IOWA APPLIED HISTORY SERIES

EDITED BY BENJAMIN F. SHAMBAUGH

VOLUME II NUMBER 9

Social Legislation in Iowa

BY

J. E. BRIGGS

REPRINTED FROM VOLUME TWO OF THE IOWA APPLIED HISTORY SERIES PUBLISHED AT IOWA CITY IN 1914 BY THE STATE HISTORICAL SOCIETY OF IOWA

SOCIAL LEGISLATION IN IOWA

IOWA APPLIED HISTORY SERIES
EDITED BY BENJAMIN F. SHAMBAUGH

SOCIAL LEGISLATION IN IOWA

BY

JOHN E. BRIGGS

PUBLISHED AT IOWA CITY IOWA IN 1914 BY
THE STATE HISTORICAL SOCIETY OF IOWA

EDITOR'S INTRODUCTION

THE day is passed when one needs to apologize for discussing the promotion of social welfare through legislation: indeed, the modern point of view in all legislation is social. It is, therefore, profitable to review social legislation in Iowa in order that we may see more clearly the steps that should be taken next. This has been the purpose of the researches of Mr. Briggs both in his larger volume on *The History of Social Legislation in Iowa* and, more briefly, in the pages of this paper.

BENJ. F. SHAMBAUGH

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

AUTHOR'S PREFACE

THE field of social legislation is so broad that within the bounds set for this paper only a very general treatment of particular problems is possible. Indeed, the purpose of these pages is simply to give a general view of the scope of social reform. In the brief review of recent progress and in pointing out the gaps in Iowa legislation no attempt is made to offer a solution for all the social difficulties which confront the people of this State. On the contrary the development of social legislation in Iowa demonstrates the fact that social problems can not be finally settled by a single stroke of legislation but that progress is made only by continued attention to changing conditions. The chief value of this paper must, therefore, lie in its suggestiveness.

The following pages are largely an abridgment of the author's more extensive work, entitled the *History of Social Legislation in Iowa,* which will soon be published by the State Historical Society of Iowa in the *Iowa Social History Series.* All citations to materials and authorities will be found in the *Notes and References* of the larger and more complete work.

To the Superintendent and Editor of The State Historical Society of Iowa, Professor Benj. F. Shambaugh, the author is indebted for constant guidance in the prep-

aration of this paper. Thanks are also due to Dr. Fred E. Haynes for his many invaluable suggestions and criticisms. Miss Bessie A. McClenahan of the Bureau of Social Welfare in the Extension Division of the State University of Iowa contributed her assistance by a critical reading of the manuscript.

JOHN E. BRIGGS

THE STATE HISTORICAL SOCIETY OF IOWA
IOWA CITY IOWA

CONTENTS

I. Introduction: What Is Social Legislation . . 11
THE BEGINNINGS OF SOCIAL LEGISLATION . . . 12

II. Beginnings of Social Legislation in Iowa 1838–1897 15

III. Recent Social Legislation in Iowa 1897–1913 . 20
LEGISLATION CONCERNING DEPENDENTS . . . 22
LEGISLATION CONCERNING DEFECTIVES . . . 23
LEGISLATION CONCERNING DELINQUENTS . . 28
LEGISLATION CONCERNING PENSIONERS . . . 35
LEGISLATION CONCERNING LABORORS . . . 36
LEGISLATION CONCERNING PUBLIC HEALTH . . 43
LEGISLATION CONCERNING PUBLIC SAFETY . . 47
LEGISLATION CONCERNING PUBLIC MORALS . . 49
LEGISLATION CONCERNING DOMESTIC RELATIONS . 52

IV. Present Demands for Social Legislation in Iowa 54
GENERAL CONSIDERATIONS 54
FOR DEPENDENTS 57
FOR DEFECTIVES 58
FOR DELINQUENTS 60
FOR PENSIONERS 62
FOR LABORERS 63
FOR THE PUBLIC HEALTH 64
FOR THE PUBLIC MORALS 65

I

INTRODUCTION: WHAT IS SOCIAL LEGISLATION

Broadly considered all legislation is social legislation in that every law affects either directly or indirectly the well-being of society. At the same time it is evident that there are certain laws or groups of laws which touch the welfare of society much more intimately than others. Indeed, by choosing from the whole mass of legislation those enactments which have for their direct and primary purpose the betterment of living conditions one may define more or less clearly the field of social legislation. From this field would be excluded all such politico-social measures as relate to the form and organization of the various departments of government, methods of court procedure, the election of public officials, or provisions for direct legislation. Neither would the laws governing corporate interests, banking, commerce, and the operation of public utilities be included in a discussion of social legislation, since these activities are primarily economic in character.

Social legislation has been defined as the "balancing of individual demands with social demands and with other individual demands, so as to promote the general order by the equalization of opportunity, and to provide for the greatest possible self-realization consistent with the common good; at once to satisfy and reconcile the justifiable claims of the individual and of society as well". Its pur-

pose is to secure for each individual "a standard of living, and such a share in the values of civilization as shall make possible a full moral life"; to obtain "the greatest possible self-realization of the individual consistent with an opportunity on the part of others to strive for a like realization." Social legislation aims to control human weaknesses and to develop the habit of self-reliance. It deals with adverse conditions the causes of which are founded on natural phenomena and human association.

Thus defined and limited the field of social legislation may be divided into two parts: the first includes legislation affecting particular classes; and the second comprises measures affecting society in general. In the first group are placed the laws relating to dependents, defectives, delinquents, pensioners, and laborers; while in the second division are placed all laws affecting public health, public safety, public morals, and domestic relations.

THE BEGINNINGS OF SOCIAL LEGISLATION

Social legislation is by no means a departure of the present generation. Indeed, laws social in their character and effects have for centuries been enacted in a desultory sort of way. At the same time it is true that only in more recent years have the needs of social regulation come to be fully recognized and the enactment of social legislation consciously pursued. Before the great Industrial Revolution in England the solicitude of the government had been chiefly for the upper and property-owning classes. When the Great Plague caused a shortage of labor in 1348, workmen were forbidden to demand more than the customary wages; and the first poor law, which was placed upon the statute books of England in

1601, went so far as to provide that a portion of the wages of laborers should be paid by the public to save expense to the individual employers.

At the opening of the nineteenth century individualism, both as a philosophy of life and as a theory of legislation, dominated human thought. Every man was presumed to be the best judge of his own interests; and it was thought that where each one acted for his own good the greatest good to all would result. The "let alone" policy, which claimed that conscious effort to improve social conditions is not only useless, but positively harmful, held sway: interference with the free efforts of individuals was regarded as unwise if not morally wrong.

The same idea was reflected in the political philosophy of the time. Government was to interfere as little as possible with the "natural rights" of individuals. Indeed, government was held to be a necessary evil, many persons subscribing to the doctrine of "the less government the better for the people." Thus, under the dominating influence of individualism, non-interference became the watchword of public policy; while along with the notion that the field of governmental activity should be limited as much as possible went the conception that in centralization of power there was danger.

During the last half of the nineteenth century, however, there was a general departure from the early régime of non-interference, *laissez faire,* and local independence. To-day governments no longer justify their acts on the theory of the "protection of natural rights", but rather on the grounds of "general welfare". Indeed, in this country a new democracy has evolved bringing with it a humanitarian spirit that has swept slavery out of the land, that has established the idea of reforming

criminals, that has caused defective and helpless classes to be cared for scientifically — a spirit that has, in fact, heralded the approach of altruistic justice. Wasteful competition is giving way to coöperation. The next step is the conservation of human energy.

Halting and feeble as its progress may be — embarrassed in many instances by enactments unwisely conceived — modern legislation is accomplishing a measure of social justice. But social justice will never be completely and finally achieved by legislation, since laws enacted by one generation can never fully satisfy the new demands of succeeding generations.

II

BEGINNINGS OF SOCIAL LEGISLATION IN IOWA 1838–1897

THE movement for social betterment which developed in the United States during the latter half of the nineteenth century is clearly reflected in the legislation of Iowa. Indeed, the interest in social welfare which characterized the legislation of other States and other jurisdictions is seen in the enactments of the First Legislative Assembly of the Territory of Iowa in 1838–1839. Moreover, the tendency toward centralization in the administration of public charities and correction, the abandonment of the policy of State money grants and the favoring of institutional relief for defective classes, and the segregation of the various classes of dependents, defectives, and delinquents are features of the general movement which are particularly noticeable in the history of social legislation in Iowa.

In the early days this frontier country had little need of the sort of social legislation which characterizes the later years of industrial and social complexity. Previous to the first real codification of the laws in 1851 statutes had been enacted which provided for the care of paupers and insane persons; while State money grants of $100 a year for the education of the blind and the deaf and dumb were authorized. Inasmuch as Iowa has pursued the policy of codifying the Common Law many crimes were at this time defined and penalties established on the basis

of the twofold division of felonies and misdemeanors. When the Penitentiary at Fort Madison (Iowa's first State institution of a charitable or correctional nature) was constructed, the contract system of prison labor was installed, and there it has persisted even to the present day. Convicts could be discharged only after serving their full term, good behavior making no difference in the time. The first shadow of central control over jails appeared before 1851 in the form of inspection by the county judge and prosecuting attorney. In the interest of the laborer "mechanics' liens" were legalized and wages were exempted from execution within ninety days next preceding the levy. A pure food regulation forbade the sale or exposure for sale of any impure or unwholesome meat, bread, beer, or liquor; while in the case of drugs adulteration was prohibited. Nuisances were defined and their abatement provided for. A public safety measure aimed to safeguard steamboat passenger service. Conspicuous among the laws attempting to preserve public morality were those penalizing cruelty to animals, punishing gamblers, prohibiting the sale of intoxicating liquor, and suppressing obscene literature and pictures. Acts governing marriage, divorce, apprenticeship, and the guardianship of minors constituted the extent of legislation concerning domestic relations. Negroes were allowed no privileges whatever; while the rights of Indians were somewhat limited.

During the next decade the system of money grants for the care of certain classes of defectives began to give way to the establishment of institutions — the expression of this change in policy being found in the erection of the first State Hospital for the Insane at Mount Pleasant and in the provision for the care of the blind and the deaf

and dumb in asylums at Iowa City. Following the example set by the establishment of the New York House of Refuge in 1825 — that children should be treated as delinquents and not as criminals — Iowa cities of the first class were authorized to provide houses for the confinement of delinquent children under sixteen years of age. A significant feature in relation to the treatment of convicts — in the light of present-day conceptions of reformation — was the arrangement for the diminution of sentences on the basis of good behavior. The *Revision of 1860* contains the first laws encouraging the organization of fire companies and protecting fire-fighting apparatus. By the provisions of the same code the principle of prohibition of the liquor traffic was practically abandoned.

The *Code of 1873* records the establishment of the Hospital for the Insane at Independence, the College for the Blind at Vinton, the Institution for the Deaf and Dumb at Council Bluffs, the Reform School at Eldora, and the Penitentiary at Anamosa. All State institutions were under the management of separate boards of trustees, but for the insane asylums there was a central visiting committee. Some advance was evident in the legislation affecting laborers. Counties in which the industry of mining was pursued were required to appoint inspectors of such works. In the Common Law of employers' liability the fellow-servant rule had been modified in its application to railroads. Progress had likewise been made in the protection of public health and safety; while measures presumed to elevate the public morals found their place in the program for social betterment.

Almost a quarter of a century elapsed before there was another official codification of the laws of the State. In the meantime great advances were made in the enact-

ment of social legislation. Indeed, in the advance of social legislation the period from 1873 to 1897 is surpassed only by the period subsequent to 1897. Although in some directions there was during this period little modification of the law as it appeared in the *Code of 1873,* in other respects whole new chapters are recorded in the *Code of 1897.*

The establishment of the Soldiers' Home, the Orphans' Home, the Industrial Home for the Blind, the Institution for Feeble-minded Children, two new Hospitals for the Insane, a separate department of the Industrial School for girls, and the confinement of minors under eighteen years of age in apartments separate from other prisoners in jails and penitentiaries are witnesses of the fact that Iowa was keeping pace with the prevailing notion that the segregation of the various classes of dependents, defectives, and delinquents was the only proper mode of treatment.

For the promotion of industrial welfare the Bureau of Labor Statistics was created in 1884, with a commissioner in charge whose duties were entirely statistical in character. A few safety precautions in regard to manufacturing find their place in the *Code of 1897;* but by far the greatest amount of legislation guaranteeing safety to laborers was in connection with the superhazardous industry of mining. Automatic couplers and power brakes were required in the equipment of railroad trains. It was on account of this provision that the doctrine of assumption of risk as it applied to railroads came to be modified so that a workman injured on a train not thus equipped would not forfeit his right to damages by continuing in the employ of the company.

At the head of the administrative forces of the State

which make for the preservation of health the *Code of 1897* placed the State Board of Health, and although it had "general supervision over the interests of the health and life of the citizens of the state" the real work of preserving the public health still rested with the local boards of health. Some new precautions were taken against the spread of contagious and infectious diseases, against the adulteration of food, and in the interest of sanitation.

It was during this period that the safety of the public from accident began to demand serious attention, so that measures were passed for the purpose of fire protection, for the stricter regulation of traffic on the public highways, and to guard against the danger of impure illuminating oils and the wrong use of poisons.

Among the most significant additions to the legislative code of public morals as found in the *Code of 1897* are the prohibition of prize-fighting, a further suppression of immoral books and pictures, and more stringent regulations in regard to gambling. Paradoxical as it may seem, the sale and manufacture of intoxicating liquor was prohibited absolutely and at the same time a mulct tax on its illegal sale and manufacture was provided. Indeed, this situation, which has been characterized as "an instance of political acrobatism that is without a parallel in history", obtains to-day. A mulct tax of $300 a year, in addition to all other taxes and penalties, was also levied against the sale of cigarettes; while the sale of tobacco in any form to minors under sixteen years of age was forbidden. The operation of an opium-smoking establishment was likewise heavily penalized.

III

RECENT SOCIAL LEGISLATION IN IOWA 1897–1913

GREAT as was the increase in social legislation between 1873 and 1897, the sixteen years which have elapsed since that time have been vastly more indicative of the development of public concern for social welfare in Iowa. Indeed, since 1900 everywhere in the United States the trend has been to prevent the appearance of conditions unfavorable to the general welfare. Not that preventive measures have superseded the remedial legislation characteristic of the preceding period — for as a matter of fact there has been an increased endeavor to remedy existing evils — but there has been a truer sense of social justice which has so tempered the public conscience and broadened the vision of social possibility that many recent statutes have aimed to remove the causes of undesirable conditions rather than to remedy apparent evils. Heredity has been recognized as a social force, and eugenic marriages and the sterilization of defective classes have been inaugurated in the hope of minimizing the necessity for epileptic colonies and insane asylums. Presuming that the normal home is the fittest place for rearing children, mothers' pensions are expected to result in proper care and eventually in the depopulation of prisons and reform schools.

Another movement which was felt in Iowa at the end of the last century was the centralization of the adminis-

tration of charities and correction. Massachusetts, the leader in establishing many of the State institutions for public charity, organized a central board of charities as early as 1863 — an example that was followed by other States, until in 1890 eighteen had provided supervisory or administrative boards. In general two types of administration have developed, according to the particular need of each State: the advisory board, of which Massachusetts furnishes an example, and the board of control, of which Iowa affords the best instance.

In Iowa, prior to 1898, the State institutions of charity and correction had each been governed by a separate board of trustees; but in that year one salaried Board of Control consisting of three members was substituted, consummating the centralization of State institutions at a single stroke. Originally this board had charge of fourteen State institutions — the Soldiers' Home, the State Hospitals for the Insane, the College for the Blind, the School for the Deaf, the Institution for the Feeble-minded, the Soldiers' Orphans' Home, the Industrial Home for the Blind, the Industrial School, and the penitentiaries. With reference to these it had power to appoint the chief executive officer of each, had full control of finances and accounts, and exercised other powers of administration. Since 1898 the College for the Blind has been transferred to the jurisdiction of the Board of Education, and the Industrial Home for the Blind has been discontinued; while the Reformatory for Females, the Hospital for Inebriates, the Colony for Epileptics, and the Sanatorium for the Treatment of Tuberculosis, together with a limited authority over divers local institutions caring for the same classes of people, have been added to the care of the Board of Control.

Another law which applies to all eleemosynary institutions of the State supported by public funds is that of 1906 which guarantees to all inmates of such institutions the free exercise of religious worship.

LEGISLATION CONCERNING DEPENDENTS

Since 1897 changes in the law regulating poor relief have been of a minor character. In 1909 counties, cities, and towns were given power to levy a tax not exceeding three mills on the dollar of the assessed property of the municipality for the maintenance of benevolent institutions received by gift or devise. In the same year the tax rate for the support of the poor was raised from one to two mills, and the name "county home" substituted for "poor-house". The Thirty-fifth General Assembly required that certain organizations, institutions, or charitable associations which solicit public donations in Iowa must obtain a State license from the Secretary of State.

While juvenile courts had been established in 1904 it was not until 1909 that there was any legislation which struck at the source of the difficulty of protecting and promoting the welfare of children in Iowa. In that year an act was passed by the Thirty-third General Assembly which made it possible for action to be taken against persons contributing to the dependency or neglect of a child. When a child is found to be dependent or neglected, those persons "having the care, custody, or control of such child", or any others who encourage, counsel, contribute to, or are responsible for the neglect of the child, are guilty of contributory dependency and may be proceeded against in the district court.

During recent years in soldiers' orphans' homes — which have become almost an anachronism — and similar

institutions there has been a change of policy. The building of orphan asylums has diminished and the tendency is toward the placing of children in family homes. While inmates of the Iowa Soldiers' Orphans' Home were formerly allowed to be placed out, it was not until 1911 that they were all made wards of the State, subject to being placed out regardless of the condition of their former home. Moreover, the powers of control and adoption by societies organized for the purpose of caring for friendless children have been increased along the same lines, and the Board of Control has been given supervision of them, with authority to investigate charges of abuse, neglect, or other misconduct. The laws forbidding any person to interfere with an adopted child have been strengthened.

LEGISLATION CONCERNING DEFECTIVES

Since 1897 the College for the Blind has had a varied career. The authorities had objected to being placed in the category of charitable institutions — which was the result of the Board of Control being given supervision in 1898 — and so when the education of all blind children, residents of the State, between the ages of twelve and nineteen was made compulsory in 1909 a natural sequence was to transfer the College to the jurisdiction of the Board of Education two years later. The same act, however, which established compulsory education for the blind applied to the deaf, but the School for the Deaf has remained under the Board of Control. In 1909 a law provided for the enumeration by assessors of all deaf and blind persons in the State.

Experience has shown that a large proportion of feeble-minded children can not be developed so as to be-

come independent members of society. It has also been demonstrated by the Juke family and the Tribe of Ishmael that feeble-mindedness is inherited and that the chief source of feeble-mindedness is to be found in the unprotected feeble-minded girl. Wisdom, therefore, demands that provision should first be made for this class in order to check the growing burden at its source. In 1902 feeble-minded women less than forty-six years of age were admitted to the Iowa Institution for Feeble-minded Children; and the same privilege was extended to feeble-minded men under forty-six in 1909. Several other States have followed the same plan, while New York and New Jersey have built separate institutions for feeble-minded women.

In Iowa during the past sixteen years the greatest development in governmental care for the insane has been along the line of aid outside of institutions and in the improvement and regulation of private and local hospitals by the State. In 1898 the "county insane fund" was raised from a one mill to a one and one-half mill tax levy, and in 1900 private and county institutions for insane persons were placed under the jurisdiction of the State Board of Control. Indeed, this was the first step toward centralization in the control of local charities and correction. The power of the Board of Control was increased in 1909 and 1913. As yet, however, local care of the insane in this State is largely accomplished in the county poor homes and is notoriously inadequate. Some modifications of the laws governing the State Hospitals have also been made. In an endeavor to remove in part the stigma of reproach which has been outgrown with the new conception of the nature of insanity, but which still attaches itself to persons who have been treated in such

a hospital, the term "insane" was omitted from the title of the four State Hospitals in 1902. This is in accord with the movement in several States to encourage voluntary commitment in the early stages of mental and nervous disorder. The laws relating to the settlement of insane persons were strengthened, while a system was provided for the payment of expenses involved in their trial and commitment.

Since 1897 special State care has been provided for two new classes of defectives in Iowa, the inebriates and the epileptics. It was in 1902 that the Board of Control was authorized to provide a department for "dipsomaniacs, inebriates and persons addicted to the excessive use of morphine and other narcotics" in one or more of the Hospitals for the Insane. For the first commitment the term was to be between one and three years; and for the second, between two and five years. A system of parole by the Governor was inaugurated at the same time. Two years later the former Industrial Home for the Adult Blind at Knoxville — which had been abandoned in 1900 — was transformed into a State Hospital for Inebriates. Only male patients were admitted, women similarly addicted being cared for in the Hospital for Female Inebriates at Mount Pleasant — in connection with the insane hospital there. Commitments were made for the length of time necessary to effect a cure but not for over three years. Paroles were to be granted by the superintendent. The institution was discovered to be so essential that the very next legislature was constrained to pass a law giving the Board of Control power to restrict, from time to time, the number of admissions on account of the lack of room. Admission was further restricted and safeguarded in 1907 by excluding all but those of good char-

acter and curable. The Thirty-fifth General Assembly empowered the superintendent to parole a patient, not only when he is believed to be cured, but also if he is thought to have improved to the extent of making his release on trial expedient. The same legislature created a custodial department at the hospital for the habituates and recalcitrant patients, and authorized the payment of seventy cents a day, after ninety consecutive days' residence in the hospital and during good behavior, for each day's labor faithfully performed for the institution.

Suitable care for epileptics is important as a social measure, because it is recognized that the affliction is inherited, appearing in some form of defectiveness. About the only helpful treatment thus far discovered is suitable diet, regular habits, congenial environment, and proper recreation. It is a progressive disease accompanied by gradual deterioration of physical and mental powers from which there is slight hope of recovery. The colony plan of public care is therefore especially adapted to these unfortunates; but it is only in recent years that States have established institutions exclusively for epileptics. New York was the first to make public provision on the colony plan in 1894, although Ohio had established a hospital three years previous. In 1913 Michigan, Wisconsin, Illinois, and Iowa, each made appropriations for starting colonies. According to the law in this State the purpose of the institution is for the "custody, care and treatment of epileptics and the scientific study of epilepsy." The Board of Control on March 6, 1914, voted to purchase a tract of land containing 960 acres near Woodward in Dallas County.

Eugenics — than which there is no movement for social betterment more widely known, yet so new as to

have escaped a working definition — has both a positive and negative aspect. Studies in heredity have produced enough facts to prove that humanity is no exception to the general biological laws; but positive eugenics is primarily a matter of education, and legislation which attempts to prescribe selective mating will prove more or less ineffectual until public sentiment in this regard has crystallized into custom. Really effective work has been done, however, in a negative way whereby certain defective and degenerate persons are segregated or sterilized. For the vast majority it would seem that segregation is the more practical and effective method of preventing the propagation of their kind; yet sterilization may be advisable in some cases. Thirteen States have passed sterilization laws applying to various classes of defectives and habitual criminals, since Indiana led the way in 1907.

The first law in Iowa providing for asexualization was enacted in 1911 and aimed to prevent the procreation of habitual criminals, idiotic, feeble-minded, insane, diseased, epileptic, syphilitic, and morally or sexually perverted persons. No attempt was made to carry this act into effect, however, and the Thirty-fifth General Assembly strengthened it in keeping with eugenic ideals. Upon the first attempt at enforcement a test case was brought into the Federal court of the southern district of Iowa and the law was declared unconstitutional as far as it applies to persons who have been twice convicted of a felony. In truth the experience of this State with sterilization is not unusual. Only three States — California, Connecticut, and Indiana — have endeavored to enforce the law, and in Indiana it was suspended from 1909 to 1913 in deference to the opinion of the Governor who be-

lieved it to be unconstitutional. In New Jersey the law was declared unconstitutional in so far as it relates to epileptics; while in Oregon a similar statute was revoked by referendum.

LEGISLATION CONCERNING DELINQUENTS

In recent years much attention has been directed to those persons, fittingly termed "delinquents", who "derive their support, at least in part, by imposing an involuntary burden or sacrifice upon the community, and whose hurtful acts are forbidden by law." In 1909 the Board of Parole was given supervision over criminal statistics; and in 1913 the data was made to include acquittals and dismissals as well as convictions.

Since 1898 the appointment of one or more police matrons in cities of over 35,000 population has been obligatory. In 1907 the same requirements were extended over cities acting under special charters. The act of escaping from jail was made to include "escape from the custody of the [an] officer" in 1909, and the same year witnessed the removal of the restriction excusing able-bodied men over fifty years of age confined in jails from being required to do hard labor. But the most important step toward proper treatment was taken in 1911 when women sentenced to confinement in jail were allowed to be committed to "any institution, society, association, corporation or organization having for its objects, in whole or in part, the furnishing of relief, care and assistance to the poor, dissolute, needy or unfortunate, or any other charitable or benevolent object", which is in the judicial district of the court making the commitment.

But it is with the penitentiaries that the greatest progress has been made in Iowa. In 1900 the women's

department of the State Penitentiary at Anamosa was made into the "Iowa industrial reformatory for females"; but owing to inadequate facilities, insufficient financial support, and faulty provisions in the law itself the institution has never been opened. The greatest innovation, however, occurred in 1907 when the Penitentiary at Anamosa was converted into "The Reformatory", to be "the reformatory department of the state penitentiary of Iowa", and the indeterminate sentence was established.

At the same time a new piece of administrative machinery, the Board of Parole, was created. For several years penologists and students of criminology had realized that in Iowa there was urgent need for a positive attitude in penal institutions, that is, for the establishment in this State of the tried and constructive principle that it is the duty of the government not only to deter members of society who are out of harmony with their environment but at the same time to offer them the opportunity to reëstablish themselves in normal relationships — being another application of the time-honored axiom that prevention is better than cure. Accordingly, the Thirtieth General Assembly appointed a commission to investigate the Elmira reformatory system. In 1907 the institution at Anamosa was remodeled after the Elmira plan. That the business of reform might be conducted under the most favorable conditions only women convicted of felony and men between the ages of sixteen and thirty incarcerated for their first offense were to be admitted.

While the work of reform within penal institutions has been valuable it is the indeterminate sentence and parole system which have accompanied the movement

that are most indicative of the conception that punishment should be corrective rather than vindictive. Being manifestly an instrument facilitating reform, the indeterminate sentence finds its justification in the proposition that no person can foretell the exact time that will be necessary to effect a moral and intellectual cure any more than the persistence of a physical malady can be predicted. The object, then, is to afford sufficient opportunity to secure a reformation and at the same time avoid burdening the State any longer than is necessary. It is also to be observed that a term of confinement determined by good conduct has the intrinsic value of encouraging personal exertion and self-control on the part of the convict. As a corollary to the indeterminate sentence the parole system has been employed, that prisoners may be given a trial at right living before they are unconditionally returned to society. More recently the scheme of probation, which is the suspension of a sentence in the case of first offenders and a chance to mend their ways without the odium of prison confinement being attached to their name, has met with much favor and no little success.

It was in 1902 that habitual criminals were defined in Iowa and a minimum penalty of serving twenty-five years in the penitentiary was established for them. Since the act went into effect creating the reformatory at Anamosa (July 4, 1907), no sentence of any person over sixteen years of age, unless convicted of treason or murder, has been for a definite term. When the reformatory was established a system of parole was inaugurated, the Board of Parole being invested with power to make rules and regulations for the parole of prisoners, other than those serving life terms, in both prisons. None may be

paroled until arrangements have been made for their employment or maintenance for at least six months. It is the duty of the Board of Parole to investigate all applications for pardon, under the direction of the Governor and to keep in touch with paroled convicts. If one should serve twelve months of his parole acceptably, and promises well for the future, the Board may recommend his release from the rest of his sentence. In 1909 the Board was authorized, upon the recommendation of the trial judge and county attorney, to parole after conviction and before commitment persons not previously convicted of felony; while in 1911 it was made possible for a trial judge to suspend the execution of a sentence if the person convicted was between sixteen and twenty-five years old, should it be his first felonous offense and the crime not consist of treason, murder, rape, robbery, or arson.

In its latest effort to correct the defects of character and training among criminals, the State of Iowa, following the example of Alabama, Florida, Massachusetts, Mississippi, New York, North Carolina, Rhode Island, and Texas, authorized a tax levy of which a part should be spent in establishing a district custodial farm. This was in a way the culmination of much legislation directed against the contract system of convict labor and attempting to provide in its place employment not only beneficial to the prisoners but non-competitive as well. With the passage of the act creating the State Board of Control in 1898 the contract restriction in the *Code of 1897* applying to the Penitentiary at Anamosa was apparently removed, for immediately a contract was entered into with the Anamosa Cooperage Company for the manufacture of butter tubs, pails, and barrels. The Twenty-eighth General Assembly, however, passed a law prohibiting the

"manufacture for sale [of] any pearl buttons or butter tubs in the penitentiaries of this state" after the then existing contracts should expire.

In 1902 the law relating primarily to the employment of prisoners in the State stone quarries adjacent to Anamosa was broadened, allowing able-bodied convicts to be sent to either Fort Madison or Anamosa and "there confined and worked in places and buildings owned or leased by the state outside of the penitentiary enclosures". The establishment of the reformatory carried with it the proviso that inmates should be employed only on State account and that such employment should "be conducive to the teaching of useful trades and callings so far as practicable, and the intellectual and moral development of the inmates". In 1913 legislation, enacted obviously for the benefit of the penitentiary and reformatory, made it possible for able-bodied male prisoners in the penal institutions of the State to be employed on highways and public works. The various road camps which have been established as a result have proven the scheme to be eminently successful.

The spirit of reform has done much to temper the treatment of criminals, so that the plight of the convict is far from being as hard as it once was. It is, however, essential to understand that the abolition of customs savoring of barbarity and the installation of humanitarian measures have been brought about not out of idle sentiment but for the benefit of the healthful effect or the influence of the mentally or morally elevating power on the prisoner. In addition to such provisions in the *Code of 1897* as those authorizing the purchase of books, the removal of sick persons in case of pestilence, and the restoration of the rights of citizenship, the General As-

sembly since then has sanctioned lectures, concerts, and other entertainments for convicts, has authorized the operation of schools for education and industrial training in the Reformatory for Females, and has assigned to the Board of Control the duty of seeing that "adequate and ready" means of fire escape are maintained at the prisons. Aside from what is included in the statutes, those in authority have made rules tending to the better condition of the prisoners — such as the cessation of the issue of tobacco rations and the substitution of butter instead.

As the system of parole and convict labor outside of the prison walls has in effect extended the confines of those institutions, the laws defining escape have also been revised so that there need be no actual breaking nor the presence of an officer, since the violation of a condition of parole constitutes a breach of prison. Furthermore, the laws against assisting a prisoner to escape have been improved by penalizing the act of passing in, attempting to pass in, or leaving where such articles are liable to be found by the prisoners any opium, morphine, cocaine, or other narcotic or any intoxicating liquor, or any firearm, weapon or explosive, or any rope, ladder, or other device for making an escape.

Simultaneous with the development of a constructive attitude toward other offenders, the treatment of juvenile delinquents began to receive proportional attention. As the establishment of the New York House of Refuge in 1825 for the custody of juvenile offenders had introduced a new era, so the enactment of the Illinois juvenile court law in 1899 proclaimed another epoch in the treatment of juveniles. Not only were they to be no longer punished as criminals, but their trial was to be conducted according

to civil procedure, not criminal, and the State was henceforth to be "for Jimmy Jones" not against him. The rapid extension of this institution of such far-reaching importance — for within ten years juvenile courts were in operation in thirty-one States — is ample demonstration of the soundness of the principle upon which it rests.

The Iowa law bears the date of 1904. It clothes the district courts with original and full jurisdiction to sit on cases involving children under sixteen years of age; it defines dependent, neglected, and delinquent children; it gives the judge discretionary power as to conviction and commitment; it places all institutions and associations having charge of juveniles under the supervision of the Board of Control; and, embodying the system of probation, it provides for one or more unsalaried probation officers whose duty it is to investigate cases brought before the court, represent the interests of the child on trial, furnish information and assistance to the judge, and take charge of the child before and after trial if so directed by the court. Counties having a population of over 50,000 were in 1907 authorized to provide a suitable detention home and school for dependent, neglected, and delinquent children, and in those counties not more than two probation officers were allowed to be appointed, with a salary not exceeding $75 a month. Since 1911, however, the maximum number of probation officers has been four. In 1909 superior courts were given concurrent jurisdiction with the district court of the county in juvenile cases, and in connection with the contributory dependency law of that year the duty of juvenile courts to investigate and enforce the care of a child was made mandatory and aid in that care may be afforded if necessary.

Although during the last sixteen years there was con-

siderable legislation changing the age limits of admission and discharge, affecting the terms and powers of adopting and binding out of inmates, extending the use of parole, and increasing the financial support of the industrial schools, there were no new social principles involved.

In 1911 the definition of vagrants was rewritten describing the class a little more exactly. Moreover, in this class horse-traders were included in 1913.

LEGISLATION CONCERNING PENSIONERS

Turning now from those classes with whom the receipt of aid or care from the public bears a sting of reproach to a group with whom it carries rather a sense of honor and respect, namely, the pensioners, it is found that, aside from the soldiers and sailors who are rewarded by the Federal government, mention of this class is conspicuous by its absence in the *Code of 1897*. Indeed, it was not until 1909 that Iowa — among the foremost in recognizing the justice of rewarding a servant for service the doing of which had rendered him incapable later in life and of meeting the obligation by pecuniary recompense — authorized pensions to be granted from public funds. In that year it was made possible to retire both firemen and policemen from service on pensions. The method of providing funds for the annuities in both these lines of civil employment is identical: the levy of a one-half mill tax in the cities and towns and the assessment of annual dues upon the active members of the fire and police departments. In general the pension amounts to one-half the member's salary at the time of retirement; and should one die or be killed provision is made for those immediately dependent upon him for support. Firemen's and policemen's pensions are now both compulsory.

That new form of public charity, commonly designated as mothers' pensions, which has found expression in a veritable prairie fire of legislation, came to Iowa in 1913. In theory mothers' pensions are founded on the principle of reward for service — service to be rendered. As a matter of fact, they constitute a form of poor relief, the benefit of which devolves upon dependent and neglected children. Presuming that the home furnishes the best environment for rearing children, if the juvenile court in this State finds that the mother of a dependent or neglected child is a widow and so poor as to be unable to care properly for the child, but is otherwise a proper guardian, it may fix an amount not exceeding $2 a week for each child to be paid to the mother by the county board of supervisors until the child reaches the age of fourteen years.

The only other instance of a pension from public funds in Iowa is that provided for the members of the Spirit Lake Relief Expedition, which amounts to $20 a month during the remaining lifetime of each such survivor and is to be paid out of the State Treasury.

LEGISLATION CONCERNING LABORERS

Social progress has ever been intimately associated with problems arising from the industry of the people, and legislation affecting laborers has by no means fallen into the background during recent years. In Iowa the Bureau of Labor Statistics, which had been established prior to 1897, has been converted into an effective piece of administrative machinery by the extension of its jurisdiction beyond the mere compilation of statistics. Factory inspection began with the enforcement of an act in 1902 relating to the safety, health, and comfort of factory

employees. In 1904 the Bureau was charged with the enforcement of the fire escape law, and factory inspection was facilitated by the services of an inspector. The success of the Child Labor Act of 1906 depends largely upon the vigilance of the Labor Commissioner. Private employment agencies were placed under the supervision of the Bureau in 1907. The appointment of an additional factory inspector was made permissible in 1909; and in 1913 three such inspectors were provided for, one of whom should be a woman whose activity would tend "to promote the health and general welfare of the women and children employees of this state." The Thirty-fifth General Assembly also made it obligatory to report accidents in factories; and it removed the fetters from the hands of the Commissioner to an appreciable extent by giving him the right to inspect a place of employment at his discretion without a complaint being entered or a request being made.

An institution which is assuming an important rôle in relation to unemployment is the employment agency. It was in 1907 that the first and only Iowa legislation was enacted concerning this business. In one act cities and towns were given power to license and regulate all keepers of intelligence or employment offices; and by another act, approved fifteen days later, there was prescribed a method of regulation which greatly enhanced the probability of enforcement.

It was in 1894 and 1896 that New Zealand and Australia, realizing that it would be as legitimate for the government to establish a minimum standard of remuneration for people as to prescribe standards of sanitation, ventilation, and hours of labor, passed minimum wage

laws. It is axiomatic that all people except children and defectives must earn a living or be supported by society. The minimum wage, which is equivalent to a living wage and fluctuates with the standard of living, attempts to prevent dependency by fixing the lowest price at which labor may be employed. Not until 1913 did this institution find legal acceptance in the United States, but then nine States placed minimum wage legislation upon their statute books while in several others the question received consideration. Although Iowa was not one of the number to establish minimum wages in the proper sense of the term, this State did provide a uniform wage scale for public school teachers, based upon the grade of their certificates.

Laws have been enacted in more than one-half of the States encouraging the peaceful settlement of labor disputes by providing for the formation of boards "to inquire into such disputes, to endeavor to bring the parties by conciliation to a peaceful settlement, and to render authoritative decisions on matters which the parties might agree to submit to such arbitration." New York and Massachusetts were the first to establish permanent boards of arbitration, although other States — notably Maryland in 1878 and New Jersey in 1880 — had previously made more or less unsuccessful experiments with other methods.

No approximately adequate method of settling labor disputes by arbitration was provided in Iowa until 1913. It remained for the Thirty-fifth General Assembly to authorize the appointment of boards of arbitration and define their powers and duties. Whenever a dispute arises between employer and employees — unless it is in

connection with interstate trade coming under other boards of conciliation — which has or is likely to cause a strike or lockout involving ten or more wage-earners, either or both parties to the dispute, the mayor of the city, the chairman of the board of supervisors of the county, twenty-five citizens of the county over twenty-one years of age, or the Commissioner of the Bureau of Labor, after investigation, may make written application to the Governor for the appointment of a board of arbitration. If the application is made by both parties to the dispute it must state whether or not they agree to be bound by the decision of the board, and if so the decision will be binding for one year from the date of the appointment of the board.

In the matter of legislation preventive of the accidental injury of workmen, Iowa has made some progress since 1897. In factories certain safety precautions and devices have been prescribed and means of escape in case of fire required. The system of mine inspection has been much improved; accidents must be reported promptly; the precautions against fire and other calamities have been greatly strengthened; better standards of ventilation and of purity in illuminating oils have been introduced; and new safety devices have been installed. The railroads have been compelled to limit the hours that a trainman may remain on duty, to see that all overhead obstructions are at least twenty-two feet above the rails, and to construct engines and caboose cars according to certain safety specifications. Legislation making for safety on street cars has been confined to the manner of their construction. The number of boats which are subject to inspection has been increased, the rate of speed

limited, and headlights and life-preserving equipment required.

Health measures in the interest of employees since the adoption of the *Code of 1897* have looked toward an increase in sanitation and cleanliness in factories and the elimination of deleterious gases, fumes, and dust.

Iowa legislators had, up to 1913, sought to recompense the working people for their economic losses occasioned by injury in the course of their employment by a modification of the Common Law rules of employers' liability — rules which were based upon the antiquated policy of *laissez faire* and individual responsibility for social and economic conditions. Thus, in this State, when the Thirty-fifth General Assembly took up the business of reorganizing the system of compensation for industrial accidents upon new principles, the fellow-servant rule and the doctrine of assumption of risk were found to be abrogated in the case of railroads, while contributory negligence was not an absolute bar to recovery of indemnity. In other industries the fellow-servant and contributory negligence rules remained in force; but assumption of risk applied only to employees whose duty it was to repair defects and to those who remained at work when the danger was so imminent that a reasonably prudent person would not do so. That the recovery of some part of the economic loss of work accidents might be facilitated, mutual life insurance companies whose charters permitted it were allowed in 1906 to write health, accident, and employers' liability insurance against any casualty except the explosion of steam boilers.

In general there are two methods of indemnifying workmen for accidents, whereby the burden is shifted

from the individual sustaining injury to the industry causing it and ultimately to society: (1) compensation, by which each employer becomes individually responsible for the injuries of his employees (which is the English system), and (2) insurance, by which employers in each industrial group become collectively responsible for injuries in that employment (which is the German system). In the United States the compensation plan has met with much the greater favor among the twenty-three Commonwealths which have since 1909 abandoned the former liability laws. To avoid unconstitutionality most of the legislation makes the adoption of the new plans elective.

The Iowa Employers' Liability and Workmen's Compensation Act of 1913 applies to all employers and employees except household servants, farm hands, and casual laborers; but the choice of coming under the terms of the act is optional both with the employer and employee, unless the State, county, municipality, or school district is the employer — in which event it is compulsory upon both employer and employee. Unless the law is affirmatively rejected it becomes automatically compulsory with any employer or employee. But if the employer prefers to reject the act he assumes the burden of proof when charged with negligence, and all injuries are presumed to be caused by such negligence if he refuses to accept the terms of the compensation law. Assumption of risk, fellow-servant, and contributory negligence doctrines are all swept away as defenses, unless the latter is wilful or the result of intoxication. In case, however, it is the employee who rejects the act, then the employer may "plead and rely upon any and all defenses including those at common law, and the rules and defenses of contributory negligence, assumption of risk and fellow-ser-

vant shall apply and be available to the employer as by statute authorized unless otherwise provided in this act." The amount of compensation depends upon the seriousness of the injury and is based upon the average wages of the employee. Employers under the act are required to secure their liability with an insurance company. For the administration of the law there is provided an Industrial Commissioner appointed by the Governor for a term of six years.

By no means one of the least of the recent manifestations of the awakening in the United States to the new social obligations is the agitation against child labor. It has been discovered that the employment of children under modern industrial conditions is demoralizing both on mind and body, and if future generations are to retain the vigor and hardihood necessary to continue at the present rate of progress the conservation of human energy must begin at once. Thanks to the efforts of the National Child Labor Committee and affiliated organizations the States are meeting the situation to the extent that thirty-one enacted legislation on some phase of the problem in the single year of 1913. (For a further discussion of this subject see Mr. Haynes's paper on *Child Labor Legislation in Iowa* which appears in this series.)

Since 1897 Iowa has prohibited children under fourteen years of age being employed in factories, and any under sixteen at a dangerous or depraving occupation. Neither is it permissible that those under sixteen be required to work before six o'clock in the morning, after nine o'clock in the evening, or for more than ten hours a day except in husking sheds where there is no machinery. Closely allied and constituting the most effective method

of mitigating child labor are the laws of compulsory education. It was not until 1902 that this State saw fit to make a beginning: then children between seven and fourteen years old were required to attend school twelve consecutive weeks a year. The next legislature raised the requirement to sixteen consecutive weeks of attendance; and in 1909 it was made twenty-four weeks with the option of the entire school year in cities. The Thirty-fifth General Assembly purposed to raise the age limit to sixteen years, but the provision does not apply to those over fourteen who are regularly employed or who have passed the eighth grade.

Another recent movement, relating inversely yet as a potent force in the solution of both the child labor and compulsory school attendance problems insofar as both aim at ultimate good citizenship, is that of establishing supervised playgrounds. Having its inception in Chicago, the movement for supervised places of public recreation, whether they be established by private enterprise, in connection with public parks, or organized under special boards with funds from the public treasury, has spread to all the leading cities of the United States. Iowa public school corporations were, in 1913, given authority to acquire real estate to the extent of five acres for playground purposes, and the school boards in cities were invested with the custody and management of public recreation on school premises and permitted to coöperate with public officials in the similar use of public parks and buildings.

LEGISLATION CONCERNING PUBLIC HEALTH

Improvements along the line of public health have been guided by the scientific investigations of recent

years. Inoculation as a preventive of contagious and infectious diseases is gaining more and more favor; and so it was not remiss that a State antitoxin department was established in 1911. Other precautions against the spread of contagion are found in laws prescribing the method of removing persons contagiously ill across country, requiring clean linen on hotel beds, increasing the State Veterinary Surgeon's power relative to infection from domestic animals, and naming syphilis and gonorrhea as contagious and infectious diseases to be reported by physicians to local boards of health. In 1909 scarlet fever, smallpox, diphtheria, cholera, leprosy, cerebrospinal meningitis, and bubonic plague were designated as being subject to quarantine. Anterior poliomyelitis (infantile paralysis) was added to the list in 1911. The composition of the State Board of Health has been radically changed and its powers extended.

Throughout the United States there has of late years been waged a serious fight against the great white plague, tuberculosis. It was in 1904 that the General Assembly of this State saw fit to empower the Board of Control to "investigate the extent of tuberculosis in Iowa and the best means of prevention and treatment of the disease". As a result the State Sanatorium at Oakdale was established in 1906 for the "care and treatment of persons afflicted with incipient pulmonary tuberculosis", and in 1913 the treatment there of advanced cases was authorized.

The first instance of the regulation of local treatment of tuberculosis was in 1909 when county hospitals were advised to maintain a department for that purpose. The Thirty-fourth General Assembly required the one in

charge of the funeral of a person dying of tuberculosis to report to the mayor or township clerk the name and address of the deceased person. Finally, the last legislature authorized county boards of supervisors to undertake the segregation, care, and support of indigent persons afflicted with advanced cases of tuberculosis. But the ultimate suppression of the plague will be through the education of the people to a realization of its dangers: to that end the Board of Control disseminates much information on the subject.

The sixteen years which have elapsed since the *Code of 1897* was adopted have failed to give Iowa a system of vital statistics worthy of the name. Indeed, only twenty-three States have statistics on deaths and only eight on births that can be used by the Federal Census Bureau. All States now require marriage certificates, but there is much disparity in thoroughness in the reporting of ceremonies performed: out of the twenty-five States providing for State registration of marriages only eight furnish figures that can be used. Iowa took a step in the right direction in 1904 when funeral directors were made responsible for reporting deaths, and births were to be certified by some responsible person in attendance. But the next legislature reverted to the former haphazard method of birth enumeration by assessors and in 1907 assessors were authorized to report deaths as well as births. Since 1906 the clerk of the district court has been required to send to the Secretary of the Board of Health the record of marriages and divorces in the county, together with the birth record.

Aside from establishing hospitals for the care of cer-

tain defective classes the public in Iowa, up to 1906, was inactive in providing suitable places for the care of diseased people. The Thirty-first General Assembly passed an act giving cities with a population of 12,500 or over power to maintain a hospital. This right was extended to cities of over 5000 population a year later. It remained for the Thirty-third General Assembly to permit and regulate the establishment of county hospitals. They must be held open to all classes alike and without discrimination against legal practitioners of medicine. A training-school for nurses, a room for the detention and examination of the insane, and facilities for the treatment of tuberculosis are maintained in connection with such hospitals. Rules governing maternity hospitals were made in 1907.

Since 1897 there has been much legislation in Iowa on the subject of pure food. The powers and jurisdiction of the State Dairy and Food Commissioner have been increased so that there are provisions for an adequate inspection of the milk supply (in comparison with other States where this function has usually been left entirely to cities, be they large or small); for the enforcement of standards in regard to food other than dairy products; for the scientific testing of food suspected of impurity; and for the inspecting and licensing of bakeries, candy factories, ice cream factories, canning factories, slaughter houses, and meat markets. Adulteration of food has been defined; the adulteration of candy with certain substances has been forbidden; standards of purity in milk, cream, ice cream, flavoring extracts, oysters, and vinegar have been established; misbranding has been defined and prohibited; and milk dealers must obtain licenses. In

two important acts of the Thirty-fifth General Assembly cold storage is defined and regulated and proper sanitary and health conditions are prescribed for food-producing establishments.

It was not until 1907, a year after the first comprehensive pure food law was passed, that there was anything like a proper regulation of the sale of drugs. Then adulteration and misbranding were defined. In 1911 the internal use of denatured or wood alcohol was prohibited.

Sanitation has been improved since 1897 by measures regulating sewage and garbage disposal, the inspection of plumbing and the licensing of plumbers, drainage in hotels, and the maintenance of clean, well ventilated, and adequate closets by railroads and manufacturing establishments.

The adulteration of linseed oil, the construction of any ditch, drain, or water course so as to prevent the surface and overflow waters of adjacent lands from entering it, and the emission of dense smoke in cities having a population of 30,000 inhabitants, commission governed cities, and Muscatine have been declared nuisances since the adoption of the *Code of 1897*. Cities have been given the right not only to abate nuisances but to prohibit them and punish violators of the ordinance. In 1909 an act prescribed the method of enjoining and abating houses of ill repute.

LEGISLATION CONCERNING PUBLIC SAFETY

By far the major part of recent legislation in the interest of public safety has been to increase the protection against fire. Cities and towns have from the first possessed power to regulate the construction of buildings and exercised other kindred precautions. In 1913 they

were authorized to adopt building codes and to require that structures within the fire limits be made of fireproof materials. The use of explosives in pantoriums and cleaning works located in a residence or lodging house has been declared unlawful. Not until 1902 did the State undertake the control of fire protection through the regulation of the construction of buildings. In that year structures were divided into six classes — of which hotels, tenements, theatres, public schools, hospitals, and factories are typical — and the facilities for fire escape were prescribed for each class. Since then the law has been strengthened as to the means of escape, and with a view to the probability of its enforcement. In 1909 a law was passed relating specifically to the construction of hotels and providing for their annual inspection.

Another phase of fire protection is to be found in the organization and control of fire departments. Since the adoption of the *Code of 1897* other cities have been admitted to the privilege — formerly enjoyed only by those having special charters — of levying a tax for the creation of a fire fund. In commission plan cities, special charter cities, and others having 20,000 population members of the fire department are chosen by competitive examination. Indicative of the tendency to centralize administrative authority in the State is the act of the Thirty-fourth General Assembly creating the office of State Fire Marshal, whose duties in general are to investigate the cause, origin, and circumstances of every fire in the State, to inspect dangerously combustible buildings and see that the dangerous conditions are remedied, and to see that fire drills and instruction in the dangers and causes of fires are conducted in public schools.

With the exception of traction engines the whole body

were authorized to adopt building codes and to require that structures within the fire limits be made of fireproof materials. The use of explosives in pantoriums and cleaning works located in a residence or lodging house has been declared unlawful. Not until 1902 did the State undertake the control of fire protection through the regulation of the construction of buildings. In that year structures were divided into six classes — of which hotels, tenements, theatres, public schools, hospitals, and factories are typical — and the facilities for fire escape were prescribed for each class. Since then the law has been strengthened as to the means of escape, and with a view to the probability of its enforcement. In 1909 a law was passed relating specifically to the construction of hotels and providing for their annual inspection.

Another phase of fire protection is to be found in the organization and control of fire departments. Since the adoption of the *Code of 1897* other cities have been admitted to the privilege — formerly enjoyed only by those having special charters — of levying a tax for the creation of a fire fund. In commission plan cities, special charter cities, and others having 20,000 population members of the fire department are chosen by competitive examination. Indicative of the tendency to centralize administrative authority in the State is the act of the Thirty-fourth General Assembly creating the office of State Fire Marshal, whose duties in general are to investigate the cause, origin, and circumstances of every fire in the State, to inspect dangerously combustible buildings and see that the dangerous conditions are remedied, and to see that fire drills and instruction in the dangers and causes of fires are conducted in public schools.

With the exception of traction engines the whole body

of legislation since the adoption of the *Code of 1897* in regard to road rules has been concerned with motor vehicles: their conduct, speed, operators, and equipment with lights and numbers.

The sale of certain poisons has in recent years been more strictly guarded — although persons other than pharmacists have been allowed to deal in poisonous insecticides and denatured alcohol. A penalty has been fixed for depositing samples of drugs or medicine where they are liable to be picked up by children.

In concluding the discussion of public safety measures mention should be made of certain laws pertaining to the use of petroleum products, especially the requirement that gasoline shall be kept in red containers, and the prohibition of the sale or use of any toy pistols, dynamite caps, blank cartridges for toy pistols, and fire crackers over five inches long and three-fourths of an inch in diameter should be noted.

LEGISLATION CONCERNING PUBLIC MORALS

Of public morals the recent legislation has mainly been amendatory, striving to keep pace with an ever finer appreciation of things genteel. Boxing contests where admission is charged were prohibited in 1900. The Thirty-third General Assembly forbade immoral plays, exhibitions, or entertainments to be given, advertised, or participated in; and since 1911 no deformed, maimed, idiotic, or abnormal person may be exhibited. In 1907 it was made unlawful to desecrate Memorial Day by ball games, horse racing, or other sports before three o'clock in the afternoon.

The use of blasphemous or obscene language in public has been made subject to fine and imprisonment. Im-

moral post cards have been included in the list of articles the sale and distribution of which is not permissible. Closets are supposed to be kept free from indecent marking. And persons drinking intoxicating liquor or otherwise misconducting themselves upon trains or street cars may be summarily ejected.

In regard to chastity the punishment for incest has been made more severe, and first cousins have been added to the consanguinity and affinity list to which the crime applies. Further penalties have been established for prostitution; solicitation on the part of both men and women has been made a crime; keepers of houses of ill-fame have been subjected to new restrictions, and a special method for the abatement of such insidious institutions has been devised.

Since the adoption of the *Code of 1897* there have been no fundamental changes in the regulation of the liquor traffic in Iowa, although the nation-wide agitation for prohibition has been felt. The system of the mulct tax — neither prohibition nor license — has been retained, notwithstanding many modifications in its original provisions. Procuring liquor for a minor, inebriate, or intoxicated person has been made as great an offense as the selling or giving of it. The boards of regents or trustees of State educational institutions were in 1900 requested to enforce rules against the use of intoxicating liquor by students. A "bootlegger" was defined in 1904, and the penalty of being enjoined for such conduct established. The legislature of 1906 included cemeteries among the places within three hundred feet of which saloons may not be maintained, and limited the validity of a petition of consent to a period of five years. In 1907

the Thirty-second General Assembly prohibited the sale of liquor within a mile of a permanent military post or reservation established by the United States, and made the mulct tax applicable to those persons who engage in the business of storing intoxicating liquors and collecting accounts for the owner.

The passage of the Moon Law, which limits the number of persons to whom consent to retail liquor as a beverage may be granted to one for every one thousand inhabitants, was one of the important pieces of liquor legislation enacted by the Thirty-third General Assembly. Another significant law, enacted in 1909, prohibited manufacturers and persons other than qualified electors from engaging in the retail business. The same legislature established the requirement that each person purchasing liquor from a pharmacist must sign an application.

Three liquor laws of importance were placed on the statute books in 1913. One reduced the number of hours during which saloons may remain open from between five A. M. and ten P. M. to between seven A. M. and nine P. M. Another was the "Five Mile Bill" which prohibits the sale of intoxicating liquors after July 1, 1916, within five miles of any normal school, college, or university under the State Board of Education. The third act made the Moon Law applicable to special charter cities.

In 1909 it was made unlawful for anyone under twenty-one years of age "to smoke or use a cigarette or cigarettes on the premises of another, or on any public road, street, alley or park or other lands used for public purposes or in any public place of business or amusement, except when in company of his parent or guardian." The last legislature empowered principals of county high

schools to prohibit the use of tobacco in any form by any student under their jurisdiction, and the same control over pupils in the common schools was given to the school boards.

Now and then since 1897 laws have attempted to guard the youth against certain contaminating and vitiating influences. The Thirtieth General Assembly decreed that "no bills, posters or other matter used to advertise the sales of intoxicating liquors or tobacco shall be distributed posted painted or maintained within four hundred feet of premises occupied by a public school or used for school purposes". In 1907 cities and towns were empowered "to regulate, define, tax, license or prohibit public dance halls, skating rinks, fortune-tellers, palmists, and clairvoyants", to regulate the construction and location of bill boards, and to license and tax the owners or persons maintaining them. Finally, secret societies and fraternities have been prohibited in public schools since 1909.

In order to further protect animals from cruel treatment the Thirtieth General Assembly made it unlawful to dock horses' tails and since 1907 whether the acts or omissions of cruelty be committed either maliciously, wilfully, or negligently the punishment remains the same.

LEGISLATION CONCERNING DOMESTIC RELATIONS

There have been no striking changes in legislation relative to domestic relations since the adoption of the *Code of 1897*. In 1902 the right of inheritance was declared to be the same between a parent and child by adoption as those of lawful birth. First cousins can no

longer obtain a license to marry; divorced persons may not marry within a year except by permission of the court; laws restricting the marriage of epileptics and syphilitics are null and void provided such persons submit to being asexualized; and returns of the performance of all marriage ceremonies must be made within fifteen days. In 1907 desertion was defined and made a penitentiary offense.

IV

PRESENT DEMANDS FOR SOCIAL LEGISLATION IN IOWA

GENERAL CONSIDERATIONS

To discover the problem of social betterment was the accomplishment of the nineteenth century: to solve it is the business of the present hour. Public questions must now be handled in the light of social welfare and from the view-point of social betterment. People no longer assume that bad conditions can be permanently removed by a wave of indignation. The road to a better future lies through a knowledge of the present. The work of legislation, which represents the final crystallization of public concern into definite regulations, will be guided by those who understand conditions and appreciate social possibilities. "Plato and Aristotle thought in terms of ten thousand homogeneous villagers; we have to think in terms of a hundred million people of all races and all traditions, crossbred and inbred . . . . we have to take into account not the simple opposition of two classes, but the hostility of many".

Iowa is a typical example of a State that is legislating without safeguards and without thorough preliminary investigation of the subjects legislated upon. Here it has too often been the experience that the State has legislated first and investigated afterward. While it is obvious that all legislative measures should be practical and expedient, it is equally true that any new departure in social

legislation should be founded upon sound principles. It is, of course, unnecessary for Iowa to adopt all of the social legislation of other States; at the same time there ought to be no hesitancy in recognizing and benefitting by forward movements in other jurisdictions.

In every section of the country and in every State conditions obtain which are peculiar to that region. Many problems of the Middle West are altogether wanting in the South. Because Chicago is in Illinois that State must face questions the like of which Iowa does not encounter. Different parts of the United States are in divers stages of social development: the institutions of old New York, established as a result of much experience and set in the background of a long local history, would not be suited to the needs of new Arizona. The transplanting of laws from one jurisdiction to another should be attended with great care. Factory legislation in Iowa during the fifth decade of the nineteenth century would have been misdirected effort. Practical social legislation always takes into account local conditions and circumstances.

There are, however, in the solution of every social problem certain cardinal principles which, for the time at least, are generally accepted and are of more or less universal application. Accordingly, when several States are confronted by a similar situation much may be gained by a comparative study of legislation and by a uniform treatment of the problems involved. So long as West Virginia is indifferent to the need of protecting miners from accident and disaster, while in Illinois the coal mining industry is subject to most rigid regulation, the mine owners of the latter State are at a distinct disadvantage commercially. The same demand for uniform laws ap-

plies likewise to other labor problems, to the regulation of marriage and divorce, to the recording of vital statistics, to quarantine and pure food legislation, and to many kindred matters.

Judging from the experience of social endeavor in other Commonwealths, it would seem that social legislation in Iowa should be more and more in the field of preventive measures. In poor relief, in the treatment of criminals, in ameliorating certain economic conditions, in the preservation of public health — indeed in the attitude toward all things social — the conception that it is more profitable to remove the causes than treat the symptoms of bad conditions should dominate the course of legislation. Mothers' pensions, compensation for work accidents, the limitation of child labor, and minimum wages are some of the landmarks already established along the trail of preventive measures.

With the advent of the social conscience in politics the doctrine of governmental non-interference has been considerably discredited, while the efficiency of government as a positive agency in the promotion of social welfare has been demonstrated. The construction of the Panama Canal stands as an object lesson in the possibilities of a wider participation of the state in affairs of social concern: especially is the solution of the health problem in Panama significant. Instead of scrupulous non-interference with the "natural rights" of individuals, it is now regarded as the office of government not only to undertake the restraint of anti-social persons in the community, but also to compel members of society to act positively for the good of themselves and their neighbors.

With the passing of the *laissez faire* theory of the functions of government, skepticism in regard to the cen-

tralization of power has waned considerably. When the State goes into business — when it assumes control of charitable institutions, when it prescribes safety precautions in industry, when it demands the conservation of public health — the value of central authority becomes manifest and local control gives way to a State Board of Control, a State Mine Inspector, and a State Board of Health. And so, the reorganization of State governments in the direction of administrative centralization and in the name of increased efficiency and economy is a pending problem in several Commonwealths.

FOR DEPENDENTS

Many radical changes are needed in Iowa's system of poor relief. The county homes are notoriously ill adapted to the purposes for which they are being used: there are no facilities for the segregation of the various classes of dependents and defectives; the treatment of inmates, to say the least, is unscientific; and it is rare indeed that much attention is paid to comfort and happiness. Stewards as a rule are untrained in the care of the people of whom they are in charge. Poor management and inefficiency seem to prevail everywhere. Moreover, the present system of outdoor relief is about as bad as it is possible for it to be. The most urgent demand is for expert administration of both institutional and outdoor relief — probably best accomplished through an unsalaried local board of charities. It has been demonstrated that the county supervisors are incapable of handling the situation. That the State Board of Control should be given wider power of supervision would seem advisable in the light of past experience, especially since it would be in harmony with the general trend toward administra-

tive centralization. In the county homes better treatment, better management, the removal of children, and the segregation, if not the removal, of defectives are imperative. This might be made possible in the less populous districts by allowing several adjoining counties to erect and maintain a joint poor home. The policy of placing out dependent children in normal family relationships and using the orphanages and homes for the friendless as temporary receiving homes is in accord with the most approved methods elsewhere. The system of poor relief in Indiana may be regarded as a very satisfactory model.

Upon the initiation of the Des Moines Chamber of Commerce a commendable movement has been inaugurated for the establishment by law of welfare bureaus in the cities of the State, the function of which shall be to supervise solicitation for charitable enterprises and to coördinate the work of the various charity organizations. A plan of coöperation in public and private relief work has been adopted by mutual consent in Black Hawk, Mahaska, and Poweshiek counties whereby the same person becomes county overseer of the poor and superintendent of the organized charities — the office being supported by funds from both public and private sources. The Associated Charities of Ottumwa is now supported by Wapello County, looking toward a similar amalgamation.

FOR DEFECTIVES

In the care of defective classes Iowa on the whole may be counted among the leading States of the nation. Even so the situation is far from ideal. Since the Industrial Home for the Blind at Knoxville was abandoned in 1900 on account of its failure to be self-supporting, the only

resort of the indigent adult blind has been the county poorhouses. If these local institutions were all that could be desired the plight of the blind and the deaf and dumb who must of necessity reside there would be far from lamentable. The State Institution for Feeble-minded Children at Glenwood under the management of Dr. George Mogridge is probably one of the best of its kind in the United States, and much is expected of the new Colony for Epileptics. The chief criticism is in the limited amount of work, in comparison to the vast and ever increasing need of it, that these institutions are equipped to do. On account of the nature of both feeble-mindedness and epilepsy the treatment of them must necessarily be afforded in institutions.

With the recent rapid growth of enlightened medical treatment and the attitude that the insane should be treated as sick persons rather than quasi-criminals, it has become evident that there must either be ample provision for the growing insane population in State institutions or some adequate and satisfactory system of county care must be devised. In Iowa idiots and the incurably insane are left to seek refuge in the county homes where not only do they receive none of the special attention they deserve but really constitute a menace to the legitimate inhabitants of such places. Wisconsin has met the problem of overcrowding the State hospitals by legislation which admits of the construction of additional asylums in advance of the need. In the same State there is a system of county hospitals for the insane partially supported by State funds and under the strict supervision of the State Board of Charities and Reform. At least two States, New York and Minnesota, have taken over local hospitals and asylums and all insane patients are now provided for in State institutions.

In this connection attention may be called to the fact that State orthopedic hospitals for the care of cripples are maintained by Maine, Massachusetts, Minnesota, and Kansas. The Illinois legislature appropriated money for such an institution in 1911. Many of the larger cities of the country have asylums and schools for crippled children.

The motive that should pervade the sterilization of defectives should be eugenic. The punitive element in the Iowa law has been eliminated by a court decision, but there is room for other improvements. The person nominated for asexualization should be entitled to due process of law — probably in the shape of court review (as in Kansas), which does not act as an impediment in executing the law. The California statute has a commendable feature in the requirement that all inmates of institutions must be examined by the "executive officers of the sterilization law" before they are released. More emphasis might well be placed upon "family history" in designating persons for operation.

FOR DELINQUENTS

Since the spirit of reform has entered into the treatment of misdemeanants, prisoners, in theory at least, are not sent to prison to be punished but to be rehabilitated in society. Iowa should continue in the policy of reclaiming convicts for society, at the same time providing for industrial training and abandoning the mischievous system of contract labor, extending the plan of "open air" work on State account and the payment of part of the earnings of the prisoner to him or those dependent upon him, and employing to the fullest extent expedient indeterminate sentences, parole, and probation. More dis-

trict custodial farms should be established for short term labor and as a means of supplementing the parole system. There is urgent need of opening the Reformatory for Women — made possible by the millage tax levy of the last legislature — so that those at present confined at Anamosa, some who are in the Industrial School for Girls, and many kept in county jails may have proper custody.

In Iowa it is the jails that are the most archaic and soul-blighting institutions of penal reform: the influence they exert is usually the opposite of reform. When it is remembered that probably three-fourths of the law-breakers are confined in local institutions and that the criminal whose first offense consists of a felony is rare, the necessity of scientific treatment at the beginning of criminal careers becomes strikingly apparent. The deplorable condition of the jails in this State is characterized by the lack of proper officers in charge, there being few who care what becomes of their prisoners and many who are even brutal; by the lack of classification, the experienced crook, the habitual offender, the accidental criminal, the dirty tramp, and the respectable person accused of crime all living together; by the lack of sanitation, making the place a distributing point for tuberculosis and other infectious diseases; and by the lack of employment and facilities for intellectual exercise and moral growth. Indeed, the situation is similar to that of the county poor homes. The establishment of district prisons — perhaps in connection with the State custodial farms, where there would be a sufficient prison population to justify the engagement of experienced and proper jailors, where segregation, sanitation, employment, and reform methods would be possible, and where the State

would exercise extensive powers of supervision — would seem to be a practical solution of the problem at this time.

More and better paid probation officers, with legal authority to act in cases before they are brought into court, could be used to much advantage in the treatment of juvenile delinquency and dependency in counties where the larger cities are located.

FOR PENSIONERS

Since the idea of providing pensions from public funds for certain dependent classes has found firm lodgment in the United States many varieties of pension legislation may be expected. At present the schemes for retirement of superannuated public employees usually partake of the nature of insurance, each employee being compelled to provide, at least in part, against old age by contributions from his salary. Illinois and Massachusetts have systems for pensioning employees of the Commonwealth, and California and Wisconsin are investigating the subject. Some States grant pensions to the blind; and several, like Iowa, authorize cities to provide for the retirement of firemen and policemen.

In twenty-four States there are either State-wide pension systems for teachers (New Jersey, Maryland, and Rhode Island without contributions), or municipalities or districts have been directed to pay retiring allowances. The State Teachers' Association of Iowa will present a bill to the Thirty-sixth General Assembly providing for a State-wide system of the compulsory, contribution type.

While the mothers' pension legislation of 1913 was a step in the right direction, being founded upon sound economic and social principles, it has not, owing to wrong

methods of administration, been a decided success. There should be a more thorough and scientific investigation of facts before pensions are granted. Public officials are untrained, too busy, and otherwise unable to administer the system. Furthermore, the counties must be safeguarded against bankruptcy from the indiscreet manipulation of awards.

FOR LABORERS

Labor problems affect such a multitude of interests and are so complex in themselves that to more than hint at needed legislation is impossible in this connection. Minimum wages, especially for women, have been found beneficial in several States and in many foreign countries. Usually all industries are included, and the administration of the law is placed in the hands of a commission. On account of the difficulty of determining what is a minimum wage and because of the numerous factors that go to determine working conditions, students of the question are neither absolutely for nor entirely against minimum wages — although the theory is generally conceded to be right.

Iowa, like other American Commonwealths, is deplorably behind European countries in protecting workmen from injury in the course of their employment. Dangerous machinery should be better safeguarded and unfavorable conditions in mines, factories, and transportation remedied. Until it is possible to make the system compulsory, the chief fault of the workmen's compensation law in this State lies in compelling the employers to insure their liability in stock insurance companies at monopoly rates. Child labor should be further restricted, especially in connection with street trades, night work, and the number of hours of employment; and as the best

means of enforcing child labor regulations compulsory education laws should be made more stringent. While all of the neighbor States and many of those not adjoining have in some measure limited the hours of labor for women, thereby endeavoring to protect the health and welfare of female workers, the laws of Iowa have thus far remained absolutely silent on the subject. Facts obtained by the woman factory inspector are abundant proof of the need of similar legislation in this State.

FOR THE PUBLIC HEALTH

Too much care can not be exercised in the preservation of health. Every possible effort should be made to stop the spread of contagious and infectious diseases, to obtain purity in food and drugs, and to maintain sanitary conditions, and to accomplish these ends officials should be given large and in some instances arbitrary power. The movement for county hospitals, which had its inception in Iowa, affords an opportunity to do much toward elevating health standards — particularly in rural districts — if county supervisors can be brought to an appreciation of the value of such institutions. Containing as they do a department for the treatment of tuberculosis, county hospitals should prove of inestimable advantage in checking that disease. For an adequate system of vital statistics no better plan could be adopted than that proposed in the "model law" drafted, in accordance with certain standards of registration, by United States officials composing a special section of the American Public Health Association. Moreover, the College of Medicine at the State University should not only be encouraged but required to spread the gospel of preventive medicine through the Extension Division to the four corners of the State.

FOR THE PUBLIC MORALS

The most widely recognized question relating to public morals is that of regulating the liquor traffic in which Iowa has had a varied and somewhat checkered history. (For the history of liquor legislation in this State, see Dr. Dan E. Clark's articles in volumes V and VI of *The Iowa Journal of History and Politics.*) Iowa has for many years been committed to the principle of prohibition by declaring the sale of intoxicating liquor illegal unless a locality petitions for the operation of saloons. Under this law the number of saloons has steadily decreased. Unfortunately no way has been devised of enforcing laws against the use of tobacco and cigarettes by minors. In fact enforcement is the stumbling block in all of the acts touching such problems as unchastity, gambling, and other demoralizing influences. However, as the people come to realize the importance of high standards of public morals public opinion will compel righteous conduct.