who "is living in a home wherein because of carelessness or neglect of a person or persons having a transmissable disease of a serious nature as determined by the local board

[137] *Code of 1927*, Sec. 1460; *Acts of the Forty-third General Assembly*, Ch. 46.

[138] *Code of 1927*, Sec. 1387; *Acts of the Forty-third General Assembly*, Ch. 47.

of health, local health officers, or the state department of health, the health of said child may be in danger.''[139]

The law declares that it shall be unlawful to encourage any child under eighteen years of age to commit any act of delinquency; to send or cause to be sent any such child to a house of prostitution or to a place where intoxicating liquors are unlawfully sold; to knowingly encourage such a child to violate the State law or city ordinance; or to encourage it to be guilty of any vicious or immoral conduct. In accordance with a recent amendment to this law it is unlawful to ''knowingly contribute to the dependency of a child''. The term ''dependency'' as here used is defined in the law, and other minor revisions are made relative to the penalty for encouraging dependency among children.[140]

The *Code of 1927* in defining children's boarding homes includes only those places in which children under the age of three years are received and cared for. The law has now been amended to include all such places where children under the age of fourteen years are received.[141]

The Iowa law provides for county aid to the widowed mothers of dependent or neglected children and the board of supervisors shall cause the amount to be paid from the county treasury. A subsection provides for the levy of a tax in certain counties to meet the expenses of such aid. Formerly only counties having a population of one hundred and forty thousand or over could levy such a tax, and since Polk County is the only one having a population so large, it was the only one to which the provision applied. The legislature in 1929 extended the authority to levy a tax for

[139] *Acts of the Forty-third General Assembly*, Ch. 89.

[140] *Code of 1927*, Secs. 3658-3661; *Acts of the Forty-third General Assembly*, Ch. 90.

[141] *Code of 1927*, Sec. 3661-a43; *Acts of the Forty-third General Assembly*, Ch. 91.

widowed mothers' pensions to counties having a population of eighty thousand or over.[142]

The Forty-third General Assembly enacted a compulsory sterilization law. Administration of the law is placed under a State Board of Eugenics, consisting of the Medical Director of the Psychopathic Hospital at Iowa City, the Commissioner of Public Health, and the superintendents of seven specified State institutions. Each member of the board and the wardens of the penitentiary and the reformatory will make quarterly reports of the names of persons whom they know to be feeble-minded, insane, syphilitic, habitual criminals, moral degenerates, or sexual perverts, or any who are a menace to society. Notice must be served within ten days upon any person whose name is reported to the board. Such person has a right to a hearing and representation by counsel before an order for his sterilization can be ordered by a majority of the members of the board. When an order for sterilization is made, consent of the person or of his guardian must be obtained. In absence of consent, the order will be taken to the district court for review and judgment. Either party in such trial has the same rights as in any civil action, including the right of appeal to the Supreme Court. If the order of the board is affirmed by the court, the person is to be placed in custody of the sheriff, and held, or released under bail, until the time for the operation to be performed. The purpose of this law is to secure a ''betterment of the physical, mental, or neural condition of the person, to protect society from the acts of such person, or from the menace of procreation by such person, and not in any manner as a punitive measure''.

A law which was somewhat similar was enacted by the Thirty-fourth General Assembly and rewritten by the

[142] *Code of 1927*, Sec. 3641-b1; *Acts of the Forty-third General Assembly*, Ch. 92.

Thirty-fifth. This law, however, was held unconstitutional in 1914 in the case of Davis *v.* Berry et al because of a provision for the compulsory sterilization of criminals twice convicted of felony. This provision was held to be unconstitutional as an infliction of cruel and unusual punishment for a past offense by legislative act and without a trial. In the new law these features have been eliminated.[143]

Four measures were passed relative to the manufacture, sale, and use of intoxicating liquor. Section 13417-b1 of the *Code of 1927* provides for the taking of finger prints of certain persons held for violation of the criminal law of the State. This section was amended by the Forty-third General Assembly so as to include persons held for the manufacture of intoxicating liquor and for the operation of a motor vehicle while intoxicated. The amendment also provides for the taking of the palm prints of all such persons. The law as originally stated provided for the destruction of the finger prints in case the person held was not convicted. It is significant to note that no similar provision was included in the amendment for the destruction of palm prints.[144]

A new law provides that when any physician or pharmacist, licensed under the laws of this State is convicted of violating the Federal statutes or regulations relating to intoxicating liquor or to narcotics, and a final judgment has been rendered against him, his license to practice his profession in this State shall be suspended for a period of from one to five years.[145]

Changes were made in the law relative to the disposal of

[143] *Code of 1927*, Secs. 3361-3365; *Acts of the Forty-third General Assembly*, Ch. 66; *The Des Moines Register*, April 10, 1929; *Acts of the Thirty-fourth General Assembly*, Ch. 129; *Acts of the Thirty-fifth General Assembly*, Ch. 187; Davis *v.* Berry et al, 216 Federal Reporter 413.

[144] *Acts of the Forty-third General Assembly*, Ch. 61.

[145] *Acts of the Forty-third General Assembly*, Ch. 62.

conveyances seized in the transportation of intoxicating liquor. The law with respect to allowable claims or liens against such conveyances was simplified. The provision now reads: "On the hearing the court shall determine whether any claim or lien shall be allowed. If allowed, he shall enter an order fixing therein the amount of all such claims or liens allowed, and shall enter such further order for the protection of the claimants or lienholders as the evidence may warrant."

Another part of the same act provides for the requisition of automobiles by the department of justice within ten days after notice of forfeiture has been received. If not requisitioned within ten days, the conveyance will be sold by the sheriff as provided by law. Provision is made whereby any department of the State or any county board of supervisors needing an auto for official use may acquire the same by proper application to the department of justice.[146]

Wholesale drug corporations may be granted permits to purchase and sell intoxicating liquors for certain specified purposes under certain conditions. Formerly a permit could not be obtained if the corporation or any person financially interested therein had been convicted of any violation of the laws relating to intoxicating liquors. This provision was repealed and a substitute enacted, which provides that before a permit can be obtained, an applicant must show "that neither the applicant nor any member of the firm or officers of the corporation has been convicted of any violation of the laws of the state with reference to the sale of intoxicating liquors within the three years last passed".[147]

The adult blind of the State who are in need of financial

[146] *Acts of the Forty-third General Assembly*, Ch. 60.

[147] *Code of 1927*, Sec. 2131; *Acts of the Forty-third General Assembly*, Ch. 63.

assistance are given aid from county funds. Any blind person of the prescribed age, who meets the designated residence requirements, is not in charge of a charitable institution, and has an income of less than three hundred dollars per year, may upon proper application receive aid to the extent of three hundred dollars a year from the county board of supervisors. Aid thus given to the blind was formerly payable quarterly. Under the law as recently revised it is payable each month.[148]

The prison labor act passed by the extra session of the Fortieth General Assembly in 1924 applied to certain contracts between the Board of Control and New York and Chicago firms for prison labor on shirts at the State Penitentiary at Fort Madison, and on aprons at the Men's Reformatory at Anamosa. Under the law these contracts expired on July 1, 1927. A bill was introduced by the Forty-second General Assembly in 1927 which, in its original form provided for striking from the Code provision the clause "but such contracts shall not extend beyond July 1, 1927." After a parliamentary tangle, an amendment was finally adopted extending the period from July 1, 1927, to July 1, 1929. The Forty-third General Assembly passed a measure which struck from the Code provision the clause "but such contracts shall not extend beyond July 1, 1929." If this bill had not passed, it would have meant that the Board of Control would have been limited in the future to use prison labor only on supplies used by the State or its subdivisions.[149]

A marriage may be annulled under the Iowa law if either party had a husband or wife living at the time of the marriage. This rule is restricted by the provision that there

[148] *Acts of the Forty-third General Assembly,* Ch. 113.

[149] *Acts of the Forty-third General Assembly,* Ch. 87; *The Iowa Journal of History and Politics,* Vol. XXV, pp. 517-519.

can be no annulment if the parties, with a knowledge of the facts, lived and cohabited together after the death of the former spouse of such party. This law has been amended to prohibit annulment in case the parties cohabited after the "death or divorce" of such former spouse.[150]

The guardianship of incompetent veterans and of minor children of disabled or deceased veterans was the subject of an act, known as the "Uniform Veterans' Guardianship Act". It provides the manner of appointment, when the Director of the United States Veterans' Bureau requires that a guardian be appointed prior to the payment of any money payable through the bureau. A petition for the appointment of a guardian, stating that the ward has been declared incompetent and entitled to receive moneys through the bureau, must be filed in the district court of the county of which the ward is an inhabitant. Every guardian who receives on the account of his ward any moneys from the bureau is required to file with the district court a full, true, and accurate account of the moneys received by him, the amount disbursed, and the balance still in his hands. Failure to file such an account within thirty days after due is ground for removal, and every guardian is required to file a bond for the faithful discharge of his duties. The compensation of any guardian may not exceed five per cent of the income of the ward during any year. Guardians are required to invest the funds of the estate under the order of the court in securities in which the guardian has no interest, and no guardian may apply any portion of the estate of his ward for the support of any other person, except upon the order of the court after a hearing.[151]

[150] *Code of 1927,* Sec. 10486; *Acts of the Forty-third General Assembly,* Ch. 248.

[151] *Acts of the Forty-third General Assembly,* Ch. 214.

FISH AND GAME

Four measures were passed relative to the protection of fish and game. One of these authorized the State Game Warden to set aside certain portions of any State waters for spawning grounds for such length of time as he may deem advisable, and to mark such places with proper notices. It was made unlawful for any person to fish in such streams or to interfere with the spawning of fish in this area.[152]

Another act consisting of thirty-five sections amended or repealed various sections of the *Code of 1927* dealing with the propagation and protection of fish, game, wild birds, and animals. Seven of the sections of this act amended certain sections of the Code so as to include the protection of fur-bearing animals. Provision was made that no person shall trap any fur-bearing animals without first procuring a trapping license. The fees for such license shall be: for persons who are citizens and residents of the State, for trapping fur-bearing animals with not more than ten traps, one dollar, and for more than ten traps, ten dollars, provided that no person shall use more than thirty-five traps. The fee for non-residents or resident aliens is fifteen dollars.

All male persons over eighteen years of age were formerly required to have a license to fish in any "stocked meandered lakes of the state". This stipulation has been extended, so that now, no such person shall fish "in any state water without first procuring a fishing license, except that no license is required to fish in unstocked streams.

The new law makes it a misdemeanor to injure or capture any deer except when distrained by law. Elk and goat were formerly included with deer in this protection, but this is no longer the case. The term "gun" as used in the law is

[152] *Acts of the Forty-third General Assembly,* Ch. 55.

defined, and shooting any rifle across any waters of the State is prohibited.

Other provisions of the measure made minor changes in sections of the Code which deal with open seasons, restricted areas, catch limit, the duty to exhibit game, and the transportation for sale of fish, game, animals, and birds.[153]

Another act of the Forty-third General Assembly provided that hunting and fishing licenses may be placed by the county recorder in depositories in various parts of the county and issued therefrom. No depository shall, however, have possession of more than fifty such licenses at any time. All fees shall be remitted to the county recorder within twenty-four hours after their receipt by the depository. The use of any license which has not been issued in good faith shall constitute a misdemeanor.[154]

Finally several sections of the Code dealing with fur-bearing animals were amended. With certain exceptions it was made unlawful to kill, ensnare, or trap any beaver, mink, otter, muskrat, raccoon, skunk, opossum, red fox, or civet, unless it be for the protection of public or private property. For the purpose of this act the State was divided into two zones and open seasons for the various animals were designated for each zone. Regulations were provided for reports by any person who kills, ensnares, or traps any of the animals named in this act, and also by the dealers in or buyers of the skins or hides of such animals. Every dealer in such skins is required to file with the Fish and Game Department a surety bond in the penal sum of two thousand dollars.[155]

[153] *Code of 1927,* Secs. 1709-a2, 1714-1734, 1751-1794; *Acts of the Forty-third General Assembly,* Ch. 57.

[154] *Acts of the Forty-third General Assembly,* Ch. 56.

[155] *Code of 1927,* Secs. 1756-1766-a2; *Acts of the Forty-third General Assembly,* Ch. 58.

AGRICULTURE AND ANIMAL HUSBANDRY

Three measures were passed relating to diseased animals. One of these amended the law relative to the inspection of imported animals, and provides that no cattle may be imported into the State for dairy or feeding purposes unless they have been tested for contagious abortion within thirty days prior to importation and found free from such disease.[156]

The other two measures in this group have to do with the eradication of bovine tuberculosis among cattle. The first of these provides that no dairy or breeding cattle shall be transported into the State except upon the following conditions: (1) that such cattle come from a herd which has been officially accredited as a tuberculosis free accredited herd; (2) that such cattle come from an area officially declared as a modified accredited area, and the herd from which they originate, if previously inspected, has passed two tests free from tuberculosis; or (3) that such cattle be brought into the State under quarantine to be tuberculin tested in not less than sixty days nor more than ninety days and shall be accompanied by an official certificate issued by an accredited veterinarian showing them to be free from tuberculosis.[157]

The third measure in this group repealed several sections of the *Code of 1927* relating to bovine tuberculosis and enacted thirteen new sections. The new provisions constitute Iowa an accredited area for the eradication of bovine tuberculosis, and require the examination of all dairy and breeding cattle therein. Each county is authorized to levy an annual tax of not to exceed three mills to furnish a fund

[156] *Code of 1927*, Sec. 2653; *Acts of the Forty-third General Assembly*, Ch. 73.

[157] *Code of 1927*, Sec. 2690; *Acts of the Forty-third General Assembly*, Ch. 74.

to meet the indemnity and other expenses relative to the eradication of the disease. A penalty is provided in case any owner tries to prevent the examination of his herd, and the herd is to be under quarantine until the tests have been made. A modified accredited county is defined. Transportation of cattle into such a county without a health certificate is prohibited, and a penalty is provided for the violation of this provision.

Township trustees are designated as "animal boards of health" and are required each year to make a survey and report all breeding cattle brought into their respective townships from outside the county.

The law further provides that no compensation shall be paid to any person for an animal condemned for tuberculosis "unless said animal, if produced in, or imported into, the state has been owned by such owner for at least six months prior to condemnation or was raised by such person."[158]

Farmers' institutes are entitled to State aid upon the fulfillment of certain conditions. The Forty-third General Assembly added the provision that the association shall notify the Department of Agriculture "on or before the second Wednesday in December of its intention of holding a farmers' institute." If all conditions have been complied with, the Auditor of State is authorized to draw a warrant, not to exceed seventy-five dollars to aid an institute for any one year. Formerly this warrant was to be drawn in favor of the county where such institute was located, but this was changed by an amendment of the Forty-third General Assembly so that the warrant must now be drawn in favor of the "president, secretary or treasurer" of the institute. By the same act it was provided that State aid

[158] *Code of 1927*, Secs. 2667, 2683-2686, 2695-2697, 2666, 2673, 2674, 2699, 2704; *Acts of the Forty-third General Assembly*, Ch. 75.

available for the county shall be equally divided among such institutes as may be legally entitled to it.[159]

State aid is given for the support of county and district fairs and to enable agricultural societies to conduct fairs and exhibits. A "society" as referred to in this connection is defined in the Code as a county or district fair or agricultural society which is incorporated for the purpose of holding a fair and owns or leases ten acres of ground and owns buildings or improvements thereon of a value of at least eight thousand dollars. This definition was extended by the Forty-third General Assembly to include also "any incorporated farm organization authorized to hold an agricultural fair which owns or leases buildings and grounds especially constructed for fair purposes to the value of fifty thousand dollars ($50,000.00) in a county where no other agricultural fair receiving state aid is held." An attempt was made in the House of Representatives to reduce this property value to twenty-five thousand, but the attempt failed.[160]

Each society which receives State aid for a fair is required to publish annually in a newspaper of the county a financial statement of its receipts and disbursements. Formerly it was necessary to publish also an itemized list of the awards paid. This is no longer required, but the society must file with the State Fair Board a sworn statement showing among other things the actual amount paid for premiums, a full and accurate statement of receipts and expenditures of the society, and a copy of the financial statement as published in the newspaper. An amendment to this law provided that this report shall contain also "a certified statement showing an itemized list of premiums awarded."[161]

[159] *Code of 1927,* Secs. 2916, 2918, 2920; *Acts of the Forty-third General Assembly,* Ch. 76.

[160] *Code of 1927,* Sec. 2894; *Acts of the Forty-third General Assembly,* Ch. 77.

Two measures passed by the Forty-third General Assembly dealt with farm aid associations. One of these made minor changes in the form of the articles of incorporation of such organizations. It provided that the articles shall be "substantially" of the form prescribed in the Code. Aid in the marketing of farm products was added as an object of such corporation. It was specified that the board of directors shall include the president, the vice president, the secretary, and the treasurer of the organization; and that the officers shall serve until their successors have been elected and have qualified. The annual membership fee in such a corporation was formerly one dollar. It may now be one dollar or more. The act further provides that the articles of incorporation of such farm aid associations may be amended to conform to the provision of the law at any regular annual meeting or at any special meeting of the members called for the purpose. By the same act it was provided that a duplicate copy of the annual report of receipts and expenditures of the association should be forwarded to the Iowa State College of Agriculture and Mechanic Arts.

Section 2930 of the Code dealing with aid given to farm associations was rewritten to provide that when articles of incorporation have been filed in accordance with the law showing that the organization has two hundred members, and the annual membership dues and pledges amount to one thousand dollars, the board of supervisors shall appropriate a sum equal to double the amount of such dues and pledges. Such sums shall not, however, exceed five thousand dollars in counties with a population of twenty-five

[161] *Code of 1927,* Secs. 2901, 2902; *Acts of the Forty-third General Assembly,* Ch. 78.

thousand or over, nor a total of three thousand dollars in counties with a smaller population.

The bill by which this section was rewritten was introduced in the Senate on February 22nd, was approved by the Governor on March 30th, and became effective upon publication. On February 9th a bill was introduced in the House to add to Section 2930 of the Code the provision that "in counties holding court in two cities and having a population greater than sixty thousand wherein two farm aid associations have been organized . . . . the total appropriations in any one year shall not exceed seven thousand dollars." This bill was approved by the Governor on April 4th. The additional provision, although intended to supplement Section 2930 of the Code as it originally stood, in fact supplements that section as rewritten. It should be further noted that the additional provision relative to an appropriation of seven thousand dollars, although written in general terms, in fact applies only to Pottawattamie County — that being the only county in the State "holding court in two cities and having a population greater than sixty thousand."[162]

The term "stock tonic" was defined in Iowa by the extra session of the Fortieth General Assembly. Before that time the Code contained a definition of the term "concentrated commercial feeding stuffs" which included a class of articles known as "condimental stock foods, patented proprietary or trademarked stock or poultry feeds". This law was hard to apply because of the uncertainty of the language quoted. Therefore this class of feed was covered by defining it as stock tonic. The previous law was broadened by including in the definition "stock or poultry feeds" composed entirely of non-liquid drugs. The definition was

[162] *Code of 1927*, Secs. 2929-2930; *Acts of the Forty-third General Assembly*, Chs. 79, 80.

broadened again by the Forty-third General Assembly to include liquid preparations. As now defined, "stock tonic shall mean a class of commercial feed such as medicated stock or poultry foods, including such preparations as are composed wholly of drugs which contain any substance claimed to possess medicinal, condimental, or nutritive properties."[163]

In the case of stock tonic offered or exposed for sale, Section 3115 of the *Code of 1927* requires that the label shall state the English name of each drug, the total percentage of all drugs, the actual percentage of salt, charcoal, and sulphur, and the actual percentage and name of any other ingredient contained in such stock tonic. An act was passed by the Forty-third General Assembly which amended this section. According to this amendment, "In the case of commercial feeds containing more than five per centum (5%) of mineral ingredients, in addition to the requirements of the preceding section, the label shall state the minimum percentage of lime (Ca O), phosphoric acid (P_2O_5), and iodine (I), and the maximum percentage of salt (Na Cl)."[164]

PUBLIC HEALTH

A measure introduced by Senator O. E. Gunderson of Forest City and Senator Chas. T. Rogers of Grundy Center authorizes the county board of supervisors of any county to adopt the county health unit plan. In case the plan is adopted, the board of supervisors is authorized to appoint a county board of health consisting of eleven members, three of whom shall be members of the local county medical society. The State Board of Health shall adopt rules of

[163] *Code of 1927*, Sec. 3113; *Acts of the Forty-third General Assembly*, Ch. 85; *Extra Session Fortieth General Assembly*, H. F. 261, Sec. 85.

[164] *Acts of the Forty-third General Assembly*, Ch. 84.

procedure for the organization of county boards of health, as such, and shall also specify their duties. The expense incurred by the county health unit shall be paid by the county board of supervisors from the county funds. Other organizations, including local boards of health, may unite with the county board of supervisors in defraying the necessary expenses of the unit.[165]

Health conditions in the communities of Iowa were further promoted by a measure introduced by Representative John M. Bixler of Corning. This law provided that the State Department of Health be authorized to accept financial aid from the government of the United States for the purpose of assisting in carrying on public health work in the State.[166]

The Forty-first General Assembly in 1925 passed an act requiring the pasteurization by creameries and ice cream factories of all skimmed milk and of all cream and milk used in the manufacture of ice cream. This act was amended by the Forty-second General Assembly to provide that the cream and milk used in ice cream need not be pasteurized if procured from cows that have been tuberculin tested at least once a year and found free from tuberculosis, and when such milk has been certified by the Iowa Department of Agriculture as having been produced and handled under proper sanitary conditions. This provision was further amended by the Forty-third General Assembly, exempting from the pasteurization requirement skimmed milk and buttermilk produced under the conditions mentioned above.[167]

[165] *Acts of the Forty-third General Assembly,* Ch. 65.

[166] *Acts of the Forty-third General Assembly,* Ch. 68.

[167] *Acts of the Forty-first General Assembly,* Ch. 60; *Acts of the Forty-second General Assembly,* Ch. 257; *Acts of the Forty-third General Assembly,* Ch. 81.

In the interest of pure food and a higher standard of dairy products Senator Geo. W. Christophel of Waverly introduced a measure which limits the percentage of "overrun" that may legally be used in the manufacture of butter. "Overrun" as defined by the act "is the difference between the weight of any given amount of pure butterfat and the weight of butter manufactured therefrom". This difference divided by the amount of pure butterfat in any given case and multiplied by one hundred gives the "percentage of overrun" in the manufactured butter. The law provides that it shall be unlawful for any person to permit a percentage of overrun in excess of 24½ per cent in butter manufactured by him.

The keeping of records of all milk, cream, and butterfat purchased, received, shipped, stored, or handled by all persons engaged in the manufacture, purchase, and sale of dairy products was made a requisite to the carrying on of such business. Records must also be kept of the amount of butter manufactured, and of the amount of butterfat used in any products. These records need not be kept open for public inspection, but they must be open to certain officials who may use them in the enforcement of the act. The act contains the usual section making a violation of any of its provisions a misdemeanor.[168]

Section 3236 of the *Code of 1927* gives a table of commodities with a corresponding table of avoirdupois weights by which the measure of the various commodities shall be determined when they are sold by the bushel or fractional part thereof. Exceptions are made in the case of berries and similar products which, when sold in quantities of a peck or less, may be sold by the quart, pint, or half-pint dry measure; and in the case of fruits and vegetables which, when the law with respect to labeling has been complied

[168] *Acts of the Forty-third General Assembly,* Ch. 82.

with, may be sold in climax baskets. The Forty-third General Assembly enacted a measure which provided that the quantity of any of the commodities referred to need not be determined by the avoirdupois weight when sold "in a United States standard container".[169]

DRAINAGE AND DRAINAGE DISTRICTS

The Code provides that when land in a levee, drainage, or improvement district is being sold at a tax sale for delinquent taxes or assessments, the board of supervisors or district trustees, as the case may be, may purchase the certificate of sale in their names as trustees for the district. If no redemption is made, the deed passes to the board of supervisors or the trustees to be held in trust for the district. The Forty-third General Assembly provided that when land in a levee or drainage district or subdistrict has been sold for taxes, the board of supervisors or the district trustees may purchase the tax certificate by depositing with the county auditor the amount of money to which the holder of the certificate would be entitled if redemption were made at that time. The ownership of the certificate rests in the purchasers to be held in trust for the district. Redemption may be made on terms upon which the trustees and the owner of the land may agree, but if the owner will pay as much as fifty per cent of the value of the land, he must be permitted to redeem. If the parties can not agree upon the value, either may have recourse to an action in equity.[170]

The procedure for the condemnation of private property for drainage or other public uses and purposes involves a commission to assess the damages to all real estate which the applicant seeks to have condemned. Any interested party may appeal from the appraisal to the district court

169 *Acts of the Forty-third General Assembly,* Ch. 83.

170 *Acts of the Forty-third General Assembly,* Ch. 212.

by giving notice to the adverse party, his agent, or attorney and to the sheriff. An amendment to this provision added more qualifications to the procedure for appeal. Hereafter "a written petition shall be filed by the plaintiff on or before the first day of the term to which the appeal is taken, stating specifically the items of damage and the amount thereof. The defendant shall file a written answer to the plaintiff's petition, or such other pleadings as may be proper."

In a subsequent Code section, provision is made that the applicant for condemnation proceedings must pay the cost of assessing the damages and all costs occasioned by the appeal, including a reasonable attorney fee if defeated in the trial of the appeal, but according to an amendment passed by the Forty-third General Assembly in all cases where the State of Iowa is the applicant, no attorney fee shall be taxed.[171]

In addition to the power to purchase a right of way through lands in an adjoining State for the purpose of obtaining an outlet for a drainage district, an act of the Forty-third General Assembly authorized a district to contribute to the construction of such a ditch. The board of supervisors is authorized by the act to levy a tax on the lands in the district to provide funds to pay for the above improvements.[172]

Several minor changes were made in the law relative to drainage districts. The section of the Code which provides for the return of excess drainage assessments, when the actual cost of constructing ditches is less than the estimated cost thereof, was amended. The only significant change was to provide that no refunds shall be made unless a sur-

171 *Code of 1927,* Secs. 7841, 7852; *Acts of the Forty-third General Assembly,* Ch. 213.

172 *Acts of the Forty-third General Assembly,* Ch. 211.

plus remains in the drainage fund of the district when all assessments have been paid.[173]

If the cost of repairs to drainage districts exceeded ten per cent of the original cost of the improvements, the board of supervisors was formerly authorized at their discretion to order a new apportionment of and assessment upon the lands in the district. By an amendment the General Assembly provided that if the proposed work differs in nature or amount from ordinary repairs as defined, the board is required to order such reapportionment and reassessment.[174]

Another of the minor changes concerned the Code provision for separate assessments for main and lateral ditches. The *Code of 1927* provides that "so much of the cost of the work and materials as is required to restore any tile line or lateral to its original efficiency, or to clean any tile line, or to replace broken or defective tile, or to rebuild any bulkhead, must be assessed to the lands benefited by such specific tile line or lateral in the same proportion as the original cost thereof." This law was amended by inserting the word "tile" before the word "lateral" in each case that it appears, thus restricting the provision of the law to tile constructed laterals.[175]

The county auditor is required to furnish to each assessor a plat book on which shall be platted the lands and lots in his assessment district, showing on each subdivision or part thereof, the name of the owner, the number of acres or the boundary lines and distances in each, and showing as to each tract the number of acres to be deducted for railway right of way or for roads. In accordance with a new pro-

[173] *Acts of the Forty-third General Assembly,* Ch. 208.

[174] *Code of 1927,* Sec. 7559; *Acts of the Forty-third General Assembly,* Ch. 209.

[175] *Code of 1927,* Secs. 7561, 7562; *Acts of the Forty-third General Assembly,* Ch. 210.

vision of the law it must now show the number of acres to be deducted "for rights of way for public levees and open public drainage improvements."[176]

Another act authorizes drainage districts to become members of the National Drainage Association. The amount of the membership fees and annual dues which a drainage district may pay is limited, varying with the amount of indebtedness of the district from ten to one hundred dollars. Provision is made for the payment of the dues and fees in such association by assessments against the land in the district.[177]

HIGHWAYS

The Forty-second General Assembly at its extra session in 1928 passed a measure authorizing the Governor to appoint a commission of five men to secure data, hold meetings, and obtain information in relation to the collection of funds for, and maintenance and construction of, secondary roads. Oscar Heline, Charles A. Norman, Michael Metz, James Crawford, and Louis H. Cook were named on the commission. Public meetings were held in various parts of the State, and the commission formulated a report and prepared three legislative measures, embodying desired changes in the law, which they submitted to the Forty-third General Assembly. One of these measures — the Bergman Bill — as finally passed consisted of eighty-eight sections and provided for many alterations in the law relative to secondary roads.

The duty to construct, repair, and maintain the secondary road and bridge system of a county, which was formerly divided between township officials and the county board of

[176] *Code of 1927,* Sec. 7120; *Acts of the Forty-third General Assembly,* Ch. 199.

[177] *Acts of the Forty-third General Assembly,* Ch. 207.

supervisors was by this measure imposed wholly upon the latter board. The transfer does not become effective, however, until January 1, 1930. Roads known in the past as county roads will hereafter be designated as county trunk roads, and the former township roads will be known in the future as local county roads. A separate classification of roads is still maintained in order to permit more extensive development of the more heavily used roads.

All levies made by township trustees in 1929 for township road or drainage purposes were declared null and void and provision was made for a mandatory and an optional construction levy and a mandatory and an optional maintenance levy to be made by the board of supervisors.

The law contemplates the working out in each county of a definite program of road and bridge improvement in advance of the expenditure of funds, and the insuring to all sections of the county of equitable treatment. Preference must be given in secondary road improvement to farm-to-market roads, and to rural mail and school bus routes. Contracts for construction work are to be let by the board of supervisors and contracts above a certain amount are to be let subject to the approval of the State Highway Commission. Provision is made to permit the counties to anticipate not more than fifty per cent of the funds which will accrue in the future for any stated period of from one to two years. Thus a county may undertake a construction program somewhat more comprehensive than would be possible with current funds. County trunk roads and improved county local roads leading through towns of less than 2500 population will in the future be improved and maintained by the county board.

The secondary road law as revised is long and detailed. Briefly stated, however, by Dante M. Pierce in *The Iowa Homestead* "it seeks to divide all secondary road funds

into two classes, construction and maintenance, under direction of the county boards of supervisors. It contemplates working out, in each county, of a definite program of road and bridge improvement in advance of the expenditure of funds, and the insuring to all sections of the county of equitable treatment." It is believed that the new law will result in a greatly improved condition of the secondary roads of the State.

The two other bills presented by the Secondary Road Commission were of minor importance. One of them proposed a revision of the existing laws relating to special assessment districts. The other provided for the issuance of county bonds for the purpose of improving secondary roads. Both of these measures failed of passage.[178]

It will be remembered that at the special session of the Forty-second General Assembly an act was passed providing for the issuance by the State of not to exceed one hundred million dollars worth of primary road bonds for the purpose of completing the hard surfacing of the primary road system. This act was declared unconstitutional, however, by the State Supreme Court. A similar measure was introduced by the Forty-third General Assembly in the form of a constitutional amendment. If finally adopted, this measure will provide for the issuance of not to exceed one hundred million dollars worth of bonds, with the danger of unconstitutionality eliminated. The highways to be improved by hard surfacing and those to be gravelled, as designated in the proposed amendment, are the same as those in the bond issue proposal which the Supreme Court rejected. This one hundred million dollars which may be issued is in addition to the county primary road bonds which

178 *Report of the Secondary Road Commission*, pp. 1-13, 27, 34; *The Iowa Homestead*, February 14, May 2, 1929; *Acts of the Forty-third General Assembly*, Ch. 20.

may be outstanding when the election is held on the question of the adoption of this amendment. The legislature may, however, limit the amount of bonds to be issued to less than the one hundred million dollar total, if it sees fit to do so.[179]

The decision of the Supreme Court did not affect the right of counties to issue bonds to carry out the program of surfacing the primary road system, but some minor changes were made in the law. Formerly the amount of primary road bonds to be issued by a county was limited to three per cent of the taxable valuation of the property in the county. This prevented many counties from issuing enough bonds to complete their program for highway improvement. Accordingly a law was passed raising the limit of indebtedness from three to four and one-half per cent. This law permits any county to issue fifty per cent more primary road bonds than it could under the old law.[180]

Two of the measures dealing with highways were intended to prevent the destructive use of highways by vehicles when the roads are soft, especially during the spring thaws. The Highway Commission was authorized to establish rules and regulations for the use of primary roads, including the hauling of heavy loads, the moving of houses, the parking upon paved roads, and the use of damaged or worn tires. The Commission may also set the maximum gross weight of vehicles and loads or divert traffic when weather or road conditions render it advisable. A law was likewise passed which gave to the board of supervisors power to prevent the destructive use of the secondary roads when weather conditions are unfavorable.[181]

Three measures were passed respecting the establishment

[179] *Acts of the Forty-third General Assembly,* Ch. 400.

[180] *Acts of the Forty-third General Assembly,* Ch. 23; *The Iowa Homestead,* May 9, 1929.

[181] *Acts of the Forty-third General Assembly,* Chs. 25, 26.

or alteration of primary roads. One of these provided that all damages for the establishment, vacation, or alteration of roads, which must be paid by the county are payable from the county road fund.[182] Another gave the Highway Commission the right to purchase or institute condemnation proceedings for a right of way for the maintenance, relocation, and establishment as well as for the improvement of primary roads. No roads may be established through a cemetery without the consent of the authorities concerned, and ground may not be taken for rounding a corner where a dwelling house is located, except by the consent of the owner thereof.[183] The third measure in this group provides that trees used for windbreaks upon cultivated lands consisting of sandy or other light soil may not be removed in the establishment or alteration of highways.[184] Section 340 of the *Code of 1927* provides for the annual audit of the books and accounts of every department of the State by the Director of the Budget. An amendment to this section by the Forty-third General Assembly provides that the accounts of the State Highway Commission shall be audited by the Director of the Budget in connection with a certified public accountant. Sufficient funds were appropriated to defray the compensation of such certified public accountant.[185] Another act provided that the annual salary of members of the State Highway Commission be increased from two thousand to four thousand dollars.[186]

[182] *Acts of the Forty-third General Assembly,* Ch. 22.

[183] *Acts of the Forty-third General Assembly,* Ch. 21.

[184] *Acts of the Forty-third General Assembly,* Ch. 24.

[185] *Code of 1927,* Secs. 340, 4755-b37; *Acts of the Forty-second General Assembly, Special Session,* Ch. 11; *Acts of the Forty-third General Assembly,* Ch. 28.

[186] *Code of 1927,* Sec. 4625; *Acts of the Forty-third General Assembly,* Ch. 27.

A license fee of three cents per gallon is imposed on the sale of gasoline. To insure the payment of this fee the Forty-third General Assembly passed a law providing that before any distributor of gasoline shall engage in business he shall file with the Treasurer of State a statement of financial responsibility or a surety bond for one thousand dollars conditioned upon the payment of all fees required by this law. No license to do business is to be granted until such statement or bond is filed, and persons already engaged in the distributing business were required to file such securities within thirty days.

On or before the twentieth of each month, each distributor of gasoline is required to report to the Treasurer of State the amount imported by him during the preceding month. Under the new law, if no importation is made during the month he is required to report that fact. The time within which distributors may pay delinquent fees before penalties become effective was reduced from thirty days to ten days.[187]

Three other legislative measures which deal with the extension of primary roads in cities and towns have been discussed in connection with municipal legislation.[188]

MOTOR VEHICLES

Chapter 251 of the *Code of 1927* was amended by adding a provision that if a judgment is obtained in an action for damages for injury to a person or property due to the operation of a motor vehicle, and such judgment is not satisfied within 60 days, a transcript may be taken to the county treasurer, who is then authorized to suspend the license, if any, of such judgment debtor and cancel the registration of any car or cars registered in his name. In this event the license plates must be surrendered to the county

187 *Acts of the Forty-third General Assembly,* Ch. 29.

188 *Acts of the Forty-third General Assembly,* Chs. 159, 160, 161.

treasurer. Provision is made, however, that when $5000 has been credited upon any judgment for more than that amount for the injury of one person, or $10,000, in case of an injury to more than one person, or when $1000 has been credited on a judgment for more than that amount for damage to property, such payment shall be deemed a satisfaction of the judgment for the purpose of this law.

If after registration has been suspended a judgment is satisfied the county treasurer shall reinstate and reregister the licenses and return the license plates. The operation of a motor vehicle on the highway during the period for which the license is suspended is a misdemeanor punishable by a fine of from twenty-five to one hundred dollars.[189]

In order to further facilitate the collection of damages for injuries caused by the operation of motor vehicles the law with regard to general exemptions from execution was amended. Under the new law no motor vehicle "shall be exempt from any order, judgment or decree for damages" occasioned by the use of such vehicle upon public highways of the State.[190]

Two laws were passed relative to the operation of school busses. The first of these stipulates that the driver or operator of every motor vehicle when meeting or overtaking a school bus shall bring the vehicle to a full stop at least five feet from the front or rear of the bus, as the case may be, if pupils are being taken upon or discharged from the bus. A violation of this section of the law constitutes a misdemeanor. Provision is also made that each school bus shall be equipped with large and conspicuous signs bearing the words "School Bus", displayed on the front and rear of such vehicle. School directors shall not hereafter pur-

189 *Acts of the Forty-third General Assembly,* Ch. 118; *The Des Moines Register,* April 3, 1929.

190 *Acts of the Forty-third General Assembly,* Ch. 119.

chase or hire a school bus unless it is provided with an adequate front and rear entrance. This last provision does not apply, however, to horse-drawn vehicles nor to automobiles used in the transportation of children to and from school.[191]

The second law relative to the operation of school busses provides that the word "chauffeur" as defined in the law shall not include persons operating school busses, provided such operators shall have secured from the school board written permission to operate such vehicles.[192]

The Senate Committee on Motor Vehicles introduced a measure, which as amended and adopted contained seventeen sections making various minor changes in Chapter 251 of the Code, dealing with motor vehicles and the law of the road. The first three sections of the new law deal with definitions. The first section redefines the term "motor vehicle" in such a way as to specifically exclude certain farming implements and "articles of husbandry" which had not been mentioned in the former law. The second section redefines the term "non-resident", while the third section repealed that paragraph of the Code which defined the term "Reconstructed motor vehicle".

Non-resident cars shall be registered with the county treasurer within ten days after entering the State. Upon the receipt of a license fee the county treasurer is now directed to issue quadruple receipts therefor. Two of these are to be sent to the motor vehicle department in the office of the Secretary of State, one shall be given to the licensee, and the fourth shall be retained in the county treasurer's office.

The law with regard to the display of registration certificates has been modified — the requirement now being

[191] *Acts of the Forty-third General Assembly,* Ch. 120.

[192] *Acts of the Forty-third General Assembly,* Ch. 121.

that such certificates shall be attached to the vehicle in the driver's compartment so that it may be plainly seen without entering the car. A fee of fifty cents is now charged by the county treasurer for duplicate certificates of registration. The fee charged for the transfer of a used car has been reduced from one dollar to fifty cents.

Section 4920 of the Code relative to the license fee on trailers has been rewritten in the interest of clarity. The law formerly provided that the license fee for a trailer "with a capacity of ½ ton, but not exceeding 1 ton" should be $10. For a trailer "with capacity of 1 ton, but not exceeding 2 ton" it should be $15. Under this law a trailer of one ton capacity might be assessed in either of the above classes. The law now reads that a trailer "with a capacity of ½ ton but with a maximum capacity of less than 1 ton" shall be taxed $10. For those with a capacity of one ton but less than two tons the fee shall be $15. Similar changes were made to apply to vehicles of a larger capacity.

Another section of this law stipulates the method in which the sheriff shall give notice of the sale in case it becomes necessary for him to sell motor vehicles in accordance with the law for the collection of unpaid fees and penalties. Other minor changes were made by this law. The final section prescribes the manner in which number plates of used car dealers shall be displayed. Formerly such plates had to be displayed in such a manner that the portion of the number plate of the last registration showing the State where registered and the year, should be visible. This is no longer required. "U. D." plates are now displayed in the same manner as dealer's plates.[193]

The Secretary of State is authorized to refund to the owner of a car one-half of the registration fee, if, during the first half of the year, the car is stolen, sold for con-

[193] *Acts of the Forty-third General Assembly,* Ch. 122.

assured clear distance ahead. Reckless driving, under the new law, is declared to be a misdemeanor punishable by a fine of not to exceed one hundred dollars, or by imprisonment not to exceed thirty days. Provision is made for a speed limit for freight carrying vehicles in excess of three tons — the rate being from 10 to 25 miles per hour depending upon the weight and equipment of the car. Any person operating a vehicle or machine upon the paved portion of any highway outside of the limits of any incorporated city or town, at a rate of speed less than twenty-five miles per hour, is required to turn to the right on the shoulder of the road to allow other vehicles to pass if conditions of traffic are such as to make this necessary. This law was presented by Senator J. O. Shaff of Clinton County.[199]

An act consisting of twenty-seven sections dealing with the regulation of motor trucks was introduced in the House of Representatives by the Committee on Motor Vehicles and Transportation. This law provides for the supervision and regulation, by the Board of Railroad Commissioners of the State, of all persons engaged in the transportation of property for hire by means of motor vehicles not operating between fixed termini nor over regular routes. It also provides for the levy and collection of a permit fee to be paid by such truck operators.

The first section of this law defines the terms "motor truck", "truck operator", "highway", and "commission" as used in the law. The next three sections set forth the power and authority of the Board of Railroad Commissioners in their relation to the regulation of motor trucks. The fourth section reads as follows: "All control, power, and authority over railroads and railroad companies, motor vehicles and motor carriers now vested in the commission,

[199] *Code of 1927*, Secs. 5021, 5028, 5029; *Acts of the Forty-third General Assembly*, Ch. 128.

in so far as the same are applicable, are hereby specifically extended to include truck operators."

All charges made by any truck operator for any service rendered in transporting property shall "be just, reasonable and non-discriminating".

It is declared unlawful for any truck operator to operate or furnish service without first obtaining a permit from the commissioners. In order to obtain a permit a written application must be made. The applicant must furnish certain detailed information and pay a permit fee of five dollars. Such fees are collected by the Railroad Commission and remitted to the Treasurer of the State each month. No permit shall be issued until the applicant shall have filed with the Commission an insurance policy in such an amount as the Commission may deem necessary "to protect the interests of the public with due regard to the number of persons and the amount of property involved". For just cause, after due hearing, the Commission may at any time alter, amend, or revoke any permit issued.

Motor trucks operating under this law shall not carry loads of more than a designated width, and under certain conditions the truck must be equipped with a reflector on each of its four corners so arranged that the light from an approaching vehicle will reflect and clearly define the limits of the motor truck and its load. Accidents arising in connection with the operation of any motor truck shall be reported to the Commission in such detail as the Commission may prescribe.

Any violation of this law constitutes a misdemeanor punishable by a fine not exceeding one thousand dollars or by imprisonment in the county jail not exceeding one year, or by both such fine and imprisonment.[200]

Another act relating to motor trucks makes it a mis-

[200] *Acts of the Forty-third General Assembly*, Ch. 129.

demeanor to operate on the public highways any truck or trailer carrying a load more than 25 per cent in excess of the rated loading capacity on which the license fee paid on such vehicle is based. It was provided, however, that the owner of a truck or trailer may secure a license therefor at a higher rated loading capacity than that specified by the maker, by the payment of a fee based upon the actual weight of the loads carried.[201]

The law with regard to motor vehicle carriers provides that it is unlawful for any motor carrier to operate within the State without first having obtained from the Railroad Commission a certificate declaring that public convenience and necessity require such operation. In order to secure such a certificate an applicant must file with the Commission certain securities to protect the interests of the public. Formerly such a security was restricted to a "liability insurance bond". Under the new law it may be "an insurance policy, policies or surety bond".[202]

AIRCRAFT LEGISLATION

A measure introduced by the Committee on Aeronautics provides for the licensing of aircraft and airmen, and for the establishment of air traffic rules. The terms "aircraft", "airman", "public airman", "civil aircraft", "public aircraft", and "passengers" were defined. It was declared unlawful for any person to navigate any civil aircraft in the State unless such aircraft is registered and licensed under or pursuant to the laws of the United States. Provision was also made for the display, inspection, and revocation of such licenses. It was likewise declared unlawful for any person within the State to navigate any civil

[201] *Acts of the Forty-third General Assembly,* Ch. 131.

[202] *Code of 1927,* Secs. 5105-a6, 5105-a26; *Acts of the Forty-third General Assembly,* Ch. 130.

aircraft carrying a passenger, unless such person is an airman licensed by the United States government to operate an aircraft. The license of the pilot is subject to inspection by any passenger, any peace officer, or by any person in charge of the airport from which he proposes flight. Another provision of the law stipulates that any person engaged in the work of inspecting, overhauling, or repairing aircraft within the State must hold a mechanic's license.

A list of some twenty-three definite and specific rules governing the operation of civil aircraft in the State is set forth in the law. These rules provide among other things that an aircraft flying in an established airway shall keep to the right of such airway. When two aircraft are on crossing courses the one which has the other on its right side shall keep out of the way. When two aircraft are approaching head-on, or approximately so, and there is risk of collision, each shall alter its course to the right so that each may pass on the left of the other — leaving approximately three hundred feet between them. A landing plane has the right of way over planes moving on the ground or taking off. An aircraft in distress shall be given free way in attempting to land. These rules together with others of a similar character constitute a definite code of laws relative to aircraft, any violation of which constitutes a misdemeanor.[203]

Section 9 of this bill relative to aircraft provides that the law should become effective upon publication. The measure was approved by the Governor on March 21, 1929, and published in accordance with the law on March 23rd. On March 30th the Sifting Committee in the House introduced a measure which was duly passed providing that Section 9 of the foregoing law should be declared null and void, the intent being that the aircraft law should not be-

[203] *Acts of the Forty-third General Assembly,* Ch. 135.

come effective until July 4th, the date on which laws ordinarily become effective.[204]

The jurisdiction of public offenses committed in aircraft was fixed by the Forty-third General Assembly. When such an offense is committed in any kind of aircraft while in flight within the State, the jurisdiction is vested in any county through which the aircraft passes in the course of its voyage or in the county where its trip shall begin or terminate.[205]

Under the authority of a measure introduced by the Sifting Committee of the House any insurance company authorized to do business in the State may insure buildings and other property "against loss or damage caused by airplanes, seaplanes, dirigibles or other aircraft".[206]

Another measure passed by the Forty-third General Assembly which is of importance in the field of air transportation is one authorizing cities and towns to establish, improve, maintain, and operate airports within or without their limits; and to levy taxes and acquire property for such purpose.

The cost of acquiring property for an airport by any city or town may be paid from the general fund of such city or town, or such municipality may levy annually a special tax for this purpose. In all cities having a population of more than thirty thousand such tax shall not exceed one mill. In cities of from ten thousand to thirty thousand it shall not exceed three mills. In municipalities of less than ten thousand it shall not exceed five mills. A special tax may not be levied until it has been approved by the electors. A city may anticipate the collection of this tax for a period of twenty years and issue "airport

[204] *Acts of the Forty-third General Assembly,* Chs. 135, 136.

[205] *Acts of the Forty-third General Assembly,* Ch. 137.

[206] *Acts of the Forty-third General Assembly,* Ch. 229.

certificates or bonds" to raise funds for immediate use. Such certificates shall be secured by said levy and are payable only from such funds.

Before an airport is acquired by any city or town the plans and specifications shall be submitted to the Board of Railroad Commissioners, and the plans and specifications shall be in substantial accord with the regulations of the Federal government relative to airports.

Cities and towns shall have power to make and enforce ordinances for the regulation and control of airports, and shall fix charges for the use of property connected therewith. Property acquired for airport purposes shall be considered as public property, and the liability of the city in connection with such property shall be no greater than that imposed upon municipalities in the maintenance and operation of public parks.[207]

CORPORATIONS

The law with regard to filing certificates of incorporation was rewritten by the Forty-third General Assembly. It now provides that the original articles of incorporation of an association shall be filed with the Secretary of State and recorded in a book kept for that purpose. If the articles are drawn in accordance with the law a certificate of incorporation shall be issued. The Secretary of State shall then send the articles of incorporation to the recorder of the county in which such association is located and they shall be recorded in the county recorder's office. No publication of notice of the incorporation of such an association is required.[208]

In 1912 the legislature of the State of New York passed a law allowing corporations to issue stock without a nominal

[207] *Acts of the Forty-third General Assembly,* Ch. 138.

[208] *Code of 1927,* Sec. 8461; *Acts of the Forty-third General Assembly,* Ch. 5.

or par value. Since then a number of other States have passed similar laws. The Forty-third General Assembly passed a measure making it possible to issue such stock in Iowa. The new law provides that any corporation, except banks, savings banks, trust companies, building and loan associations and insurance companies, "may create one or more classes of stock without any nominal or par value, with such rights, preferences, privileges, voting powers, limitations, restrictions and qualifications . . . . as shall be expressed in its articles of incorporation". Any share of such stock shall be deemed fully paid and nonassessable and the holder shall not be liable to the corporation or to its creditors in respect thereto.

Each stock certificate issued for shares without nominal or par value shall have plainly written on its face the number of shares which it represents, and the number of such shares the corporation is authorized to issue. It shall not, however, express any rate of dividend to which it shall be entitled in terms of percentage of any par or other value.

There are a number of advantages to be derived from the issuing of such stock. The par value printed on a share of stock is not a true indication of its real value. The fact that the printed value and the actual value are not the same frequently leads to confusion and misunderstanding. Promoters not infrequently take advantage of this fact to sell stock for more than its actual value. If stock has no par value a prospective purchaser is more likely to make inquiries as to the net assets and the earnings of the corporation. The absence of a nominal value may make it difficult to market the shares, but this disadvantage will decrease as the public becomes more familiar with this form of stock.[209]

[209] *Acts of the Forty-third General Assembly,* Ch. 6; Finney's *Principles of Accounting,* Vol. I, Ch. IX, pp. 1-4.

Section 10103 of the *Code of 1927* stipulates the form of acknowledgment to be used in the conveyance of real property. The person taking the acknowledgment must indorse upon the instrument a certificate setting forth among other things the title of the person before whom the acknowledgment was taken. A recent amendment to the law provides that "If the acknowledgment is made by the officers of a corporation, the certificate shall show that such persons as such officers, naming the office of each person, acknowledged the execution of the instrument as provided in section ten thousand one hundred three (10103)." This amendment was introduced in the Senate by the Committee on Code Revision.[210]

A slight amendment was made in the law relative to legalizing certain defective articles of incorporation. The Code provides that where incorporators of corporations organized in the State have failed to publish notices as provided by law, but have published such notice within three months of the prescribed time, the act shall be legalized and the incorporation shall be effective. This law was amended to apply only to corporations organized in the State "prior to January 1, 1929".[211]

In like manner a change was made in Section 10410 of the Code relative to the filing of renewals after the required time. Formerly the law provided that in cases "where proper action has been taken prior to July 1, 1927", by the stockholder for renewal of any corporation for pecuniary profit, and the certificate and articles of incorporation have been filed and recorded, although there has been a failure to file either or both of these instruments within the time specified, such renewals are declared legalized. This law

[210] *Code of 1927,* Secs. 10102, 10103; *Acts of the Forty-third General Assembly,* Ch. 7.

[211] *Acts of the Forty-third General Assembly,* Ch. 8.

was amended to apply to renewal "where proper action has been taken prior to July 1, 1929."[212]

Before commencing any business except organization, incorporators must adopt articles of incorporation which must be duly signed and acknowledged. Formerly these articles were sent to the county recorder who after recording them forwarded them to the Secretary of State. The present law provides that the articles be sent first to the Secretary of State, who shall enter them of record, issue a certificate of incorporation, and then forward the articles to the recorder of the county in which the business is located.

The new law stipulates further that the articles shall contain the name of the corporation and its principal place of business, the object for which it is formed, the amount of capital stock and the class of stock authorized, the time of commencement and termination of the corporation, the names and addresses of the incorporators and officers, whether private property is exempt from corporate debts, and the manner in which the articles may be amended.

The law also provides that no change of the principal place of business of any corporation from one county to another shall be valid until the articles of incorporation shall have been recorded in the office of the recorder of deeds of the county to which the corporation is removed.[213]

One of the most extensive laws passed by the Forty-third General Assembly was the "Iowa Securities Act". This measure, consisting of twenty-seven sections, was introduced by the Judiciary Committee of the House for the purpose of regulating investment companies. It is a revision of the so-called "blue sky law", and is designed to protect investors by regulating the sales and purchases of stocks, bonds, notes, debentures, and other securities.

[212] *Acts of the Forty-third General Assembly,* Ch. 9.

[213] *Acts of the Forty-third General Assembly,* Ch. 11.

The administration of this law is vested in the Secretary of State who is authorized to appoint a Superintendent of the Securities Department and to employ such other officers, attorneys, and employees as are necessary for the administration of the law. The act defines "security", "sale", "dealer", "broker", and various other terms used. It sets forth and describes certain securities which are to be exempt from the operation of the act and also certain transactions in which all securities are to be exempt. Provision is made by the measure for registration of all dealers and salesmen with the Secretary of State. Non-compliance with this requirement may be prosecuted. In addition, all securities that are in any manner questionable — those that are not specified as exempt — must be registered for investigation by the securities department. All securities must meet certain fixed requirements which establish them as reasonably safe purchases.

Whenever it shall appear to the Secretary of State that securities of any kind, including those exempted, are about to be issued to obtain money or property by fraud, an injunction may be obtained to restrain such issuance. This was referred to as a method by which "the barn door will be locked before the horse is stolen". The measure was indorsed by the American Bar Association — similar measures having proven to be effective in other States.[214]

Prior to 1929 the law provided that, except in certain specified cases, articles of incorporation in a corporation for pecuniary profit should fix the highest amount of indebtedness or liability to which the corporation would at any one time be subject. Requirement was also made that this amount be set forth in the notice of incorporation. A similar provision obtained relative to coöperative associa-

[214] *Code of 1927,* Ch. 393; *Acts of the Forty-third General Assembly,* Ch. 10; *The Des Moines Register,* February 7, 1929.

tions. The Forty-third General Assembly amended various sections of the Code so as to repeal the limit of indebtedness which a corporation may incur.[215]

By an affirmative vote of two-thirds of the shareholders, at a stockholders meeting held for that purpose, the corporate existence of any State or savings bank may be renewed or extended. Prior to 1929 the law provided that if at such a meeting the required vote were cast, a certificate of the proceeding should be signed and verified, and together with the articles of incorporation be "recorded in the office of the recorder of deeds of the proper county". This latter provision relative to recording has now been repealed and the provision made that the instruments be submitted to the Superintendent of Banking for approval, filed, recorded, and fees paid as provided in Section 8368 of the Code. The amendment clarifies the law and provides for the supervisory control in the hands of the Superintendent of Banking.[216]

Section 8416 of the *Code of 1927* provided that it should be the duty of every corporation to file under oath with the Secretary of State, within ten days after the issuance of any capital stock, a statement of the date of issue, the amount issued, and the sum received. Two measures were passed amending this section. One provides for excepting from this rule foreign corporations, the other places building and loan associations within the exception. The same result might well have been obtained by a single legislative measure.[217]

Any foreign corporation that fails to make its annual

[215] *Code of 1927*, Ch. 384; *Acts of the Forty-third General Assembly*, Ch. 12.

[216] *Code of 1927*, Sec. 8373; *Acts of the Forty-third General Assembly*, Ch. 13.

[217] *Acts of the Forty-third General Assembly*, Chs. 14, 15.

report and pay the annual fee and penalties that may be due, thereby forfeits its right to do business within the State. Any corporation whose corporate rights shall have been forfeited, or any stockholder or creditor of such corporation may make application for a compromise of the claim of the State. When such compromised claims and penalties are paid and the reports properly filed the corporation may be reinstated. Prior to 1929 application for a compromise of such claim was made to the Executive Council. Under the new law application is made to the Secretary of State who is authorized to make adjustments in accordance with the law.[218]

All coöperative associations, both profit-sharing and non-profit-sharing, are required annually on or before the first of March, to make a report to the Secretary of State showing the status of the company. Failure to file such a report subjects the delinquent association to a penalty of ten dollars. In April the Secretary of State makes a list of all such delinquent corporations, and on or before the first of May sends to the association notice of its delinquency. Formerly such notices were sent to the "officers and directors". Under the law, as amended, notices need be sent only to the officers.[219]

Chapter 389 of the *Code of 1927* confers certain benefits upon coöperative associations doing business for profit. Section 8481, included in this chapter, was amended to provide that all coöperative associations of this type "shall have the benefit of all the provisions of this chapter and be bound thereby, on filing with the secretary of state and the county recorder of the county in which the principal

[218] *Code of 1927*, Sec. 8451; *Acts of the Forty-third General Assembly*, Ch. 16.

[219] *Code of 1927*, Secs. 8480-a3, 8508-a3; *Acts of the Forty-third General Assembly*, Ch. 17.

place of business is located, amended and substituted articles of incorporation drawn in accordance with the provisions of this chapter and a written declaration signed and sworn to by the president and secretary", to the effect that the association has by a majority vote of its stockholders decided to accept the benefits and be bound by the provisions of the law. A similar provision is made for non-profit-sharing associations, except that in the latter case the papers need not be filed with the county recorder.[220]

Section 8062 of the *Code of 1927* provides that any common carrier may, for the protection and development of new industries in the State, grant concessions or special rates for any agreed number of carloads or for any specified period of time. These rates and periods of time are subject to the approval of the Board of Railroad Commissioners. This section was revised by the Forty-third General Assembly. "New industries" are defined to include industries that have not been operating in the State for a period exceeding ten years. Existing coal mines and agricultural enterprises within the State were specifically included with new industries as being subject to the special rates. Any concession or special rate fixed and approved under the provisions of this act must not, however, effect existing rates on points intermediate between the origin and destination of any shipment for which the special rates are fixed and approved. It was further provided that when any concessions are fixed and approved as provided in this section, the provisions therein apply, to the exclusion of any law in real or apparent conflict therewith.[221]

An addition made to the chapter of the Code dealing with the general powers of railway corporations authorizes such

[220] *Acts of the Forty-third General Assembly,* Ch. 18; *Code of 1927,* Secs. 8481, 8509.

[221] *Acts of the Forty-third General Assembly,* Ch. 132.

corporations to engage in the business of transporting persons and property for hire upon the public highways, or by air, and to own capital stock and securities of corporations engaged in such transportation.[222]

Three sections of the *Code of 1927* were slightly amended so as to make uniform and specific the fees to be charged for recording articles of incorporation. The new law affects coöperative associations, nonprofit-sharing coöperative associations, and coöperative banks, and provides in each case that "a recording fee of ten cents (10c) per hundred (100) words" shall be paid for recording articles of incorporation. In the case of the first two associations named the law stipulates further that no recording fee shall be less than fifty cents.[223]

INSURANCE

The Committee on Insurance introduced in the Senate a measure which changed the law relative to the amount of capital and surplus required for the organization of stock life insurance companies. The law now provides that no such company shall be authorized to transact business with less than two hundred thousand dollars capital stock fully paid for in cash and one hundred thousand dollars of surplus paid in in cash or invested as provided by law. The new law does not, however, affect companies already organized and doing business under the former law in which the capital requirement was one hundred thousand dollars.[224]

The law provides that level premium and natural premium life insurance companies organized upon the mutual plan shall, before issuing any policies, have actual applica-

[222] *Acts of the Forty-third General Assembly,* Ch. 133.

[223] *Acts of the Forty-third General Assembly,* Ch. 235.

[224] *Acts of the Forty-third General Assembly,* Ch. 217.

tions on at least two hundred and fifty lives for an average amount of one thousand dollars each, a list of which shall be deposited with the Commissioner of Insurance, and a deposit made with him equal to three-fifths of the total annual premiums in cash or securities. In addition to this, in accordance with a new provision of the law, such companies are now required to make a deposit of cash or securities of the character provided by law for the investment of funds for life insurance companies in the sum of twenty-five thousand dollars, which shall constitute a guaranty fund for the protection of policy holders. Contribution to this guaranty fund does not entitle the contributor to any voice in the management of the company. With the consent of the Commissioner of Insurance, money contributed to the guaranty fund may be repaid with interest if such repayment does not reduce the surplus below the stipulated sum of twenty-five thousand dollars.[225]

A medical examination has long been one of the essential requirements in obtaining a policy of insurance. Prior to 1929 an examination was required except for industrial policies in which the amount of insurance was five hundred dollars or less. The tendency at the present time is to be less rigid than formerly with regard to such examinations. In accordance with this attitude the General Assembly passed a measure stipulating that "medical examination of the applicant as condition precedent to approval of policy forms shall not be required in the case of juvenile and industrial policies, and policies in amount of two thousand dollars ($2000) or less; policies so written shall be incontestible for any reason except for non-payment of premiums after two years from date of issue."[226]

[225] *Code of 1927*, Sec. 8651; *Acts of the Forty-third General Assembly*, Ch. 218.

[226] *Acts of the Forty-third General Assembly*, Chs. 219, 220.

The law relating to group insurance was amended, and authority was granted to labor organizations and teachers' associations to issue group insurance on their members. Group insurance under the new law includes life insurance covering members of a labor union or teachers' association written under a policy issued to such union or association, and insuring only its members who are actively engaged in the same occupation or profession. Provision is made, however, that when the premium is to be paid by the union or association and the members jointly and the benefits are offered to all eligible members, "not less than sixty-five (65) per centum of such members may so be insured." If the policy is renewable annually only at the option of both parties, and if the basis of premium rates may be changed by the insurance company at the beginning of any policy year, "all members of a trade union or teachers association may be insured."[227] This last provision appears to be unnecessary since there is no maximum limitation in case the insurance runs for more than annual periods.

Life insurance companies are required by law to deposit certain funds with the Commissioner of Insurance to be held in trust and invested in approved securities. With certain restrictions these funds may be invested, among other things, in public utility bonds. Two of the restrictions placed upon such investment are that the corporation or its predecessor shall have been in operation not less than five years prior to the making of the investment, and not more than twenty-five per cent of the gross operating revenue of the corporation shall be derived from property operating under a franchise which extends less than five years beyond the date of maturity of such bonds or under an indeterminate franchise or permit. The Forty-third

[227] *Code of 1927*, Sec. 8676; *Acts of the Forty-third General Assembly*, Ch. 221.

General Assembly amended this law so that investments may now be made if, in lieu of either of these requirements, the net earning of the corporation shall have been at least two times the interest on the present mortgage indebtedness for each of the three years prior to the date of purchase. Other minor changes were made in the law relative to the investment of funds of insurance companies in public utility bonds.[228]

By another act of the legislature the law relating to the investment of funds of an insurance company was further amended to provide for the purchase of railroad bonds. Under this law mortgage bonds of a railroad owning five hundred miles of track is considered as a safe investment for such funds if its capital stock equals at least one-third of its funded indebtedness, if it has paid regularly all charges on the funded indebtedness, for the five years next preceding the date of such investment, and has earned for five years at least four per cent per annum on all issued stock.[229]

The law relative to the deposit of funds by an insurance company for security provides that companies may, with the consent of the Commissioner of Insurance, substitute for such securities certificates of sale furnished by the sheriff in connection with the foreclosure of mortgages on real estate owned by such companies. The law provides further that, subject to certain restrictions, companies may substitute for such securities warranty deeds conveying any of the property included in the original mortgage to the Commissioner of Insurance, "and to his successors in office, in their official capacity." Recent legislation pro-

[228] *Code of 1927*, Sec. 8737; *Acts of the Forty-third General Assembly*, Ch. 222.

[229] *Code of 1927*, Sec. 8737; *Acts of the Forty-third General Assembly*, Ch. 223.

vides, however, that the "total amount of certificates of sale, contracts of sale, and deeds deposited" shall not exceed at any one time twenty per cent of the amount any company is required to deposit with the Insurance Department. Another act of the Forty-third General Assembly made essentially the same provisions regarding the deposits of securities by fraternal beneficiary societies.[230]

Section 8612 of the *Code of 1927* provided that all fees and charges which are required to be paid by insurance companies shall be payable to the Commissioner of Insurance whose duty it shall be to account for and pay over the same to the Treasurer of the State. This section of the law was amended by adding the provision that if by the laws of any State, insurance corporations of this State shall be required to make any deposit of securities in such other State for the protection of policy holders or otherwise, or are subjected to any restrictions, obligations, conditions or penalties greater than are required or imposed by the laws of the State of Iowa relating to insurance companies from or under similar corporations of such other States, then "all similar insurance corporations of such states shall be and they are hereby required to make like deposit for the like purposes in the insurance department of this state". Further provision is made that if it appears to the Commissioner of Insurance that any insurance company has been refused permission to transact business in another State, after it has complied with the reasonable requirements of the law in such State, then the Commissioner of Insurance may cancel the authority of every company organized under the laws of such State, licensed to do business in Iowa. The Commissioner is also authorized to refuse a certificate of authority to any company within such

[230] *Code of 1927*, Secs. 8736, 8737, 8829 (8); *Acts of the Forty-third General Assembly*, Chs. 224, 227.

State applying for authority to do business in this State, until such time as the certification of the Commissioner shall have been duly recognized by the other State.[231]

The law with regard to fraternal insurance provides that certificates of membership shall be issued only in case the beneficiary under such certificate shall be the wife, husband, relative by blood to the fourth degree, or other designated relatives or representatives. This law was amended to provide "that societies whose membership is confined to the members of any one religious denomination may be permitted to provide that benefits under their certificates of membership may be paid to educational, religious, charitable or benevolent institutions." The measure affecting this change was introduced by Senator Geo. W. Christophel of Waverly.[232]

The securities in which insurance companies other than life may invest their funds have been determined by law in Iowa since 1873. Several securities were added to the list by the recent General Assembly. Bonds of the Dominion of Canada or its Provinces were added, and Federal or State bonds no longer need to be above par in order to qualify. Insurance companies embraced in this chapter may now, subject to specified conditions, invest in real estate bonds which are first liens upon real estate, in certain stocks, and in any loans which are secured by the securities named in this act.[233]

The recent development of aircraft has given rise to a need of insurance against injuries caused by airplanes.

[231] *Code of 1927*, Secs. 8612, 8752; *Acts of the Forty-third General Assembly*, Ch. 225.

[232] *Code of 1927*, Sec. 8785; *Acts of the Forty-third General Assembly*, Ch. 226.

[233] *Code of 1927*, Sec. 8927; *Acts of the Forty-third General Assembly*, Ch. 228.

Accordingly, a measure was passed providing that an insurance company may insure buildings or other property against loss or damage caused by airplanes, seaplanes, dirigibles, or other aircraft.[234]

Insurance companies are authorized to insure merchants and traders against loss resulting from extending credit to customers. Such insurance may cover losses, less a deduction of an agreed percentage, not to exceed ten per cent for estimated profits, and a further deduction not to exceed thirty-three and one-third per cent on losses on credits extended to risks who have inferior ratings, and less an agreed deduction for normal loss. This law was amended by adding the provision that "Such coinsurance percentages shall be deducted in advance of the agreed normal loss from the gross covered loss sustained by the insured."[235]

Paragraph nine of Section 8940 of the *Code of 1927* authorized companies organized under this subdivision to insure automobiles and aircraft against loss by practically any means, but did not include insurance against loss by reason of bodily injury to the person. This latter limitation was removed by the Forty-third General Assembly. Accordingly, policies may now be issued against such loss, "provided that should an execution on a judgment against the insured be returned unsatisfied in an action by a person who is injured or whose property is damaged when the owner or operator has insured his liability for such personal injury or damage, the judgment creditors shall have the right of action against the insurer to the same extent that such owner or operator could have enforced his claim against such insurer had such owner or operator paid said judgment." Another part of the section with regard to

[234] *Acts of the Forty-third General Assembly*, Ch. 229.

[235] *Code of 1927*, Sec. 8940 (8); *Acts of the Forty-third General Assembly*, Ch. 230.

automobiles was amended so as to eliminate an inconsistency.

It is declared unlawful to issue insurance policies except in the form set forth in a subsequent section which does not apply to automobile or marine insurance. By the act mentioned above, aircraft insurance was also exempted from its application.[236]

Senator A. T. Brookins of Bassett introduced a measure relative to arbitrating hail insurance losses. This law provides that no recovery on a policy of insurance shall be defeated for failure of the insured to comply, after a loss occurs, with any arbitration or appraisement stipulation as to fixing the value of property. "Contracts of insurance to indemnify against loss by hail to growing crops which stipulate for arbitration shall provide that the decision of the majority of the arbitrators shall be final only as to the arbitration."[237]

Representative Frank C. Byers of Linn County introduced a measure which provides that the Commissioner of Insurance shall be the receiver and liquidating officer for any bankrupt insurance company. He shall serve in this capacity without additional compensation, but shall be allowed clerical and other expenses necessary for the conduct of such receivership. All expenses of supervision and liquidation shall be fixed by the Commissioner of Insurance subject to approval by the court and shall be paid out of the funds of the company.[238]

Provision was made by the Forty-third General Assembly for a refund of taxes, fees, and licenses collected from insurance companies by mistake or error. Whenever it appears to the Commissioner of Insurance that, because of error, mistake, or erroneous interpretation of a statute, an insurance company has paid taxes, fines, or penalties in excess of the amount legally chargeable against it, the Commissioner shall have power to refund to such company the excess thus paid. The payment will be effected by applying the amount thereof toward the payment of taxes or penalties already due or which may hereafter become due, until the excess payments have been fully refunded.[239]

236 *Code of 1927*, Secs. 8940 (5), 8940 (9), 9017; *Acts of the Forty-third General Assembly*, Ch. 231.

237 *Acts of the Forty-third General Assembly*, Ch. 232.

238 *Acts of the Forty-third General Assembly*, Ch. 233.

Section 10299 of the *Code of 1927* defines certain terms used in connection with the furnishing of labor, material, and service for public improvements. Material, the law stated, "shall, in addition to its ordinary meaning, embrace feed, provisions, and fuel". Legislation by the Forty-third General Assembly added to this list, "gasoline, kerosene, lubricating oils and greases". The same act stipulates that " 'Service' shall, in addition to its ordinary meaning, include the furnishing to the contractor of workmen's compensation insurance, and premiums and charges for such insurance shall be considered a claim for service."[240]

PROFESSIONS AND OCCUPATIONS

The law provides that every barber shall obtain a license to practice his profession. It also provides that no license to practice barbering shall be issued unless and until the applicant shall have presented to the examiners a certificate of a physician showing freedom from any infectious or contagious disease, and shall have passed an examination prescribed by the barber examiners. To these requirements have now been added the provision that the applicant shall present satisfactory evidence "that he is a citizen of the United States, or has made application for citizenship."

239 *Acts of the Forty-third General Assembly*, Ch. 234.

240 *Acts of the Forty-third General Assembly*, Ch. 244.

The bill which resulted in this change was introduced by Senator Bertel M. Stoddard. The original measure contained a provision which would have required that the applicant have "an education equivalent to the eighth grade in the public schools of this state," but this provision failed of passage.[241]

In the interest of health and sanitation Senator Bertel M. Stoddard also introduced a bill which provided that if the proprietor or person in charge of any barber shop fails to comply with the sanitary rules prescribed by the State Health Department, he may be notified of his failure and if he does not comply with the law within five days thereafter, the shop may be closed by order of the State Health Department. Any person who practices barbering in any shop while such shop is ordered closed shall be guilty of a misdemeanor.[242]

Cosmetology is dealt with in Chapter 124-B1 of the *Code of 1927* under Title VIII, entitled "The Practice of Certain Professions Affecting the Public Health". This chapter was amended in several particulars by the Forty-third General Assembly, the changes dealing for the most part with schools of cosmetology and the licensing of practitioners. No school may be issued a license to teach cosmetology until it has made application to the Department of Health for such license, giving such information as the Board of Cosmetology Examiners may require accompanied by the required license fee of one hundred dollars. The license, which is issued only upon the approval of the application, may be renewed subject to the approval of the board upon the payment of the annual license fee of one hundred dollars.

241 *Code of 1927*, Sec. 2585-b13; *Acts of the Forty-third General Assembly*, Ch. 72; *Senate File, Forty-third General Assembly*, No. 125.

242 *Acts of the Forty-third General Assembly*, Ch. 71.

All managers of shops and other places where cosmetology is practiced must be licensed cosmetologists, and all employees of such shops must be either licensed cosmetologists or apprentices. As defined by this act an apprentice is any person who has completed the prescribed course of study in some school of cosmetology approved by the board of cosmetology examiners, made application to take the next succeeding examination in cosmetology, and paid the fee of one dollar for a permit to practice as an apprentice. Formerly an apprentice was one who was in good faith pursuing the study of cosmetology under the direct supervision and tutelage of a licensed practitioner, provided he was only assisting the practitioner under whom he was studying. Such an apprentice could take the examination of the Board of Cosmetology Examiners. To be eligible for the examination under the new provision adopted in 1929 one must produce evidence of having completed a course of study in a school approved by the Board of Cosmetology Examiners.

Formerly one might likewise obtain a license authorizing him to remove superfluous hair by the use of the electric needle by studying for at least three months under the direct supervision of a licensed cosmetologist. Before an applicant may be granted such a license now, he must take a specified course of study, and pass an examination given by the board. This demands a fee of ten dollars in addition to other fees required of cosmetologists.

Section 2511 of the *Code of 1927* defines itinerants in the professions of medicine and surgery, osteopathy, chiropractic, and optometry. This section was amended so as to include the profession of cosmetology. An itinerant cosmetologist is defined as any person engaged in the profession of cosmetology who, by himself, agent, or employee goes from place to place, or from house to house, or by

circulars, letters, or advertisements solicits persons to meet him for professional treatment at places other than his office maintained at his place of residence. There is also a fee of one hundred dollars for a license to practice as an itinerant cosmetologist, in addition to any other fee required of cosmetologists.[243]

Chapter 124 of the *Code of 1927* dealing with the practice of embalming was repealed and a substitute enacted in lieu thereof. The new act redefines the term "practice of embalming" making it more inclusive, and at the same time more explicit. The qualifications for a license to practice embalming were raised. Before an applicant can be issued a license now, he must have completed an eighth grade common school course or its equivalent, and not less than twelve weeks in an accredited school of embalming. He must have had one year of training as an apprentice during which he has arterially embalmed not less than twenty-five human bodies. He must have passed satisfactorily an examination prescribed by the Board of Embalmers' Examiners, and have further proved his efficiency by operating on a dead human body. The act defines "Unprofessional Conduct" on the part of an embalmer for which his license may be revoked. Finally, any embalmer who solicits any professional patronage or business and receives the same because of reward offered therefor is declared to be guilty of a misdemeanor, and punishable accordingly.[244]

By an act of the recent session of the legislature, Chapter 91 of the *Code of 1927,* dealing with the profession of accounting was repealed, and a substitute enacted in its place. The act provides for a board of accountancy to take office on August 4, 1929. The section providing for the board is

[243] *Acts of the Forty-third General Assembly,* Ch. 70.

[244] *Acts of the Forty-third General Assembly,* Ch. 69.

practically the same as the one which was repealed, except that members of the board must, under the new section, have been practicing certified public accountants in this State for at least five years.

The powers and duties of the board are set forth in the act. One of its duties is to furnish reasonable rules consistent with the provisions of this chapter for the guidance of registered practitioners and applicants for examination. The board is empowered to administer oaths, to compel the attendance of witnesses, to take testimony, and to require proof in matters pertaining to the administration of this act. Meetings are to be annual in the future instead of semi-annual.

The act defines the following terms: "practice of accounting", "certified public accountant", "public accountant", "senior accountant, or senior staff accountant", "junior accountant", "office", and "office managers or managing officers".

The provisions relative to the examination of applicants for registration and certificates to practice accounting were made more detailed, and the subjects of taxation and general commercial knowledge were added to the list of examination subjects. The examination may be written or oral at the option of the applicant. In addition to former requirements an applicant for examination must now be a graduate of a college or university commerce course of at least three years duration, majoring in accounting, and must have had at least one year's experience as a staff accountant in the employ of a duly qualified practitioner. It was provided, however, that service for three years as a public staff accountant, or in certain specified departments of the Federal or State government would be accepted in lieu of the college or university course and the one year of service. Persons who have been continuously engaged in

the practice of accounting as defined in the act, since 1915 may be issued certificates as certified public accountants without examination.

The act provides numerous regulations for the registration of practitioners desiring to continue in the practice. Those persons formerly registered as certified public accountants and as public accountants will be re-registered in the same manner for the ensuing year. Provision is also made that certificates shall be issued only to individuals; and only firms whose members are all certified public accountants shall use such designation in connection with the firm name. Subsequent to the passage of this act articles of incorporation will not be issued to persons or companies which include among their objects the practice of accounting. This does not, however, alter or abridge the rights of existing corporations.

Every applicant for a certificate is required to take an oath, and to file a bond for five thousand dollars for the faithful performance of his duties. Rather severe penalties are imposed for violations of this act, and certificates may be revoked upon conviction for an offense involving dishonesty or fraud.[245]

The Forty-third General Assembly provided that the liability of the owner or keeper of any hotel, inn, or eating house does not extend to the automobile or other conveyance of a guest left at a garage not personally owned or operated by the hotel, inn, or eating house. The innkeeper is not liable for loss of or injury to the vehicle while in transit from such garage, nor for personal property left in the car, unless it is being driven by an employee or agent of the hotel. In case the car is left at a garage owned or operated by the innkeeper, the liability of said innkeeper for personal property left in the car is declared to be that

[245] *Code of 1927*, Ch. 91; *Acts of the Forty-third General Assembly*, Ch. 59.

of a bailee for hire, except that such liability shall not exceed fifty dollars unless the articles are listed with the innkeeper at the time the car is left in such garage.[246]

Professional engineers are required by law to register in order to obtain a permit to practice their profession. The term "professional engineering" is defined in the Code. The practice of this profession includes the designing and the supervision of the construction of public and private utilities, such as railroads, bridges, canals, harbors, and river improvements. The rapid development in air navigation led the members of the Forty-third General Assembly to include airports among the other utilities herein mentioned. This law was introduced by Senator L. H. Doran of Boone County.[247]

Operators of passenger boats are required under the Iowa law to equip all such boats with standard and efficient life preservers. Formerly it was stipulated that the number of such life preservers should be equal to one-half the number of passengers that the boat could lawfully carry in accordance with its certificate of inspection. The requirement for the number of life preservers has now been increased to the number equal to the number of passengers and the crew which the boat can lawfully carry.[248]

Iowa has a so-called red light injunction law that declares that whoever owns, maintains, operates, or leases a building used for the purposes of lewdness, assignation, or prostitution shall be guilty of a nuisance. This law was extended so as to include places used for "gambling or pool selling". In addition to other penalties, places used for

[246] *Acts of the Forty-third General Assembly*, Ch. 52.

[247] *Code of 1927*, Sec. 1855; *Acts of the Forty-third General Assembly*, Ch. 54.

[248] *Code of 1927*, Sec. 1701; *Acts of the Forty-third General Assembly*, Ch. 53.

gambling or pool selling may now be enjoined and abated as nuisances.[249]

The power to license employment agencies charging a fee for services rendered was taken from the hands of cities and towns and rested in a commission set up for the purpose, composed of the Secretary of State, the Labor Commissioner, and the Industrial Commissioner. It was declared a misdemeanor to transact such business without first procuring a license. Licenses can be obtained only upon written application to the commission accompanied by the affidavits of at least two reputable persons certifying to the moral character of the applicant, and by giving a surety bond in the sum of two thousand dollars to insure the payment of any damages which may accrue as a result of any wrongful conduct on the part of the applicant in the conduct of his business. A schedule of fees to be charged for services rendered during the term of the license must also be filed with the application. The annual license fees for such agencies are set out in the law, ranging from five to fifty dollars depending upon the size of the city in which they are located. Provision is also made that licenses may be revoked at any time by the commission because of any substantial violation of the laws regulatory of such business.[250]

The law relative to the regulation of the sale of cigarettes stipulates that prior to or at the time of delivery of any cigarettes or cigarette papers to the consumers, a tax shall be levied, assessed, and paid to the treasurer of the State. It is also provided that before delivery to the consumer each package shall be stamped and that each stamp shall

[249] *Code of 1927*, Sec. 1587; *Acts of the Forty-third General Assembly*, Ch. 51.

[250] *Code of 1927*, Sec. 5743 (4); *Acts of the Forty-third General Assembly*, Ch. 49.

be cancelled prior to the removal of the contents from the package. By an act of the Forty-third General Assembly the term "consumer" as used in this law was declared to "include any person, firm, association, co-partnership, or corporation which does not have a duly issued permit to sell cigarettes or cigarette papers."[251]

BANKS AND BANKING

The most significant banking measure passed by the Forty-third General Assembly was one consisting of thirty-seven sections, which was introduced by the Committee on Banks and Banking. This bill in a measure recodified the banking law to make it conform with improved banking methods and the rulings which have been followed by the Banking Department in recent years. The *Northwestern Banker* in commenting on this law said "Never since the first banking laws were placed upon the statute books of Iowa has anything so complete, so far visioned and so constructive been done in the way of modernizing and revitalizing Iowa banking requirements."

The new law provides for an increase in the number of bank examiners, transfers certain supervisory duties from the Executive Council to the State Banking Board, and stipulates that the law governing the investment of funds and profits of savings banks shall apply also to State banks and trust companies. It also raises the minimum capitalization of new savings banks from $10,000 to $25,000. No banking institution is to be permitted to declare or pay any dividend until it has established a surplus of 20 per cent, and it shall lay aside at least 10 per cent of the net annual earnings until the surplus has reached 50 per cent of the capital stock.

Another section of the law makes it unlawful for any

[251] *Acts of the Forty-third General Assembly*, Ch. 50.

officer or employee of a bank to sell real estate or insurance without first obtaining an approval of the board of directors of the bank. The new law limits the rate of interest on time deposits to 4 per cent per year, unless the bank desires to enter such deposits as bills payable and the depositor waives his preference in case of the insolvency of the bank. This provision does not become effective, however, until January 1, 1930.

The law provides that bank drafts and cashiers' checks given for clearings between banks shall be preferred claims against the assets of the bank. It also provides that the Superintendent of Banking may direct that loans of $500 or more shall be made only when the application for such a loan is accompanied by a financial statement of the borrower. Another section of the law stipulates that surplus and undivided profits shall henceforth be taxed as money and credits. Under the new law all public funds will bear a minimum interest rate of 2 per cent on ninety per cent (90%) of the collected daily balances instead of 2½ per cent on ninety per cent (90%) of the daily balances. Hereafter bank officers or employees will not be held responsible for taking deposits for a bank already insolvent unless such deposits are received "with intent to defraud or receiving financial benefit therefrom."

Another feature of the bill is that it increased the amount loanable on marketable non-perishable staples and on live stock to 40 per cent of their value when covered by insurance and when the market value of the property given as security is not less than 120 per cent of the face amount of the obligation or when the stock feeder shall have sufficient corn and rough feed to fatten his live stock and when the loan on said live stock does not exceed the purchase price. Formerly only 20 per cent could be loaned on such security. Thus a State bank may now double the amount

thus loaned to business houses and farmers. The provision is similar to that granted by the McFadden Act to national banks.[252]

Section 9278 of the *Code of 1927* stipulates that in case of the dissolution of a bank, the receiver shall not be allowed to sell the assets thereof at a forced sale. An amendment passed by the Forty-third General Assembly provides that, after "having made diligent effort to collect or realize on the assets", the receiver shall have power to sell the remaining assets and to execute assignments, releases, and satisfactions to effectuate such sales. The Superintendent of Banking is also empowered to sell, release, or assign any remaining asset, mortgage, or lien of any bank or trust company receivership which has been terminated. All such sales or assignments shall be made, however, only upon the approval of the court.[253]

The law provides that the Superintedent of Banking may at his discretion require that certain banks be examined and the report of such bank be published in a newspaper of the city, town, or county in which the bank is located. This law was amended to provide that such a report may be published "in a newspaper in an adjoining county circulating in the territory served by the bank."[254]

Section 7405 of the *Code of 1924* provided that 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. The following section provided that such bonds should be filed with the county auditor and actions might be brought either by the

[252] *Code of 1927*, Chs. 412, 414, 415; *Acts of the Forty-third General Assembly*, Ch. 30; *The Northwestern Banker*, May, 1929, pp. 29, 30.

[253] *Acts of the Forty-third General Assembly*, Ch. 31.

[254] *Code of 1927*, Sec. 9232; *Acts of the Forty-third General Assembly*, Ch. 32.

treasurer or the county. The former section was repealed by the Forty-first General Assembly in 1925, the latter section remaining. Obviously the remaining section became obsolete upon the repeal of the preceding one and it was accordingly repealed by the Forty-third General Assembly. Provision was made, however, that this repeal should not prevent the bringing of an action on any existing bond.[255]

Another amendment to the banking law passed by the Forty-third General Assembly was one which provides that "Before any state or savings bank shall be permitted to incorporate under the laws of this state, it shall present its articles of incorporation to the superintendent of banking for approval." All amendments to such articles and renewal articles shall also be submitted to that officer.[256]

The Code provides for a State sinking fund derived largely from the interest collected from depositories of public funds. The liability of any depository which fails to pay such interest was reduced. The depository now has until the tenth day of the month before any penalty applies, and the penalty was reduced from double the amount of the interest due to ten per cent of such amount.[257]

The Committee on Banks and Banking in the House of Representatives introduced a measure revising the law relative to the investment of trust funds. Formerly when investments of funds were to be made, including those to be made by executors, administrators, trustees, and guardians, and no specific mode of investment was provided by statute, the law stipulated that investment should be made

[255] *Acts of the Forty-third General Assembly,* Ch. 34; *Code of 1924,* Sec. 7405; *Acts of the Forty-first General Assembly,* Ch. 173.

[256] *Acts of the Forty-third General Assembly,* Ch. 33.

[257] *Code of 1927,* Secs. 1090-a3, 1090-a13; *Acts of the Forty-third General Assembly,* Ch. 45.

in real estate mortgages, Federal or State bonds, or municipal bonds. This law was amended to provide that all proposed investments of trust funds by fiduciaries shall first be reported to the court or judge for approval, and, unless otherwise authorized or directed, a trustee, executor, administrator, or guardian shall invest the funds in one of nine designated securities. The list of securities is more extensive than under the former law, but each obligation is surrounded with restrictions and limitations intended to make it a safe investment for fiduciary funds.[258]

CRIMINAL LAW

The *Code of 1927* provides that the sheriff of any county may issue a permit to carry concealed weapons. It also stipulates that it shall be the duty of the sheriff to issue permits to carry weapons to peace officers and to others who in the judgment of the sheriff should go so armed. In each of these cases the law was amended to provide that such permits shall be issued only to residents of the county in which the permit is issued. A further provision was made, however, that a non-resident of the State may be issued a permit by the sheriff of any county in which said non-resident is employed or on duty, if it appears to the sheriff that such non-resident is a fit person to be permitted to go so armed.[259]

A measure introduced by Representative Lafe Hill of Floyd County amended two sections of the Code declaring the use or possession of punch boards to be illegal. The law as amended provides that no one shall have in his possession, except for the purpose of destroying the same,

[258] *Code of 1927,* Sec. 12772; *Acts of the Forty-third General Assembly,* Ch. 259.

[259] *Code of 1927,* Secs. 12938, 12941; *Acts of the Forty-third General Assembly,* Ch. 261.

"any roulette wheel, klondyke table, punch board, poker table, faro, or Keno layouts". Any person who maintains a house or shop where such devices are kept shall be subject to a fine of from fifty to three hundred dollars or imprisonment in the county jail for one year, or both.[260]

Three acts of the Forty-third General Assembly made minor changes in the laws providing punishment for certain crimes. The section of the Code which fixes the penalty for bribing or attempting to bribe certain public officers was extended so as to apply to all the offices contemplated in the chapter entitled "Bribery and Corruption of Public Officials".[261]

A subsequent section providing punishment for falsely assuming to be and impersonating public officers was amended so as to extend the provisions thereof to include peace officers, special agents of the Department of Justice, and game wardens.[262]

Jail breaking is declared a felony, and the place of punishment of such offenders was changed from the jail from which they escaped to the State penitentiary or reformatory.[263]

CODE REVISION

The Twenty-ninth General Assembly in 1902 rewrote the law relative to negotiable instruments and in two instances omitted words which were essential to a clear meaning of the law. The law with regard to the sufficiency of notice, as written at that time, contained the following statement: "A misdescription of the instrument does not vitiate unless the party to whom the notice is given is in fact misled

[260] *Acts of the Forty-third General Assembly,* Ch. 262.

[261] *Acts of the Forty-third General Assembly,* Ch. 263.

[262] *Acts of the Forty-third General Assembly,* Ch. 264.

[263] *Acts of the Forty-third General Assembly,* Ch. 265.

thereby", the words "the notice" being omitted after the word "vitiate". The correction was inserted in brackets in Section 9556 of the *Code of 1924* and again in the *Code of 1927*. A measure passed by the Forty-third General Assembly corrected the error. A similar correction was made in Section 9609 of the Code.[264]

Another obvious error was corrected in Section 9928 of the *Code of 1927*. In this case the law relative to public contracts was amended and clarified by striking out an ambiguous, incomplete, and meaningless clause which had been inserted in the Code as a result of legislation passed by the Thirty-fifth General Assembly.[265]

Two acts were passed relative to legalizing conveyances. Section 10394 of the *Code of 1927* provides that in all cases where prior to "1910" an executor, administrator, trustee or guardian has conveyed real estate and the conveyance was duly recorded, "such conveyance shall not be held void or insufficient by reason of the fact that due and legal notice of all proceedings with reference to the making of any such conveyance was not served upon all interested or necessary parties". This law was amended so as to apply to all conveyances made prior to "1920". Further provision was made that any person or corporation who may have any adverse interest in property thus conveyed must bring action on such claim within ninety days from the taking effect of the law.[266]

Section 10406 of the *Code of 1927* contains a similar provision that any deed or conveyance executed prior to January 1, 1890, and in which the grantee or his heirs have had adverse possession of the premises since that date, the

[264] *Code of 1927,* Secs. 9556, 9609; *Acts of the Forty-third General Assembly,* Ch. 237.

[265] *Acts of the Forty-third General Assembly,* Ch. 238.

[266] *Acts of the Forty-third General Assembly,* Ch. 245.

conveyance shall be legalized notwithstanding irregularities in the original conveyance. This date was advanced to 1915. A similar change was made in the law relative to tax sale proceedings. In this case the *Code of 1927* was applicable only to sales made prior to 1895, which were declared valid and legal notwithstanding irregularities. This law was also amended to apply to conveyances executed prior to January 1, 1915. Any person having adverse claims in either of these cases is required to institute proceedings to enforce the same within three months of the taking effect of the act.[267]

LEGALIZING AND ENABLING ACTS

Some fifty legalizing acts were passed by the Forty-third General Assembly. Almost one-half of these related to the transfer of funds. The transfer of funds by the county board of supervisors was the subject of eighteen acts. Two such transfers were legalized in Decatur County, and one in each of the following counties: Allamakee, Appanoose, Audubon, Clarke, Clinton, Dallas, Davis, Dubuque, Keokuk, Marion, Mills, Monroe, Osceola, Shelby, Washington, Webster.[268] The action of the city council in the transfer of funds was made legal in the cities or towns of Albia, Charles City, Forest City, Hull, Kamrar, Missouri Valley, and Roland.[269] One legalizing act was necessary to correct a defect in the transfer of funds in the independent school district of Lake City.[270]

Seven legislative measures related to acts and proceedings of corporations. The Cerro-Gordo Building Company

267 *Acts of the Forty-third General Assembly,* Chs. 246, 247.

268 *Acts of the Forty-third General Assembly,* Chs. 351-369.

269 *Acts of the Forty-third General Assembly,* Chs. 370, 371, 373, 374, 381, 382, 384.

270 *Acts of the Forty-third General Assembly,* Ch. 397.

of Mason City, The Farmers Creamery Company of Lone Rock, The Jewell Farmers Elevator Company, The Redfield Brick and Tile Company, The Sheldon Armory Company, The St. Martin Land Company of Cedar Rapids, and the Plymouth Clay Products Company of Fort Dodge had each taken steps to incorporate, or for the renewal or extension of its corporate existence, but in each case certain irregularities gave rise to the question of legality. Accordingly, a legalizing act was passed for each of these companies granting the charter in the same manner as if no irregularity existed.[271] A similar act was passed legalizing certain franchises of the Iowa-Illinois Telephone Company in the towns of West Point, Eldon, Richland, New London, Hedrick, Donnellson, Montrose, Hillsboro, Oakville, Ainsworth, Cone, Letts, Wayland, and Winfield. In addition to this a legalizing act of a general character was passed, legalizing the incorporation of coöperative associations and corporations in the organization of which minor defects had developed. This latter measure was introduced in the Senate by the Sifting Committee and became effective upon publication.[272]

Legalizing acts were necessary to dispel doubts concerning the validity of special elections in the city of Tama, the town of Ogden, and in Lyon County.[273] At a general election in the town of Dike the question of a bond issue was voted upon. Questions of legality having arisen with regard to the election and the bonds issued, a legalizing act was passed validating them notwithstanding certain irregularities.[274] In a similar manner the validity of warrants issued in the towns of Carlisle and Underwood were

271 *Acts of the Forty-third General Assembly,* Chs. 387, 389, 391-394, 399.

272 *Acts of the Forty-third General Assembly,* Chs. 388, 398.

273 *Acts of the Forty-third General Assembly,* Chs. 362, 376, 383.

274 *Acts of the Forty-third General Assembly,* Ch. 380.

in question, and in each they were declared valid by means of a legalizing act.[275]

Two acts were passed to legalize the proceedings of city councils. In Des Moines it had been necessary for the council to use certain money in the bridge fund for the purpose of removing snow and ice from the streets. The council of the town of Bellevue had established a municipal electric light plant. In each of these cases a question of the legality of the proceedings was raised, and a legalizing act was passed to remedy any defects that might exist.[276] Certain ordinances had been passed in Storm Lake, in Rolfe, and in Correctionville without all of the provisions of the law having been complied with. Doubts arose with reference to their legality and the legality of acts performed under them. Accordingly, measures were passed by which these ordinances were declared valid in the same manner as if all provisions of the law had been followed.[277] Two acts were necessary to validate certain taxes levied, and to provide for their collection. In one of these instances the taxes in question were those levied by counties for the purpose of raising a fund to eradicate bovine tuberculosis. In the other case municipal taxes levied for the purpose of creating an emergency fund, pursuant to the provisions of what seemed to be the law, but about which some question had arisen, were declared to be legal and valid.[278]

A number of legal notices which were required to be published in "a newspaper of general circulation in the county" were published in *The Daily Reporter* of Sioux City. Doubts having arisen as to the legality of such publication on the ground that the paper was not of general

[275] *Acts of the Forty-third General Assembly,* Chs. 378, 386.

[276] *Acts of the Forty-third General Assembly,* Chs. 372, 377.

[277] *Acts of the Forty-third General Assembly,* Chs. 375, 379, 385.

[278] *Acts of the Forty-third General Assembly,* Chs. 153, 396.

circulation, a legalizing act was passed declaring their validity.[279]

In 1875 a deed was executed in the name of the State of Iowa by C. C. Carpenter and Josiah F. Young, Governor and Secretary of State respectively, conveying certain property to Maria S. Orwig. This transfer was made with "the unanimous consent of the census board" of the State. The records of the census board having been lost, an act was passed legalizing this transfer and declaring the deed to be valid.[280]

MISCELLANEOUS ACTS

Some fifteen acts of special legislation were passed by the Forty-third General Assembly. These are of a temporary nature or apply to specific subjects, and will not appear in a revised edition of the Code. One of these acts provides that the necessary amount of revenue for general State purposes as fixed by the General Assembly shall be $9,900,000 for each year of the biennium. Each year the Executive Council fixes the rate in percentage to be levied upon the valuation of the taxable property of the State necessary to raise the amounts thus prescribed by the General Assembly. These rates are certified to the auditor of each county.[281]

The Thirty-fifth General Assembly in 1913 enacted a law for the extension and improvement of the State Capitol grounds, and provided a special tax for a ten year period to provide funds. This work having been completed and the fund having a balance of some $30,000, which was not needed for the purpose designated, the Forty-third General

[279] *Acts of the Forty-third General Assembly,* Ch. 395.

[280] *Acts of the Forty-third General Assembly,* Ch. 390.

[281] *Code of 1927,* Secs. 7182, 7183; *Acts of the Forty-third General Assembly,* Ch. 271.

Assembly passed an act transferring this surplus into the general fund of the State. The Twenty-fifth General Assembly in 1894 made an appropriation of two hundred and forty dollars per annum for the benefit of Frederick M. Hull. This amount has now been increased to three hundred and sixty dollars per year.[282]

By another act authority was granted for making a survey of the agricultural, industrial, and natural resources of the State for the purpose of determining what industries are economically adapted to Iowa. This survey is to be carried on under the supervision of the director of the engineering experiment station of the Iowa State College of Agriculture and Mechanic Arts. An appropriation of $10,000 was made for the purpose of carrying forward the survey.[283]

A commission of three persons — George W. Prichard, C. C. Helmer, and J. G. Merritt — was appointed to contract and provide for the erection of a monument at the grave of Merle D. Hay at Glidden, Iowa. An appropriation of $5000 was made to defray the expenses incurred in the erection of such a monument. This measure was introduced in the Senate by the Committee on Appropriations.[284]

In accordance with a measure introduced in the Senate by the Committee on Conservation the State Board of Conservation was authorized to proceed with the reconstruction, rehabilitation, and re-establishment of Rice Lake in Winnebago and Worth counties. Plans for the carrying forward of this work are to be approved by the Executive Council.[285]

Certain school fund mortgages in the State had been foreclosed and the real estate sold under the order of the

[282] *Acts of the Forty-third General Assembly,* Chs. 272, 330.

[283] *Acts of the Forty-third General Assembly,* Ch. 273.

[284] *Acts of the Forty-third General Assembly,* Ch. 274.

[285] *Acts of the Forty-third General Assembly,* Ch. 275.

court, and various counties had executed deeds and conveyances to real estate to the State. Subsequent transfers had been made and the question of title arose. An act was passed stipulating that in all such cases transfer should be legalized and that the title should be confirmed in the purchaser or his grantee.[286]

Several acts relative to the transfer and the clearing of title to land were passed by the Forty-third General Assembly. In one such case land had been granted by the United States to the State of Iowa. Later Harrison County, Iowa, had given a deed for it, notwithstanding the fact that the land as described had been omitted from the swamp land grant from the State to Harrison County. An act was passed disclaiming any interest of the State in the land and declaring the title to be valid. In a similar case certain lands had been sold by the State in 1852 and had passed to various grantees without a patent having been issued by the State. In the third case irregularities appeared in the transfer of public land to Etta V. Brall. In each of these cases the Governor and the Secretary of State were authorized to clear the title by means of proper patents.[287]

Another act relative to the transfer of land was one in which the Governor and Secretary of State were authorized to transfer to the municipal corporation of Forest City a five acre tract of land. This property had been given to the State for park purposes but as it did not seem wise to retain it as a State park, a transfer to the municipality was authorized.[288]

For the purpose of clearing title of certain lands located in the city of Muscatine, a measure was passed providing

[286] *Acts of the Forty-third General Assembly,* Ch. 276.

[287] *Acts of the Forty-third General Assembly,* Chs. 281, 283, 286.

[288] *Acts of the Forty-third General Assembly,* Ch. 279.

that the State of Iowa relinquish and quit-claim any claim of right, title or interest which it may have in the Muscatine slough bed. This measure was introduced in the House of Representatives by Representative John E. McIntosh of Muscatine County.[289]

Interested in restoring and preserving buildings of historical value at the Fort Atkinson State Park in Winneshiek County, the State Board of Conservation petitioned Congress for aid. Such aid it was found could not be granted unless the land to be improved were transferred to the United States government. Accordingly, a measure was passed by the Forty-third General Assembly authorizing the transfer of this park, consisting of about five acres, to the government of the United States. In accordance with the provisions of this transfer the buildings will be repaired and restored, and the park will be maintained "as a national monument open to the public".[290]

In 1846 the United States government granted certain lands, consisting of five acres, to the State of Iowa. Six years later this land was purchased from the State by John S. Busey but no patent was issued by the State. In order to clear the title to this land an act was passed authorizing the issuance of a patent by the Governor and Secretary of State to Herman Colyn, the grantee of John S. Busey.[291]

Certain lots on an island subject to overflow in the Mississippi River in Clayton County were sold by the drainage commissioner with the understanding and belief that such lots were a part of the swamp land granted to the county by the State. Later the lots were sold for taxes and purchased by G. J. Graf. Questions as to title having arisen, an act was passed authorizing the Governor and Secretary

289 *Acts of the Forty-third General Assembly,* Ch. 278.

290 *Acts of the Forty-third General Assembly,* Ch. 280.

291 *Acts of the Forty-third General Assembly,* Ch. 282.

of State to issue a patent to Mr. Graf thereby clearing the title to the land in question.[292]

In the construction of U. S. Highway No. 30, it became necessary to arrange for an overhead crossing over the Chicago Northwestern railway near the city of Tama. To accomplish this it was necessary to re-locate a mill race belonging to the Cherry-Burrell corporation. Land was purchased for this purpose and an act was passed authorizing the Executive Council to transfer such land to the Cherry-Burrell corporation in accordance with a contract entered into between this corporation and the State Highway Commission.[293]

JOINT RESOLUTIONS

During the Forty-third General Assembly, nineteen joint resolutions were introduced, ten originating in the Senate and nine in the House. Six were passed. Two of these, one dealing with the proposed constitutional amendment for primary road improvement, and one creating a legislative committee to formulate proposed tax legislation are dealt with in other parts of this review. Another joint resolution provided for the appointment of a committee of six members of the legislature, three from each house, to investigate the proposal to establish a State park upon the west bank of Spirit Lake. The committee is instructed to make a written report and proposal to the Forty-fourth General Assembly relative to the advisability of establishing such park. A sum of five hundred dollars was appropriated to carry out the provision of this act.

The compensation of officers and employees of the Forty-third General Assembly was fixed by a joint resolution which became effective on February 6th, upon publication

292 *Acts of the Forty-third General Assembly,* Ch. 285.

293 *Acts of the Forty-third General Assembly,* Ch. 284.

in two newspapers published in the State, as provided by law. The selection of several additional employees to serve during the session of the Forty-third General Assembly was the subject of another resolution. Finally, the legislature gave its assent to the provision of United States law known as the Capper-Ketcham Act.[294]

Of those which were not approved, eight were proposed constitutional amendments. One of these would have authorized the legislature to provide by general law, for the filling of vacancies in the membership of either house. Two of them related to debts of the State and payment thereof, and another would have prevented in the future the issuance of anticipatory warrants by the legislature. One of the proposed amendments related to the apportionment of the State into senatorial districts, and another would have made a slight change in the law respecting the printing of constitutional amendments. One proposal which was introduced in both houses dealt with income or occupation taxes.

Two of the other joint resolutions which failed in passage proposed commissions, one to secure information relative to the public schools, and one on county homes and old age pensions to investigate present conditions and make recommendations as to any legislation necessary to remedy them. Another, which was introduced but not approved, was a proposal that the Forty-third General Assembly petition Congress to refund internal revenue taxes assessed on sales of farm lands based on paper profits in the midwest during the boom years of 1919-1921.[295]

[294] *Acts of the Forty-third General Assembly,* Chs. 400-406.

[295] *Senate Joint Resolution, Forty-third General Assembly,* Nos. 2-7, 10; *House Joint Resolution, Forty-third General Assembly,* Nos. 2-5.

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