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State of Iowa

The

**GOVERNMENT OF IOWA
IN BRIEF**

Prepared for
HAWKEYE
Girls State



**THE AMERICAN LEGION
AUXILIARY**

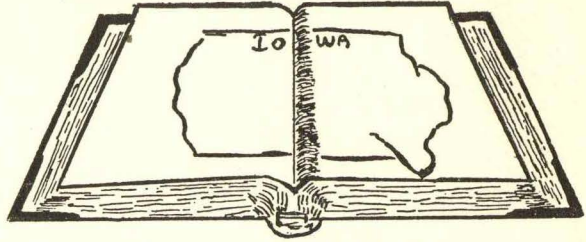
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THE STATE OF IOWA
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preserve the memories and incidents
of our association in the great wars; to
inculcate a sense of individual obliga-
tion to the community, state and nation;
to combat the autocracy of both the
classes and the masses; to make right
the master of might; to promote peace
and good will on earth; to safeguard
and transmit to posterity the principles
of justice, freedom and democracy; to
consecrate and sanctify our comrades-
hip by our devotion to mutual
helpfulness

*(From the Preamble of the
American Legion Constitution.)*

FOREWORD

The Girls State Program of the American Legion Auxiliary is designed to teach the youth of Iowa the fundamental precepts of government.

During the period of the camp the members of the Hawkeye Girls State will participate in this unusual training school for good citizenship. You will set up and operate a functional government. Involved in this are the elections, the operations of the courts, the functions of the legislative branches and the responsibility of office holders. All of these tasks are yours to do. These are the experiences which will develop Americanism and true citizenship among the citizens of Hawkeye Girls State.

Undoubtedly some unusual situations may arise through an apparent conflict of jurisdiction between the several governmental units. The judicial system as set up in the Girls State will be available for the consideration of disputes and the rendition of declaratory judgments.

It is the hope of the American Legion Auxiliary that in the days you spend in camp, you will learn something about the fundamental principles of our form of government, that you will come to know as a practical proposition the workings of politics in Iowa, that you will take full advantage of the opportunity to grasp the fundamentals of government from the state down to the village.

We sincerely encourage each member by careful study to acquaint herself with the powers and duties of the position to which she has been elected or appointed, for only the well informed can proceed with confidence and self reliance in the performance of her duties.

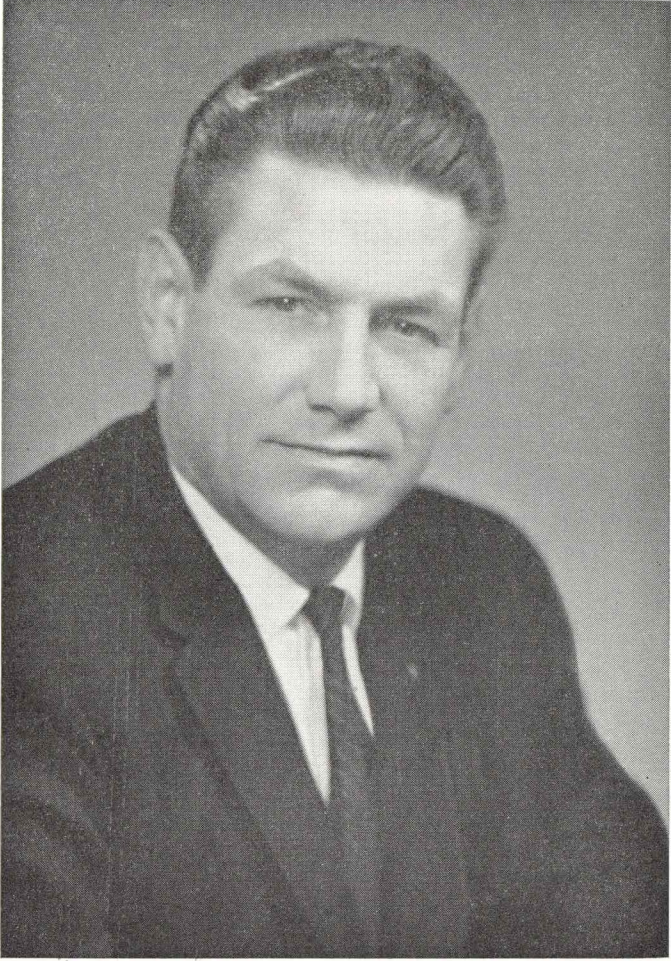
The American Legion Auxiliary wishes you the greatest possible success in this enterprise and sincerely hopes that when you return to your home community, you will have a better understanding of what is involved in the American enterprise of self government.

The American Legion Auxiliary is deeply indebted to the state officials for the financial contribution which has made this book possible, and the assistance otherwise given to make this program a success.

The Government of Iowa in Brief,
As prepared by the late R. O. Garber

Corrections have been made to sections which have been
changed by law, as of April, 1959.

7-1-67
Lawrence & Alice
Auxiliary



HAROLD E. HUGHES
Governor of Iowa



STATE OF IOWA
OFFICE OF THE GOVERNOR
DES MOINES

HAROLD E. HUGHES
Governor

TO THE CITIZENS OF HAWKEYE GIRLS STATE:

As Governor of the State of Iowa, I wish to congratulate you on your participation in Hawkeye Girls State. This is an honor in which you may justifiably take pride. It also carries with it a serious responsibility to gain understanding of and experience in the highest form of political organization and control -- self government.

Democracy is still on trial in much of the world. There always have been those who have believed that the people could not govern themselves -- that the foundations of self government would crumble under special interest pressures, ignorance and apathy, and ineffective leadership. Some nations have never achieved self government; others have lost it and with it the dignity of individual freedom.

These are the challenges you face -- whether you seek them or not -- in meeting the responsibilities of self government. Your participation in Hawkeye Girls State will provide you with valuable experiences in the living process of Democracy. It will help you learn how to meet the problems you will encounter as the leaders of tomorrow with imagination, foresight, and respect for the views of your fellow citizens.

I am confident that you will find Hawkeye Girls State a profitable and pleasant experience in good citizenship.

Very sincerely yours,

HAROLD E. HUGHES
Governor

The Government of the State of Iowa

"Our liberties we prize and our rights we will maintain."

—State Motto

On the 17th day of June, 1673, over one hundred years before the Revolutionary war, a small group of French explorers led by Father Marquette, a missionary, and Louis Joliet, a trader, looked upon the bold bluffs on the western bank of the Mississippi, a few miles below where McGregor now stands. They were the first white men to see Iowa.

One hundred thirty-two years previously, De Soto, with a band of more than one thousand Spaniards, had explored the lower Mississippi, nine hundred miles south, in a fruitless quest for gold, and there the leader had come to a tragic death and night burial beneath the waters of the great river. Spain was entitled to hold all the region explored by De Soto, but the exploitation of Mexico and Peru so engrossed her that the new and hostile regions opened up by De Soto were soon forgotten. It was left to the French and English to explore and colonize the northern continent.

When Father Marquette and Louis Joliet set foot on the territory that is now Iowa, they found the region inhabited by peaceful, friendly Illinois Indians. It is believed that the two explorers first landed somewhere near where the town of Montrose now stands, in Lee County. The intrepid adventurers descended the Mississippi almost to the mouth of the Arkansas, then journeyed back to Canada by way of the Illinois River. Their discovery and exploration of this Mississippi valley territory gave France the right to occupy the entire region, but there was little development of that part of the land now known as Iowa for a number of years.

Father Louis Hennepin, in 1680, explored the Mississippi River, passing the entire eastern shore of Iowa, and upon his return to France, published an account of the regions visited, and named the territory Louisiana.

From 1680 to 1803, the date of the Louisiana purchase by the United States, this vast territory of Louisiana was a pawn in the strategic maneuverings of France and Spain. At the close of the French and Indian war, in 1763, a treaty was concluded by which England took possession of all land east of the Mississippi. At the same time, the French king, by a secret treaty, ceded to Spain all the remainder of the Louisiana territory, including Iowa.

During these years of exploration there had been no permanent settlement made in Iowa, and it was not until 1788, five years after the Revolutionary war, that a party of ten men under the leadership of Julien Dubuque established the first white settlement at the lead mines near the present site of Dubuque and five years later received a grant of land from the Spanish Governor, including the lead mines, which he named "Mines of Spain." Julien Dubuque remained at the mines until his death in 1810, when the colony broke up.

In 1795, Basil Giard obtained a grant of 5,680 acres of land in Clayton County, and when the Louisiana territory was acquired by the United States, a patent was issued to Giard by the Government, which was the first legal title obtained by a white man in the limits of Iowa.

In 1799, Louis Honore Tesson, a French Canadian, established a settlement and trading post in Lee County. Here he inclosed a farm and set out the first apple orchard in Iowa.

During Spain's possession of the Louisiana territory, there were quarrels and dissensions over the commerce on the Mississippi, and the tariff rates charged by Spanish officials at New Orleans. In 1800 Napoleon compelled Spain to recede Louisiana, and in 1803 President Jefferson negotiated for the purchase from Napoleon of the port of New Orleans and the entire Louisiana territory for the sum of \$15,000,000.

Soon after the acquisition of the Louisiana territory, President Jefferson sent out expeditions to explore the upper Mississippi and Missouri Rivers. The first one under the joint command of Lewis and Clark made extensive explorations along the western plains of Iowa bordering the Missouri River, and the expedition's report to the President gives many valuable descriptions of that region. In 1805, Lt. Zebulon M. Pike lead an expedition up the Mississippi River, and other explorations of this country were made by Major S. H. Long in 1819 and 1820; Henry R. Schoolcraft in 1820 and 1832; William H. Keating in 1823, and Colonel Stephen Watts Kearney, 1820, 1824, 1835.

Little by little traders, miners and farmers came into Iowa. While settlements were not permitted in the Indian country, a number of white families were allowed to settle in the "half-breed tract," the triangle in southeastern Iowa at the junction of the Mississippi and Des Moines Rivers which had been given to the half breeds in 1824 by the Sauk and Fox. To the north, the lead mines of Dubuque tempted white men to cross the river as early as 1829, but the United States troops drove them back across the river until after June 1, 1833, when the Black Hawk purchase became part of the public domain. When the government surveys began in 1836, there were more than ten thousand white settlers in Iowa. The first land offices were opened at Dubuque and Burlington in 1838. The land was sold by the government for \$1.25 an acre. By 1847 there were 116,454 people in Iowa and in 1860 the population was 674,913. In 1940 the population of Iowa was 2,538,268.

There have been some interesting group developments in Iowa. In 1846 several thousand Mormons crossed the state on their way from Nauvoo, Illinois, to Utah. They established a number of permanent camps, and some of them remained in southern Iowa, one of their settlements being Kanessville, later Council Bluffs. Ten years later some 1,300 Mormons trekked from Iowa City to Salt Lake City. Hollanders came to Pella in 1847, and English to Le Mars thirty years later. Germans, Irish, Scandinavians, and Czechoslovakians added to the immigrant total.

The beginning of settlements necessitated the establishment of an effective government. Soon after the United States bought Louisiana, the northern part, including Iowa, was included in the District of Louisiana and attached to the Territory of Indiana. Later the Iowa county was made a part of the Territory of Louisiana and still later, in 1812, it was included in the Territory of Missouri. When Missouri was admitted as a state (1821), the part of the Louisiana purchase north of Missouri was left without governmental organization until 1834, when it was attached to the Territory of Michigan. Two years later the western part of Michigan territory was organized as the Territory of Wisconsin.

In 1835 a party of dragoons made a march up the Des Moines River, starting from Fort Des Moines, near the mouth of the Des Moines River. Among the

officers of this expedition was Lieut. Albert M. Lea. The next year he wrote a book in which he referred to the part of Wisconsin territory west of the Mississippi as the Iowa district. The name, he said, was derived from the Iowa River.

When Congress decided to create a new territory west of the Mississippi River, the name suggested by Lea's book was adopted and a bill creating the Territory of Iowa was approved on June 12, 1838. It went into effect on July 4th. Robert Lucas, who had been governor of Ohio, was appointed governor of Iowa, and the first election was held on September 10, 1838. The act creating the territory of Iowa named Burlington the temporary capital of Iowa, but left the choice of the permanent seat of government to the legislature. After much discussion it was finally decided to lay out a new capital city in Johnson County and to name it Iowa City. The corner stone of the capitol building was laid on July 4, 1840, and the legislature held its first session in the new capitol in the fall of 1842. It is interesting to note that the first capitol building, erected in 1840, still stands on the University of Iowa campus at Iowa City, and is recognized today as one of the outstanding architectural accomplishments of this state.

As the white settlements increased in number, there was considerable talk of statehood, but it was not until 1844 that a constitution was drafted. This constitution was twice rejected by the voters, and in 1846 a second draft was prepared and adopted by the people. On December 28, 1846, President Polk signed the bill admitting Iowa into the Union. The Language of the act for the admission of the state of Iowa into the Union contained the following words:

"WHEREAS, the people of the Territory of Iowa did on the 18th day of May, 1846, by a convention of delegates called and assembled for that purpose, form for themselves a constitution and state government—which constitution is republican in its character and features—and said convention has asked admission of the said Territory into the Union as a State, on an equal footing with the original States, in obedience to 'An Act for the Admission of the States of Iowa and Florida into the Union,' approved March 3d, 1845, * * * Therefore, Be it Enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the State of Iowa shall be one, and is hereby declared to be one, of the United States of America, and admitted into the Union on an equal footing with the original States in all respects whatsoever."

Therefore, from the advent of statehood, our government has been constitutional in character, and our constitution has been the basic law under which all governmental functions are regulated. The constitution of the state of Iowa, patterned as it is after the federal constitution, provides that the powers of government shall be divided into three separate departments, the legislative, the executive and the judicial. The Iowa constitution contains a preamble, and then sets forth in Article I the bill of rights which contains the following declarations:

All men are by nature free and equal and have certain inalienable rights, among which are those of enjoying and defending life and liberty, acquiring, possessing and protecting property, and pursuing and obtaining safety and happiness;

All political power is inherent in the people, and government is instituted

for the protection, security and benefit of the people, who have the right at all times to alter or reform the same whenever the public good may require;

No religious test shall be required as a qualification for any office or public trust, and no person shall be deprived of any of his rights, privileges or capacities, or disqualified from the performance of any of his public or private duties, or rendered incompetent to give evidence in any court of law or equity in consequence of his opinions on the subject of religion; the general assembly shall make no law respecting an establishment of a religion or prohibiting the free exercise thereof;

Every person may speak, write and publish his sentiments on all subjects, being responsible for the abuse of that right, and no law shall be passed to restrain or abridge the liberty of speech or of the press;

The right of the people to be secure in their persons, houses, papers and effects, against unreasonable seizure and searches shall not be violated:

The writ of habeas corpus shall not be suspended or rejected when application is made as required by law, unless in case of rebellion, or invasion the public safety may require it;

The military shall be subordinate to the civil power;

Private property shall not be taken for public use without just compensation first being made;

The people have the right freely to assemble together to counsel for the public good;

There shall be no slavery in this state nor shall there be involuntary servitude unless for the performance of crime;

These enumerations of rights shall not be construed to impair or deny others obtained by the people.

In 1857 the present constitution was adopted and the capital was moved to Des Moines.

The Iowa constitution gave the suffrage to white male citizens over twenty-one, but in 1868 an amendment extended this right to colored men. Women vote in Iowa by virtue of the nineteenth amendment to the United States Constitution (1920). As electors women became eligible to serve on juries and to hold all offices except those in the general assembly. In 1926 a constitutional amendment removed this sex qualification for membership in the legislature.

The Legislature

The legislature of the state of Iowa was established by the constitution under Article III as one of the three branches of government. Its official designation is General Assembly. After the fashion of the federal government, it together with the executive and judicial department forms the structure of the system. Generally speaking the General Assembly is vested with all of the law-making power for the enactment of laws for the regulation of the state, its sub-divisions and the people. There are, however, certain definite limitations placed by the constitution upon the power of the legislature as a safeguard against certain actions which were considered to be improper. Among the limitations the following will serve to illustrate, viz.:

The legislature is not empowered to

1. Grant divorces to individuals.
2. Authorize lotteries.
3. Pass local or special laws not of a general nature.
4. Change county seats, or change county boundary lines without the approval of those affected.
5. Grant extra compensation to any public officers, agents, or contractors, after the service is rendered, or the contract entered into.
6. Pass laws violating the rights reserved to the people in the bill of rights of the constitution.

The above limitations are by no means all, but indicate the general nature of the restrictions on the otherwise broad powers of the General Assembly.

GENERAL ORGANIZATION

The General Assembly is divided into two bodies, the Senate and the House of Representatives. The membership of each house is as follows:

Senate

The Senate is composed of fifty members, apportioned among the ninety-nine counties, by population, in senatorial districts with one senator being elected from each district. The number of the counties in each senatorial district ranges from one to five. The constitution provides that the lieutenant governor shall be the presiding officer of the Senate. Each senator is elected for a term of four years, and originally their terms were fixed by lot, so that approximately one-half of the members of the Senate are elected in November at each general election, every two years.

Each senator must be 25 years of age, a citizen of the United States, and an inhabitant of the state one year, and an actual resident of his district for sixty days next preceding his election.

House of Representatives

The House of Representatives has been limited by the constitution to 108 members with each of the 99 counties being entitled to one representative and nine counties, upon a population basis, entitled to two representatives. The

counties entitled to two representatives are as follows: Polk, Woodbury, Linn, Scott, Black Hawk, Dubuque, Pottawattamie, Clinton and Wapello.

The members of the House of Representatives are elected each two years at the general election in November. They must be 21 years of age and have the same residence and citizenship qualifications as a Senator.

MEETINGS OF THE LEGISLATURE

The constitution provides that the sessions of the General Assembly shall be once each two years commencing on the second Monday in January next following the election of the members. The governor of the state may, however, by proclamation, convene the General Assembly in the meantime at any time he shall feel that there is need of meeting. The session of the General Assembly convenes, as provided in the constitution, upon the second Monday in January following the election, and are usually referred to as REGULAR SESSIONS, and any meetings of the General Assembly convened by proclamation of the governor are usually referred to as EXTRAORDINARY SESSIONS.

ADJOURNMENTS

Neither house of the legislature can adjourn for more than three days without the consent of the other. By joint resolution of both houses, however, the legislature may adjourn from time to time as it sees fit and for such length of time to a future date or it may adjourn without date of reconvening. The legislature cannot adjourn, however, beyond the time fixed by the constitution for the convening of the next biennial session. When the legislature adjourns without fixing a date of reconvening, it is called an adjournment sine die (without date). Such an adjournment operates to adjourn the legislature until the next regular session is convened, or until the governor may, by proclamation, convene the legislature in extraordinary session. When the legislature has adjourned sine die, there is no provision in law for its reconvening until the next regular session, other than by proclamation of the governor.

THE LEGISLATURE AS AN ELECTION CANVASSING BODY

The General Assembly meets on the second Tuesday of January after the biennial election or as soon thereafter as both houses have been organized after the biennial election, and canvasses the votes cast for governor and lieutenant governor and determines the persons elected to the respective offices. The county auditors of the various counties are required to make an abstract of the votes for governor and lieutenant governor cast in their various counties, seal them and address them to the speaker of the House of Representatives and forward them to the secretary of state. The secretary of state in turn delivers those sealed abstracts of the votes to the speaker of the House of Representatives upon his election, and after the convening of the two houses in joint convention and the appointment of one teller by each house, the speaker of the house delivers to these tellers the abstracts of the votes. The votes are then counted by the tellers, reported to the joint convention and the joint convention declares what persons have been elected as governor and lieutenant governor respectively. Thereafter the governor takes the oath of office, usually administered by the chief justice or another justice of the supreme court, and delivers to the joint convention of both houses, such message on the affairs of the state as he shall see fit. The joint convention is then dissolved and each house of the

General Assembly returns to the performance of its own duties. The two houses of the legislature may convene in joint meeting at any other time and for any other purpose during the session as the two houses may agree upon.

ORGANIZATION OF THE SENATE

When the legislature convenes, the Senate is called to order by the lieutenant governor. The Senate then proceeds to the election of a president pro tempore whose duties are to preside over the Senate in the absence or inability of the lieutenant governor. The Senate also elects a secretary who has general charge of the administrative work of the Senate, the keeping of its records, and the general supervision of the assistants and employees. The Senate further selects the assistants to the secretary, the various clerks who enroll bills, and do the paper work of the Senate, and the Senate also selects and employs all of the necessary committee clerks, pages, and other personnel.

ORGANIZATION OF THE HOUSE OF REPRESENTATIVES

The House of Representatives, upon convening, proceeds to the election of a presiding officer, called the speaker, from among its own members. The majority party in the house of course controls the election of the speaker. The house thereafter selects a chief-clerk, who performs the same general duties in the House of Representatives as the secretary of the Senate. The house further selects such assistants, clerks, and other employees to take care of the records and files of the proceedings of the house as it may see fit. Both houses, as a rule, join in a joint resolution approving the selection of these employees and fixing the pay of each. The employees of both houses are employed for the period of time while the legislature is in session, but are of course subject to discharge by the house employing them at any time.

POWER OF EACH HOUSE OVER ELECTION OF MEMBERS

The Senate and the House of Representatives are each the sole judge of the election and qualifications of its members, and in the event of a contest in any senatorial district or in any county over the election of a member to either the House or the Senate, the body to which the candidate aspires, has the sole power to hear and determine this contest. In the event of a contest, the house for which the contestants were candidates, after receiving notice in due form that a contest has been filed by any candidate, appoints a committee to examine into the election and conduct such investigation as may be required, either by counting the ballots or otherwise, as the committee deems proper, and make a report back to the body appointing it. That body then acts upon the report and either accepts or rejects it. If the report is accepted, the recommendation of the committee is effective. If the report of the contest committee is rejected, it has been held by precedent that the contestant or party being adversely reported upon by the committee, is the successful candidate.

VACANCIES

Section 69.14 of the Code of Iowa provides that vacancies in the General Assembly which occur while the body is in session, or when the legislature will convene prior to the next general election, shall be filled by a special election

to be called by the governor at the earliest practicable time, with ten days notice given of such election.

In the past, occasions have arisen where the governor has convened the legislature in extraordinary session and vacancies have existed. On some occasions the governor has attempted to appoint members to the legislature to fill these vacancies, but there has been a divergence of opinion between the House of Representatives and the Senate; the House of Representatives having refused to seat the members so appointed on the ground that the appointing power is not in the governor, but the Senate has at least on one occasion in recent years, conceded the appointments and seated the appointed members.

COMMITTEES OF EACH HOUSE

As a rule, the speaker of the house, and the lieutenant governor as presiding officer of the Senate, as soon as practicable after the organization of the respective houses, appoint from the membership, various committees, usually from 30 to 50, and give each committee the province of examining bills under a certain subject matter. The presiding officer will also designate the chairman of such a committee. For instance, the committee on agriculture will have all matters referred to it dealing with agriculture; the committee on mines will examine mining legislation, and the committee on cities and towns will examine legislation affecting cities and towns. These committees will have from 10 to 15 to as many as 30 or 40 members, although the committees in the Senate, as a rule, are somewhat smaller in number than those in the House, because of the smaller membership of the Senate as compared with the greater membership of the House.

These committees when appointed are organized by the chairman, keep regular minutes of their meetings and have regular meeting days. However, special meetings of these committees can be called at any time the chairman sees fit. The committees adopt their own rules of conduct and procedure in connection with their action upon proposed legislation, and govern themselves as an independent body, subordinate of course to the will of the house to which they belong. Resolutions are customarily adopted limiting the time during which any committee can hold and retain a bill without reporting it back to the house from which it was referred, but, generally speaking, committees are given a wide latitude of investigation on the theory that they should examine legislation carefully before making recommendations back to the main body. The recommendation of a committee that has examined proposed legislation carefully is often given great weight by the main body when such legislation comes up for final action.

GENERAL PROCEDURE AFTER THE LEGISLATURE IS ORGANIZED

After the legislature has been organized, each house is then ready to receive proposed legislation. The actions of the legislature are divided generally into three main headings:

1. Acts of the legislature; that is to say, actions of both houses which become law.
2. Joint resolutions; that is to say, joint actions of both houses, approved by the governor which have the force and effect of law, but which are usually devoted to special purposes and not general legislation.
3. Concurrent resolutions; that is to say, joint actions of both houses of the legislature not required to be approved by the governor, and which usually

express attitudes or opinions of the legislature, and do not have the force and effect of law.

BILLS

Any member of either house has the privilege of preparing in writing any subject matter concerning which he may feel that legislation is needed. This writing is called "A Bill for an Act," and these words must appear at the beginning of the proposal. This is then followed by the title of the bill, which should refer to the subject matter in the body of the proposal itself. After the title follows what is called the enacting clause and is in the following language:

"Be it Enacted by the General Assembly of the State of Iowa."

The above preliminary wording, including the title, is essential and required. There then follows the detailed provisions of the bill, divided if necessary, into sections or sub-sections, and setting out the proposed enactment.

This bill is filed by the member or members proposing it with the chief clerk of the House of Representatives or with the secretary of the Senate as the case may be, is read twice before the body where it was introduced, and is then referred by the presiding officer to the appropriate committee having charge of the subject matter of the bill. The two readings of the bill are usually accomplished by reading the preliminary recitation and the title. The committee to which the bill is referred takes it under advisement, and the chairman of that committee, appoints a sub-committee from the membership of the committee, whose special duty it is to examine that particular bill and report back to the committee its recommendations. The committee then takes action upon the recommendation of its sub-committee on each particular bill, and reports the bill back to the house from which it came, recommending either that the bill be

1. Passed, or
2. That it be not passed, or
3. That it be indefinitely postponed.

The bill is then placed on the calendar of the body to which it is returned, and such action is taken upon it when it comes up in its regular term as the members see fit.

Committees may introduce bills as committee bills and under the name and sponsorship of the whole committee.

PASSAGE OF BILLS

Bills can only be passed by either house after a third reading by a majority vote of the elected members. The members must vote individually and have their votes recorded on the journals of their own house. No member can be excused from voting without the consent of the body to which he belongs. In the House of Representatives, voting is done by an electric voting machine which records on a big recording board at the head of the chamber. The vote is cast by means of a button switch at the desk of each member. A red light opposite the member's name on the recording board means a "No" vote, and a green light means a "Yes" vote.

If a bill receives a majority vote of the elected members favorable to its passage (in the House of Representatives, this is at least 55 votes and in the Senate, this is at least 26 votes) it is then sent by messenger to the other house. The other house then subjects it to two readings, and it is referred by the presiding officer of that house to the appropriate committee. This committee

then considers it in the same manner as in the other house and recommends it back to the main body. If the main body passes it favorably upon consideration and third reading, it is signed by each presiding officer in the presence of the body over which he presides, and is then sent to the governor for his approval or veto.

The governor has three days time, (Sundays excepted) in which to approve or veto a bill submitted to him. If he approves it, it eventually becomes a law; if he disapproves it, he vetoes it and it is sent back to the house where it originated with his reasons for such disapproval. That house shall immediately proceed to consider his veto, and if the bill is passed over his veto by both houses by a majority of two-thirds of the members, it becomes a law in spite of his veto. If it fails to pass either house by such majority, the veto is sustained, and the bill fails to become a law. If the governor fails to approve or veto a bill within the three day period, it thereupon automatically becomes a law.

DISAGREEMENTS

In the event a disagreement arises between the two houses on the provisions of any bill, then a conference committee is appointed by the presiding officer of each house, which constitutes a joint committee to attempt to reconcile the differences as to the provisions of the legislation between the two houses. Such conference committee, if it agrees, recommends such compromise as it sees fit, whereupon the bill is submitted again upon the conference committee report, and if this is adopted and passed by both houses, it is sent to the governor as an act of the legislature. If either house refuses to accept the conference committee report, a new conference committee may be appointed until such time as both houses do agree. If eventually, no agreement is ever reached, the bill fails for want of agreement.

RULES

Each house is privileged to make and adopt rules for governing its conduct, and the consideration of legislation, as it sees fit. It also may punish its members for disorderly behavior, and with the consent of two-thirds of the members, expel a member. In the absence of the adoption of any specific rules, the law provides that Roberts Rules of Order Revised shall govern. In addition, both houses may concur and agree upon joint rules governing joint conventions, conference committee actions, and other matters of joint affairs.

SPECIAL HEARING ON LEGISLATION

Either house of the legislature may constitute itself as a committee of the whole, or both houses may join in a joint hearing on any legislation of sufficient importance where the bodies believe they should be further informed as a guide to the action of the members. In addition any committee of either house may hold special hearings or open hearings before which persons interested or opposed to the legislation may present their views as a guide to the action of the committee or for the information of the members in connection with the final vote.

TIME OF TAKING EFFECT OF LAWS

All laws passed by the legislature shall take effect on July 4th, next after their passage except that laws passed at an extraordinary or special session of the legislature shall take effect 90 days after the adjournment of the General

Assembly by which they were passed; however, if the General Assembly deems any law of immediate importance, it may provide that such law shall take effect upon publication in newspapers of the state, and the newspapers may either be designated or not, as the legislature may see fit. In any event, when so provided, when a law is published in such newspapers as may be fixed, and upon their certification to the secretary of state that such law has been duly published, the act shall thereupon become effective as a law.

SIFTING COMMITTEE

The sessions of the legislature usually continue for about 100 days. Near the middle of each session, both houses generally adopt resolutions fixing a date after which no new bills by individual members will be accepted. After such date, only committee bills are authorized to be introduced. This is for the purpose of preventing a continuing flow of proposed legislation to clog the action of the legislature. Later and near the close of the session, each house through its presiding officer, appoints a "sifting committee," the duty of which is to take under advisement all proposed legislation that has not been finally acted upon in each house, determine which bills are of sufficient importance to receive immediate consideration, and refer them to the respective houses of the legislature. These actions are all taken to expedite the completion of the business of the legislature so that important measures can be acted upon and the session adjourned. Sometimes earlier in the session, a committee called the "steering committee," may be appointed in each house for the purpose of clearing the way for the consideration of such bills of major importance as may be deemed advisable. After a sifting committee is appointed in either house, the general standing committees of that house, with the probable exception of appropriations or emergency committees, are usually discharged, and all committee work with these exceptions is given to the sifting committee. The sifting committee is usually appointed after a date for adjournment has been fixed and when a definite deadline has been established.

FINAL ADJOURNMENT

When the legislature is of the opinion that important and needed legislation has been substantially considered, it then fixes a date for final adjournment sine die by joint resolution, indicating the hour of such adjournment. When that hour arrives, both houses adjourn until the time for the next regular session, or until reconvened in extraordinary session by proclamation of the governor. In the event the two houses are unable to agree upon a time for final adjournment, the governor has the power to adjourn the legislature, but he can in no event adjourn it beyond the time fixed for the next regular session.

Elective State Officials

The following are the elective offices of the state of Iowa now provided for by the constitution and by the statutes of this state:

Governor. The supreme executive power of the state is vested in the governor, whose term of office is two years. He is commander-in-chief of the military forces of the state. He transacts all executive business with the officers of government; approves or disapproves any and all appropriations for administration, operation and maintenance; under certain circumstances fills vacancies

occurring in state offices; may convene the general assembly by proclamation; reports, by message, to the general assembly, at every regular session, the condition of the state, and makes such recommendations as he judges expedient; approves all bills, or may exercise the power of veto; may grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment; appoints all principal officers of the state not elected by the people, and certain officers connected with the state government, by and with the consent of the senate; signs patents for state lands; and appoints and commissions notaries public; may demand fugitives from justice from the executives of other states, and may issue warrants, upon the requests of other governors, for fugitives found in this state.

Lieutenant Governor. The lieutenant governor is elected for a term of two years. In case of the death, impeachment, resignation, removal from office, or other disability of the governor, the powers and duties of that office devolve upon the lieutenant governor. He is president of the senate, but can only vote when the senate is equally divided.

He receives the same mileage and expense allowance as a member and double the compensation of a senator. He maintains an office at the capitol building only during the meetings of the General Assembly.

Secretary of State. The secretary of state serves as the secretarial officer of the commonwealth. He is a member of the executive council and is the administrative head of certain departments of the department of state. He attests the official acts of the governor and serves as the custodian of the original and official documents of the state. He is the administrative authority over the divisions of government having to do with corporations and real estate brokers and salesmen.

The Secretary of State is ex officio chairman of the Iowa Real Estate Commission, is an ex officio member of the State Executive Council, the State Board of Health, the State Printing Board, the State Permit Board and the employment Agency Commission.

Department of Agriculture. The purpose of this department is to encourage and promote the interests of agriculture of all kinds. The following are subdivisions of the department of agriculture; dairy and food division, whose officers enforce sanitary laws, weights and measures law and the labeling laws, etc.; animal industry division which is responsible for enforcement of laws relating to livestock disease control in the state; state chemist; state entomologist; division of agricultural statistics.

In addition, the department, in cooperation with the federal government, is responsible for service reports concerning weather, market news, crop statistics and crop estimates and yields.

Iowa State Commerce Commission. The commerce commission is composed of three members who serve a term of four years. The commission supervises all railroads in the state, and may inquire into any neglect or violation of the laws of the state by any railroad corporation; the commission may make examinations and inspections of the physical condition, conduct and management of such railroads. The commerce commission has the power to grant to companies engaged in the sale and distribution of electric current the right to operate in Iowa; it licenses operators of grain elevators; and issues certificates authorizing motor carriers to operate over the public highways of the state; approves establishment of airports in the various towns; and supervises

or regulates persons operating motor trucks principally for the transportation of freight for compensation. The commerce commission also appoints a commerce counsel who is the legal advisor of the state commerce commissioners and acts as their attorney. Beginning in 1963, the members of the Commerce Commission will be appointed by the Governor, with approval of the Senate, rather than elected. Appointments will be for six (6) years; only two from any political party.

Auditor of State. The auditor of state, at least once each year, makes full settlement between the state and all state officers and departments and all persons receiving or expending state funds and makes a complete audit of the books, records and accounts of every department of state. He has charge of the municipal finance department, the county accounting department, the fiscal affairs of all political subdivisions, including schools and school districts. The Forty-eighth General Assembly of the state of Iowa made it optional with certain municipalities and school districts as to whether or not they would use, for their prescribed audits, the auditors working out of the office of the state auditor or use private auditing concerns. He is a member of the executive council of the state of Iowa and, by statute, is directed to submit annual and bi-annual reports to the governor as well as individual audit reports.

Ex officio, the Auditor of State is a member of the executive council, printing board, geological board, department of health, and secretary of bonus board.

Treasurer of State. The public revenues of the state are received and disbursed by the treasury department, a record being maintained showing the sources of all incomes, the funds to which such income applies, the dates received and the amounts received. Disbursements are made only upon warrants issued as certified by the state comptroller. A record is kept of each warrant paid, showing date of issuance, date of payment, to whom paid and against which fund such warrant is drawn. The Forty-eighth General Assembly provided by law that the state tax commission should have charge of the collection of the tax revenue of the commonwealth. The collection of the cigarette tax, beer tax and inheritance tax formerly collected by the state treasurer's office is now under the jurisdiction of the state tax commission. The state treasurer's office, however, still collects the motor vehicle fuel tax. The state treasurer is a member of the executive council, the state bonus board and is custodian of other funds and endowments.

All accounts are audited daily by the Auditor of State.

Attorney General. It is the duty of the attorney general to appear for the state, prosecute or defend all actions and proceedings, civil and criminal, in which the state shall be a party or interested, and shall prosecute or defend for the state all causes in the supreme court in which the state is a party or interested. He is given supervisory power over county attorneys and in a general way looks after the enforcement of law over the entire state. He shall also give his opinion in writing upon all questions of law submitted to him by the general assembly or any state department, and at the close of each biennial period report to the governor the condition of his office, the opinions rendered and the business transacted in the office. By virtue of his office, the attorney general is chairman of the Board of Law Examiners, which board supervises the examinations given, in compliance with the statutes and rules of the supreme court, to applicants for admission to the bar.

The Attorney General is an ex officio member of the state printing board. He is also ex officio chairman of the Iowa Commission on Interstate Cooperation, an affiliate of the Council of State Governments.

Our Iowa Courts

Power in this country does not depend upon blood or race or station in life. The governing body rests with the hod-carriers, the sewer digger, and the toiler in the mills, as well as with the teacher, the lawyer and the banker, those who toil with the brain instead of with the hand. While it may safely be said that 75 per cent of our people are normally loyal to their country, not 25 per cent of them (and this a broad assertion) have any intelligent conception of the real relations which exist between them and their government. They do not understand that without law there can be no liberty; that obedience to law is the one thing essential to preserve our national life. They do not fully appreciate that no law can be placed upon our statute books and no law can remain upon our statute books, except by the consent of the majority of the people. They talk of patriotism, but they do not realize that the highest expression of patriotism is willing submission to duly constituted authority. Every problem that confronts this great nation of ours can be solved by education. It cannot be done in a day, or in a year. A disease, deeply-seated and chronic, usually demands a long course of treatment, but every day will show improvement, if men, women and children would only give a few minute's study each day to the fundamental principles of this great democracy.

No human organization can exist unless the authority, the power of the organization, is vested in some person or some body of persons. In this country the authority of the nation rests in all of the people and in the people alone. As Abraham Lincoln said, this is a government "of the people, by the people, and for the people." Bear this in mind, neither the president of the United States, senators, congressmen, judges, governors, nor any other officer of the United States, have any authority whatsoever except the authority conferred upon them by the people.

A law is simply a rule of human conduct, enforceable by the state or the nation. This is not a book definition, but is sufficiently definite for all practical purposes. In this country the people themselves fix the limit upon human conduct. That is the glorious thing about living in a democracy like the United States. We have no kaiser, king, or sultan, to tell us what to do or what not to do. The people themselves place the limit upon their conduct and change such limit from time to time as conditions or ideas may change, and herein are the rights and liberties of the people sacredly guarded.

The rules of restraint or direction prescribed by the people are called laws. You can readily see how helpless we would all be if we did not have these laws to guide us and restrain those who would wrongfully impose upon us. Even if every individual tried to do right, laws would be absolutely necessary. Honest, sincere men differ very much as to what is right, and even if no man in the community did what was morally wrong, see the confusion which would exist. Suppose two men going in opposite directions thought it was right to drive on the same side of the street. Suppose one man thought it right to have an unfenced garden and his neighbor thought his chickens should run at large. What a mass of confusion and disorder a community would be in if there were no restraint upon a man's activity except his own whims or desires.

Perhaps you may be a little aggravated some morning when a man comes to your door and orders you to clean your sidewalk, or to make disposal of your

garbage, or to restrain your chickens. We seem to have a natural tendency to resent interference in our affairs. We do not like to take orders. But always bear this in mind: no man in this country has any right to give orders except as he speaks with the authority of the law. This is a nation of laws and not of men. This truth cannot be too often repeated.

Laws are not made by judges. I wish that every citizen in America would learn that by heart and remember it every day. Laws are merely interpreted and applied by judges and courts in deciding cases. Judges cannot act arbitrarily, nor can they modify or repeal a law. They cannot go beyond the power given to them by law. If they do they commit what is known as an abuse of power and the higher courts will stop them by reversing their decisions. Judges are not the only ones who cannot exceed the power given them. The legislature must also act within its power. The same is true with the executive branch of the government. The officers of that branch, likewise, must not violate the constitution or law. In a sense it may be said that both the legislative and executive branches of government are held in check by the judicial branch. This does not mean, however, that the power of the judiciary is unlimited. The courts, too, must act within the power given to them. Each court, except the Supreme Court of the United States, is in turn controlled by its superior court. Courts cannot create or give rights. They merely protect existing rights which litigants have under the constitution and under the laws of the state. Our government is composed of three branches: the executive, the legislative, and the judicial. In Iowa the executive branch is represented by the governor; the legislative by the General Assembly, composed of the Senate and House of Representatives; and the judicial by the court. The Iowa constitution provides that the judicial power of the state is vested in the supreme court, the district and such other courts inferior to the supreme court as the General Assembly may from time to time establish. Our courts are places where justice is administered, and constitute the judicial branch of government. In Iowa we have the following courts: the supreme court, which sits in Des Moines; the district courts, one for each district into which the state is divided; justice of the peace courts, one for each township; municipal courts, superior courts, police courts, and mayor courts are authorized in the cities and towns under various restrictions. In these courts disputes between litigants are decided, rights are determined and protected, and the law is interpreted and applied. Cases may be decided either with or without a jury. Where a case is tried with a jury the jury decides questions of fact and the judge decides questions of law by which the jury is to be guided in its consideration of the facts. When a case is tried without a jury the judge decides questions of fact as well as questions of law. Courts cannot create or give rights. They can merely protect existing rights that litigants have under the constitution and laws of the state.

IOWA SUPREME COURT

The supreme court is the court of last resort, the highest court in the state, and all other state courts are inferior to it. The supreme court sits in the state capitol at Des Moines, and it is here that all cases are heard and decided. The decisions of the supreme court are law. The supreme court of Iowa consists of nine justices, elected for a term of six years, one-third being elected at each regular election. The senior in time of service is chief justice for six months, until each judge has served in that capacity. The supreme court appoints a reporter, who is also the Code editor, and a clerk. Both appointments are for four years. When a vacancy on the supreme court occurs, by reason of death,

If resignation or removal, an appointment is made by the governor to fill such a vacancy. The appointee serves until a successor is elected and qualified. The appointee may be a candidate to succeed himself. The salary of the chief justice and all associate justices varies from \$10,000 to \$12,000 a year and an expense allowance. It takes five, that is, a majority of the judges on the court, to constitute a quorum and at least five to render a decision. The term "decision" must not be confused with the term "opinion." The two do not mean the same thing. The court's decision is its judgment, and the court's opinion is its reason for the judgment.

The supreme court has original as well as appellate jurisdiction, although its original jurisdiction is very limited. Original jurisdiction has been defined as the power of the court to hear and determine a case in the first instance, and appellate jurisdiction is the right of a court to hear, on appeal, a case brought to it from a lower court. Cases over which the court has original jurisdiction may be filed directly in the supreme court without first being tried in the lower courts. Cases over which the supreme court has appellate jurisdiction are those which are brought to the supreme court only on appeal from lower courts. Most cases coming to the supreme court are those brought to it for review from the lower courts. In Iowa practically all cases tried in the lower courts are appealable and must be reviewed by the supreme court. The appeal is direct from the district court to the supreme court. After a case is properly filed in the supreme court a date is subsequently set for hearing, and on the date set the case is argued before the court by the attorneys. The supreme court in Iowa sits in two divisions. A division consists of four associate justices and the chief justice. On constitutional questions the entire court sits. After the hearing is concluded the justices confer with one another, weigh and consider the rights of each party to the lawsuit, and the case is then assigned to one of the judges to study the record and prepare an opinion. After the opinion has been prepared it is then submitted to the other judges. After careful consideration by them, together with the record in the case, it is voted upon at a conference of all the judges. In arriving at a decision the court is guided by principles of law which govern the facts and issues in the case. In most cases the judges unanimously agree upon a decision. However, when a judge does not concur (that is, agree) with the legal views of the majority, he may express his views by writing what is known as a dissenting opinion. The opinions and decisions of the supreme court of this state are published in bound volumes, which are entitled, "Iowa State Reports."

DISTRICT COURTS

The state of Iowa is divided by law into 21 judicial districts, composed of from one to nine counties. Each district elects from two to nine judges. There are at present 74 district judges, salary \$12,500 and an expense allowance. One of the district judges presides over the district court sessions in each county. The county attorney and the clerk of the court are elected by the voters in each county. The district court is known as trial court, as distinguished from an appellate court, although it also acts as a court of appeals over matters arising from the justice of the peace courts, industrial commissioner and mayor courts, and other inferior tribunals. The district court has jurisdiction over civil and criminal cases, and also acts as the probate court, which administers the estates of deceased persons and those under guardianship. In the civil branch two classes of cases are tried: cases in law and cases in equity. Law cases may be tried before a judge and a jury, while equity cases may be tried only before a

judge. Criminal cases are tried before a judge and a jury. In the civil branch of the court a lawsuit is started when the party called the "plaintiff" files in the office of the county clerk a legal paper called a "petition," in which he sets up his claim against the party he is suing, called the "defendant." Plaintiff must also serve on the defendant what is called an "original notice," which must be served by an officer—either the sheriff or a constable—and which sets up the nature of the cause of the action, in other words, what the plaintiff is claiming against the defendant, and informs the defendant when the case will come on for trial. The defendant must have ten clear days, that is, notice of ten days, before the term of court commences. Defendant must then file, before noon of the second day of the term, what is known as an "answer." This contains the defense that the defendant has to the claim made against him by the plaintiff. As soon as these papers have been filed the case is ready for trial. However, it is not tried immediately, and must await its turn, for cases are tried in the order in which they were filed. Those which were filed first are tried first. However, where special reasons exist, the case may be taken out of its regular order and advanced for immediate or early hearing. No trials are conducted in secret. All trials are conducted in public and everyone has a right to attend and listen. This is true both as to civil and criminal cases.

A law case, as distinguished from an equity case, may be tried before a judge and a jury. If a jury is waived the case may be tried before a judge alone. A right to trial by jury may be waived, but a right to trial by judge cannot. There can be a trial without a jury but there cannot be a trial without a judge. There must be a judge in the trial of each and every case. Where a trial is held before a judge and jury, the judge decides all questions of law and the jury decides all questions of fact. Where the trial is before a judge alone he decides questions of fact as well as those of law. In a civil action the litigants (the parties) may settle their differences. Each party to the lawsuit has a right to be in the court room during the progress of the trial. The witnesses are permitted to stay in the court room unless by special order of the court they are excluded. At the opening of the trial the attorney for the plaintiff makes what is known as his opening statement, in which he explains the nature of his client's case and what evidence he expects to introduce in support of it. After he has finished the attorney for the defendant makes his opening statement, in which he explains the nature of his client's defense and what evidence he expects to introduce to support it. After these preliminaries have been disposed of the examination of witnesses commences. Plaintiff's witnesses testify first and the defendant's witnesses next. Both the plaintiff and defendant may be witnesses in their own behalf. Witnesses testify by answering questions put to them by the lawyers in the case, but they must answer truthfully. Before testifying they take a solemn oath to tell the truth, the whole truth and nothing but the truth. If a witness testifies falsely he commits a crime known as perjury, for which he may be tried and, if found guilty, punished, by being confined in the state penitentiary. When a witness testifies falsely, he not only commits perjury but also commits contempt of court, for which he may be penalized by the trial judge. A witness is not permitted to twist or deny the truth in order to help the party who called him. He does not belong to that party. He doesn't belong to either party to a lawsuit. He belongs to the court and his attendance is compelled in the interest of justice. It is his duty to testify to the whole truth, without adding to it or taking away from it, regardless of whom it helps or whom it harms. When a lawyer questions a witness summoned on behalf of his client, the questioning is called "direct examination." When he questions a witness who has testified for the opponent, the questioning is known as "cross examination." When the direct examination is finished the cross examination

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+1 commences. Plaintiff's witnesses are examined and cross examined first, and the defendant's witnesses are examined and cross examined next. A witness cannot testify from hearsay but is limited in his testimony to facts within his personal knowledge, that is to things he has himself actually seen or heard. When the examination and cross examination of witnesses is completed, the lawyers deliver their closing arguments, in which they sum up and interpret the evidence introduced. This is followed by the court's charge to the jury (if the case is tried before a jury). This means that the trial judge tells the jury the law which governs the case. These charges are prepared by the judge and are read to the jury, and the original of same is taken by the jury to the jury room.

In the criminal branch of the court the same general procedure is followed.

CRIMINAL PROCEDURE

When a person is indicted for the commission of a felony, that is, for the commission of a crime punishable by imprisonment in the state penitentiary, he is arrested if he has not already been arrested, and is served with a copy of the indictment. Later he is brought into court, where the indictment is read to him and he is asked whether he pleads "guilty" or "not guilty." Defendant must be represented by counsel before a plea can be entered. This is known as an "arraignment." The purpose of the arraignment is to inform the accused of the nature of the charges preferred against him and to give him an opportunity, in open court, to declare his guilt or innocence. If he pleads guilty, nothing remains but to pass sentence upon him. If he pleads not guilty, he is entitled to a trial.

Under the Iowa constitution the accused is entitled to a trial by a fair and impartial jury. If the accused files with the court an affidavit claiming that a fair and impartial jury cannot be obtained in the county in which the crime was committed (where, under the law, he must be tried), and if the court is satisfied, from the affidavit and the evidence presented by the accused in support thereof, that such a jury cannot, in fact, be obtained in such county, the judge may order that the accused be tried in some adjoining county. This is known as a change in venue.

Under our constitution the accused has a right to refuse to testify. However, if he asserts this right and does not testify, the prosecutor may comment upon this fact to the jury. Where the accused pleads guilty to the commission of the crime, nothing remains to be done, as said before, except to impose sentence upon him. Pleas of guilty are, however, accepted by the courts with caution. They are accepted after the accused is fully apprised by the court of his rights and after the judge is fully satisfied that the plea of guilty is made willingly and with full knowledge and appreciation of the nature and consequences of such a plea.

The court may at any time refuse to accept a plea of guilty. This has been often done, and in a recent district court in the northern part of the state the defendant in open court said that while he was not guilty he desired to plead guilty because he did not have sufficient money to defend himself. The court refused to accept the plea, appointed an outstanding lawyer in that county to defend him. The case was tried to a jury and the jury acquitted the defendant, he was immediately released and is today a useful citizen in place of serving a term in one of our state institutions.

A plea of guilty is a formal admission of guilt made by the accused in open court, whereas a confession is an informal admission of guilt made by the accused at any time or place and to any person.

Where the accused pleads not guilty a formal trial becomes necessary to determine his guilt or innocence. Underlying the trial of a criminal case is the doctrine of law that every person is presumed to be innocent until he is proved guilty beyond a reasonable doubt.

In the trial of a capital offense, that is, one punishable by death, if the jury finds the accused guilty, it may recommend mercy, in which event the penalty of death will not be imposed, but the penalty will be life imprisonment. Or, the jury may return a verdict, fixing the penalty at death. Whether it should be life imprisonment or death depends upon the discretion of the jury. Before passing sentence the accused is asked by the trial judge whether he has anything to say why sentence should not be imposed upon him. If he fails to show sufficient cause why sentence should not be imposed, sentence is pronounced according to law.

MUNICIPAL COURTS

A municipal court may be established in any city having a population of 5,000 or more, by an election of the voters. The question is submitted to the voters, and if a majority vote in favor of the municipal court it is established. The election may be either a special election or at the general election. The judges of the municipal court are elected by the people for a period of four years. In case of death or resignation a successor is appointed by the governor, and he serves until his successor is elected.

The municipal court operates in exactly the same way as the district court, with the exception that its jurisdiction is limited. In civil matters it has concurrent jurisdiction with the district court when the amount in controversy does not exceed \$1,000, except in probate matters, actions for divorce and alimony, and separate maintenance, juvenile proceedings unless otherwise authorized, and those directly affecting the title to real estate. In all criminal matters the municipal court exercises the jurisdiction conferred upon the district court for the trial of misdemeanors.

There are only a few municipal courts in the state of Iowa, located in the larger cities. Salary fixed by size of city served.

JUSTICE OF THE PEACE COURTS

The General Assembly has provided also for other inferior courts. Each township is authorized to elect two justices of the peace to hear cases involving minor offenses, and hold preliminary hearings on more serious charges.

There are also police courts and mayor's courts, which are authorized in cities and towns under various restrictions.

PROBATE COURT

Iowa does not have any special probate court. A great many states do have. This is administered by the district court. The probate court has jurisdiction over the administration of estates of persons who have died. It has jurisdiction over the appointment of executors, administrators, guardians, the settlement of

of estates, the settlement of accounts of executors, administrators and guardians, the sale of lands by executors, administrators and guardians. The probate court in Iowa is a division of the district court, and the presiding judge is the same as in the district court.

JUVENILE COURT

The boys and girls of today are the men and women of tomorrow. What we do with the delinquent, neglected and dependent children today, will in a large measure, determine what kind of citizens they will make when they grow up. In order to protect children against evil influences and to see that they have a proper chance in life, laws have been enacted and juvenile courts have been established.

The district courts are by law given jurisdiction, that is, control over, dependent, delinquent and neglected children. Any child under the age of 18, who violates the law, or who associates with thieves, vicious or immoral persons, or who visits gambling houses or saloons or wanders about the streets in the night time, or jumps or catches trains, street cars, or uses vile and profane language, or uses cigarettes, cigars or tobacco, or uses liquor, is known as a delinquent child. There are children who may have been abandoned by their parents or guardians and are homeless. These are known as dependent children. There are those who may live with their parents or guardians but whose homes may be unfit for them to live in. If children are permitted to beg, associate with disreputable persons, or are denied an opportunity to receive a proper education, medical care or attention, or if they are treated cruelly by their parents, such children are known as "neglected" children. When these conditions are discovered the juvenile court may step in and do what it considers best for the welfare of such children.

When a complaint is made or filed against a minor, or against those who neglect, abuse, or contribute to the delinquency of a minor, a probation officer is assigned to the case, who investigates all of the facts, circumstances and surroundings of the child, and reports same to the court. The district court in Iowa acts as the juvenile court. It has but one thought in mind, that is, the protection and the welfare of the unfortunate child that is brought before it. It is the hope of the court that by proper restraint or training the child that has started in the wrong direction may be made a useful citizen of the community and state.

JURIES

There are two kinds of juries—grand and petit. The grand jury deals with criminal matters only. The petit jury deals with criminal and civil matters. The grand jury investigates cases, while the petit jury tries cases. The grand jury accuses without finding the accused guilty; the petit jury has nothing to do with accusation, but merely determines the guilt or innocence of persons accused.

GRAND JURY

Under the law in Iowa twelve persons constitute the panel of a grand jury, except when some may have died or moved from the county or been excused by the court. On the second day of each term of court, unless otherwise ordered

by the court, or judge, the clerk places in a box the names of the members of the grand jury and draws therefrom seven names. The persons whose names are drawn constitute the grand jury for that term. It takes five out of seven to return an indictment.

The proceedings in the grand jury room are secret. In fact, they are so secret that not even the prosecuting attorney is permitted to be present when the members of the jury express their views or take a vote whether or not to indict. The only time that the prosecuting attorney is permitted to be in the grand jury room is when he questions witnesses and otherwise directs the investigation, but it is the grand jury alone which determines what action is to be taken.

When five of the seven jurors agree formally to accuse one of a crime, they return an indictment, which is also known as a "true bill" otherwise they return what is known as a "no bill."

PETIT JURY

The petit jury is the trial jury, composed of twelve persons. From the electors in the county are drawn certain names before each term of court at which a jury is to be called. All of these people report at the court room in the court house on the day designated. In impaneling a jury the trial judge and the lawyers for each side to a lawsuit have a right to question the prospective jurors for the purpose of determining whether or not they will be fair and impartial to both sides. If, for example, it should be discovered on questioning that a prospective juror has an interest in the case, or that he has a lawsuit pending against either party to the action, or that he is related to either party to the lawsuit, or that he is called as a witness to the case, or that he has formed such a definite opinion about the case that he cannot be fair and impartial, then he will be excused from serving as juror on the particular case.

As said before, a petit jury tries only questions of fact, while questions of law are determined by the trial court. After all of the testimony has been introduced and the arguments of the lawyers are completed, and before the jury retires to the jury room for the purpose of arriving at a verdict, the trial judge instructs the jury on the law applicable to the case. This is known as the court's instructions. The purpose of this is to enable the jury to decide the facts in accordance with the law.

When the jury retires to the jury room it elects one of its members as foreman, who presides over the deliberations. The deliberations of the jury are secret and no one except members of the jury is permitted to be in the jury room. In deciding upon a verdict the jury must weigh all of the evidence in the light of the law given to them by the court. It is the duty of the jury to find the truth and to base its verdict upon it.

In Iowa in order to arrive at a verdict, both in civil and criminal cases, all twelve members of the jury must agree. If only one refuses to agree a verdict cannot be arrived at. If the jury fails to agree it reports to the court that it is unable to agree on a verdict. If the court is satisfied there is no probability of the jury agreeing it will be discharged and a mistrial will be declared, in which event the case must be tried again. However, when the jury agrees on a verdict, it is brought to the trial room and the foreman announces to the court that a verdict has been reached. He hands the signed verdict to the clerk, who reads it and inquires of the jury whether it is the verdict of all

of them. If the answer is in the affirmative, the verdict is accepted as the verdict of the jury. Counsel for either side may then request that the jury be polled. This means that each juror be asked separately whether or not it is his or her verdict. The purpose of polling the jury is to determine whether or not the verdict as returned is correct.

A verdict is not effective until a judgment based upon it is rendered. A verdict represents the jury's findings of the facts only. The judgment represents the court's legal conclusions derived from the facts as found by the jury. Both are necessary for a final determination of the case. It is for this reason that a verdict, to be effective, must be followed by a judgment of the court.

The Military Department

The constitution of the state of Iowa provides that "The governor shall be the commander-in-chief of the militia, the army and navy of this state." The constitution further provides in Section 1, Article VI, that, "The militia of this state shall be composed of all able-bodied white male citizens, between the ages of 18 and 45 years, except such as are or may hereafter be exempt by the laws of the United States, or of this state, and shall be armed, equipped, and trained, as the General Assembly may provide by law."

The adjutant general of the state of Iowa serves the governor as his chief of staff and is generally charged with the administration of all military affairs within the state. All orders are issued in the name of the governor.

The military force of this state is known as the Army National Guard. It consists of 772 officers, 110 warrant officers (band leaders) and 7,586 enlisted men. This force is distributed among 20 headquarters and 82 units in 58 cities.

The National Guard is both a state and federal force. The Air National Guard of Iowa consists of 165 officers, ten warrant officers, and 1,322 enlisted men. This force is distributed among 7 units in 3 cities. It is available to the governor for uses as he sees fit within the restrictions imposed by Chapter 28, Code of Iowa, 1935. It may be ordered to duty by the president of the United States in the event of a national emergency. Armory facilities are provided by the state, while arms, equipment, uniforms, supplies and pay are furnished by the federal government.

The adjutant general is the custodian of military records and is responsible for the safe-keeping of all correspondence and documents pertaining to the service of Iowa men and women in the various wars of the United States.

Boards and Commissions

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The following are the commissions, boards and individuals which, in addition to the elected officials, administer the various departments of government in the state of Iowa:

Executive Council. The executive council is composed of the governor, secretary of state, auditor of state, treasurer of state, and secretary of agriculture; its duties are the purchasing of all stores, supplies and furniture for state departments; the execution of contracts for fuel, lights, repair; the approval of articles of incorporation and by-laws of building and loan associations; the canvass of votes cast for state and district officers; the appointment of the state board of examiners of mine inspectors; approval of plans for buildings at state educational institutions, under certain conditions.

Board of Public Instruction. The board of public instruction consists of nine members, one from each public instruction district (same as Congressional districts as of January 1, 1953) selected by election at a district convention of delegates and one appointed by the governor from electors of the state at large. Members are selected for six year terms with two or three terms expiring each odd numbered year. The board has general jurisdiction over school affairs, including duties formerly in the board of educational examiners.

On January 1, 1955, and each four years thereafter the board appoints a superintendent of public instruction. The superintendent of public instruction maintains an office in the department of public instruction in the capitol of the state—is the executive officer of the state board and exercises general supervision over the state system of public instruction, including the public elementary and secondary schools, the junior colleges, and has educational supervision over the elementary and secondary schools under the control of the state board of control, and nonpublic schools to the extent that is necessary to ascertain compliance with the provisions of the Iowa school laws.

Superintendent of Buildings and Grounds. The custodian has charge of the state capitol and grounds and all other state grounds and buildings at the seat of government and all property connected therewith or used therein or thereon.

Board of Control of State Institutions. The board of control consists of three members appointed by the governor for terms of six years. The board is required to investigate the management and financial condition of the state institutions under its control, determine questions as to the sanity of patients in state hospitals and when persons shall be admitted to them as state charges. There are fifteen state institutions under the supervision of the board of control. The board is required to inspect county and private institutions in which insane persons are kept.

State Comptroller. The state comptroller is appointed by the governor. He audits all demands by the state, and preaudits all accounts submitted for the issuance of warrants: controls the payment of all moneys into the treasury, and all payments from the treasury by the preparation of appropriate warrants, or warrant checks, directing such collections and payment: prescribes all accounting and business forms and the system of accounts by all departments and agencies of the state; has custody of all books, papers, records, documents, conveyances, leases, etc., pertaining to the fiscal affairs and property of the state which are not required to be kept in some other office; apportions the interest

of the permanent school fund; and prepares reports setting forth in detail and in summary form the financial condition and operations of the government, and such other reports as the governor or the general assembly may require of him. The comptroller is a member of the state board of appeal composed also of the auditor of state and treasurer of state, with authority to review certain budgets of proposed expenditures and tax levies and to administer the local budget law. The appeal board handles appeals of taxpayers in connection with certain improvements by the state government.

Board of Parole. The board of parole is composed of three members, appointed by the governor for a term of six years. The board of parole is given authority to release on parole either within or without the state of Iowa, all prisoners, except those sentenced for life terms. Parole rules are provided which must be observed by the man while on parole, and for the violation of which he may be remanded to prison.

State Tax Commission. The state tax commission is made up of three members appointed by the governor for a term of six years. It is given very broad general views including the supervision of assessment of all property in the state and the investigation of all matters pertaining to improvement of the state's revenue system. It has the general supervision of the tax laws, may order reassessments, investigate the work and needs of the local boards of review, boards of supervisors and other officers in tax matters, require boards of revenue to make such orders as the commission may determine are just and necessary, direct and order any board to raise or lower the valuation of property, real or personal, direct county boards of equalization to raise or lower the valuation of any class or classes of property and, in general, to supervise the tax levying and assessing boards. Since the enactment of the state income tax law it has had general supervision of the collection of income taxes and all matters pertaining thereto, and the Forty-eighth General Assembly by statute provided that the cigarette tax, beer tax and inheritance tax should be administered and collected through the offices of the tax commission.

Iowa State Highway Commission. The highway commission consists of five members appointed by the governor for a term of four years. The duties of the commission are: (1) construction and maintenance of primary roads; (2) general supervision of secondary roads; (3) engineering assistance to other departments. It has entire charge of and responsibility for all construction and maintenance work on the primary road system. Although the secondary roads are under the supervision of the county boards of supervisors, their programs must be submitted to and approved by the highway commission. The Forty Eighth General Assembly of the State of Iowa made some changes in the law relative to the amount of money to be used in the construction and maintenance of the primary road system. By statutory enactment provision was made whereby a certain percentage of the revenue formerly going into what is known as the primary road fund shall be used for a two-year period for the construction of what is generally known as farm to market roads. The roads to be improved, under the change in the law, will be primarily what are now known as county trunk roads and those roads selected for improvement will, under the statute, be the secondary roads upon which the most travel occurs.

Department of Public Safety. The commissioner of public safety is appointed by the governor for a term of four years. He has general supervision and control over the highway patrol, the bureau of investigation, the motor vehicle registration and drivers' licenses, and has charge of inspections that have heretofore been made through other state departments, except the inspectors work-

ing out of the office of the Secretary of Agriculture. The office of the fire marshal is also now under his supervision and control. Each division under the department of public safety is in charge of a superintendent.

The highway safety patrol is under the direction of a chief who is the administrative officer of the patrol force and who is responsible to the superintendent of the department of public safety for the enforcement of the motor vehicle laws and promotion of highway safety in compliance with the rules and regulations prescribed. It is the duty of the superintendent or the chief of the patrol to establish patrol districts in the state and to assign to such districts such number of patrolmen as he may deem necessary and proper. At the present time there are approximately 300 highway patrolmen in the employ of the state. Daily reports are made by each patrolman to his district officer and from the district office they are relayed to the central office. These reports show the patrolman's daily activities including the number of hours on duty, the roads patrolled, summonses into court, warning cards written, obstructions removed from the highway, motorists aided, accidents investigated, aid to the injured, safety talks, roads and weather conditions, amount of traffic and number of radio calls answered. Radio communication is maintained with all patrol cars through the facilities of the Iowa state police radio system.

The State fire marshal now under the department of public safety has the particular duty to investigate the causes, origin and circumstances of every fire occurring in the state; to determine if any buildings or structures, by reason of want, of proper repair or age and dilapidated conditions, are especially liable to fire, and to order their repair or removal. He receives and compiles reports of each and every fire from the chiefs of the fire departments, and carries on such other duties as may be provided by law and as directed by the head of the department of public safety.

The bureau of investigation now under the department of public safety was formerly under the supervision and control of the Attorney General. That division of the department has charge of all criminal investigations conducted by the State and furnishes reports and information relative to law enforcement agencies. The bureau of investigation, in a general way, lends aid and assistance to the several counties of the state and especially the county attorneys and in a general way makes reports to the head of the department of public safety on the general law enforcement over the entire state.

The division of motor vehicle registration and drivers' licenses was transferred from the office of the Secretary of State to the department of public safety by the Forty Eighth General Assembly. That division of the department of public safety has charge of the registration of all motor vehicles owned and operated by residents of the State of Iowa and other motor vehicles used upon the highways of this state, and also has charge of the issuance of drivers' licenses authorizing the operation of motor vehicles on the highways.

Commissioner of Insurance. The insurance commissioner is appointed by the governor for a term of four years. He has general control, supervision and direction over all insurance business transacted in the state, and is charged with the responsibility of enforcing all laws of the state relating to insurance; supervises all transactions relating to the organization, reorganization, liquidation and dissolution of domestic insurance corporations. All foreign companies, as well as all local companies, must obtain a certificate of authority from the commissioner of insurance before engaging in the insurance business in this state. The Forty Eighth General Assembly provided by statute that the insurance commissioner should, in addition to the duties above outlined, have super-

vision and control over all the business in connection with what is known as the securities department, formerly under the supervision and control of the Secretary of State, and have supervision over what is commonly known as instalment contracts and the selling of stock in connection therewith, the instalment contract business being of an investment type and also a type of security as well as providing for annuities.

Department of Banking. The superintendent of banking has general supervision over the financial institutions of the State operating under a state charter. He is appointed by the governor for a term of four years. The governor likewise appoints a state banking board consisting of four members to act in an advisory capacity concerning all matters pertaining to the banking department and the banking laws of the state.

Iowa Industrial Commissioner. The commissioner is appointed by the governor for a term of six years. This officer is charged with the duty of administering the workmen's compensation service.

Bureau of Labor. The labor commissioner is appointed by the governor for a term of two years. The bureau is responsible for the enforcement of laws relating to child labor, fire escapes, passenger and freight elevators, private employment agencies, arbitration and conciliation, industrial accidents, for re-inspection and statistical purposes and has general supervision over all laws affecting labor within the state, including working conditions and the health and safety of all laborers. The bureau employs factory inspectors and furnishes statistical information relating to general labor conditions within the state.

State Conservation Commission. The members of the conservation commission are appointed by the governor for terms of six years. The commission makes recommendations for the acquirement of state parks and preserves, etc., and is charged with the duty of administering same. The commission is charged with the duty of protecting, propagating, increasing and preserving the fish, game, fur bearing animals and protecting the birds of the state and the enforcement of laws relating thereto. The administration and enforcement of law relating to boats and navigation in the state owned inland waters of the state is a duty of the commission. The commission has jurisdiction over the state owned meandered lakes and streams and the construction of dams and other improvements relating to such waters.

Iowa Liquor Control Commission. The three members of the liquor commission are appointed by the governor for terms of six years. The commission has sole power to buy, import and have in its possession for sale and sell liquors, to establish, maintain and discontinue state liquor stores, to rent, lease and equip any building or any land necessary to carry out the provisions of the act; to determine the nature, form and capacity of packages kept or sold under the act and to prescribe the labels and seals to be placed on same; to license, inspect and control the manufacture of alcoholic liquors in Iowa; to make rules and regulations necessary for carrying out the provisions of the act.

Iowa Employment Security Commission. The commission is composed of three members appointed by the governor for terms of six years. The commission has the responsibility of administering the laws relative to (1) Unemployment compensation, (2) Iowa State employment service affiliated with the United States government service, (3) Iowa old-age and survivor insurance for public employees. It is their duty to collect the contributions, keep the records and pay the benefits; to assist in finding employment for persons who become unemployed.

The Iowa old-age survivor insurance for public employees was enacted by the 51st General Assembly and the Iowa Employment Security Commission makes both collections and payments as provided in the statute.

State Printing Board. The state printing board has charge of all matters pertaining to state printing, including printing for institutions and officials outside of Des Moines. The manuscript of every report or document, book, booklet, bulletin or anything to be printed shall be transmitted to the superintendent of printing and he shall edit, revise, condense and arrange the same for printing. He has the custody of and attends to the distribution and sale of codes, session laws, supreme court reports and public documents; supervises the compilation and publication of the Journals, the legislative bill index, and the official register. Contracts for all work and material are let on competitive bids in a manner explicitly provided by law.

State Board of Social Welfare. The Board of Social Welfare is composed of three members who are appointed by the governor for terms of six years. The board is vested with authority to administer (1) old age assistance, (2) aid for the blind, (3) aid to dependent children, and in addition to the three divisions above named it is the duty of the board to allocate funds to the several counties for relief purposes, to render aid and assistance to indigent people who are not old enough to receive old age assistance, and the 52nd General Assembly enacted legislation which provided for supervision of adoptions by the board of social welfare. The board also maintains a child welfare department and renders assistance, including medical care, to children two years of age and older.

Department of Health. The commissioner of public health is appointed by the governor for four years. The board of public health, under the direction of the commissioner, cooperates with physicians and health officers throughout the state in the collection and publication of information relative to preventable diseases; the department supervises construction and operation of public and semipublic water supplies, sewerage, sewage disposal, garbage disposal and swimming pools; general administration of the housing law and state plumbing code; the promotion of sanitary production and handling of milk; the study of occupational disease; promotion of rural sanitation; general supervision of district and county personnel engaged in public health engineering activities. The department has a child health and health education service, and maintains a division of public health nursing. Also in conjunction with the department of health is the division administering examinations. Examinations are given by respective boards in each of the following professions: medicine and surgery, dentistry, embalming, podiatry, optometry, barbering and cosmetology.

State Board of Regents. The Board of Regents is composed of nine members appointed by the governor for six year terms, subject to approval by the Senate. The board chooses from outside its own membership a finance committee of three members. It is the governing body for the State University of Iowa, the Iowa State University College of Agriculture and Mechanic Arts, the State College of Iowa, the School for the Blind, the School for the Deaf, and the 52nd General Assembly, placed the state sanatorium for the treatment of tuberculosis at Oakdale under its supervision and control.

Law and Medical Libraries and Department of History and Archives. The Iowa state department of history and archives, the Iowa state law library and the Iowa state medical library are under the control of a board of trustees consisting of the governor, a member of the supreme court to be designated from time to time by the court, and the superintendent of public instruction. It is the power and duty of the board of trustees to make and enforce rules

for the keeping of the records and for the management and care of property of the Iowa department of history and archives, the state law library and the Iowa state medical library. It is also their duty to appoint a qualified curator of the Iowa state department of history and archives whose regular term of office shall be for a six year period; to appoint a state law librarian who shall be a graduate of an approved law school, for a term of six years, and appoint a state medical librarian who shall be a graduate of a recognized school of medicine, for a term of six years. They shall also appoint, after consultation with the curator and the several librarians, such qualified assistants as may be necessary to carry on the work. The board of directors shall meet at least three times each year and in addition to their other duties shall have control of the historical building and assign space therein to be occupied by the department of history and archives, and the Iowa state medical library.

The curator of the department of history and archives under the direction of the board of trustees is the custodian of the historical buildings and collection therein.

State Traveling Library. The state library was founded by the Territorial Legislature, and the First General Assembly, 1846-47, provided for the management of the state library and the election of a state librarian.

The Forty-eighth General Assembly increased the size of this library by combining with it the library commission (founded 1900) and the economics and sociology division of the law library (founded 1911), giving to the newly created the name state traveling library.

Chapter 147, 56th G. A., provides for a board of trustees for the Traveling Library.

State Fair Board. The officers and directors comprising the state fair board are elected by the state agricultural convention. The board is made the custodian of the state fair grounds and the board of managers of the annual state fair.

The Adjutant General. The adjutant general is appointed by the governor, from the Iowa National Guard, upon the recommendation of a majority of the general officers and regimental commanders of the Iowa National Guard, for a term of four years. The adjutant general issues and transmits all orders of the commander-in-chief and keeps a record of all appointments of officers commissioned by the governor. He has charge of the state arsenal and grounds and all other property of the state kept or used for military purposes. All muster rolls, reports, returns, enlistments, discharges and complete records of the national guard are filed and made a matter of record in his office. He is a member of the advisory board and the armory board, and has the direction of the compilation of the roster for soldiers, sailors and marines in the Mexican border service; he is a member of the soldiers' bonus board and has under his supervision the graves registration division.

Commission of Aeronautics. The Fifty-first General Assembly created a new aeronautics commission and prescribed its duties and powers. Also prescribed registration of persons engaged in aeronautics and operation of aircraft and aeronautic facilities; prescribed penalties and repealed old sections of the law which authorized a commission of limited power. Commission membership carries no salary. The commission numbers five.

Board of Nurse Examiners and Division of Nursing Education. The board of five members is appointed by the governor for terms of five years. The board gives the state board examinations required of every graduate nurse before she

is entitled to practice her profession, and formulates the curriculum and standards for accredited schools of nursing.

Board of Examiners in the Basic Sciences. The six members of this board are appointed by the governor for terms of six years. The board conducts examinations four times a year in the six basic sciences—*anatomy, physiology, chemistry, pathology, bacteriology and hygiene*—as prerequisite to eligibility for examination for a license to practice the healing arts.

Pharmacy Examiners. The examiners are appointed by the governor for terms of three years. The board enforces the laws governing the sale and distribution of drugs, medicines, and poisons in the state, and holds examinations for the licensing of pharmacists.

Commission for the Blind. Is composed of three members, the superintendent of the school for the blind, by virtue of his office is a member, and two members are appointed by the governor for terms of two years. The purpose of the commission is to aid the adult blind educationally and industrially in their own homes. Within the past few months the commission for the blind has set up a rehabilitation program to train the blind in their own homes and that program is meeting with considerable success.

State Board of Accountancy. The three members are appointed by the governor for terms of three years. The board conducts the examinations for qualification as certified public accountants.

Board of Examiners for Mine Inspectors, Mine Foremen and Hoisting Engineers. The members of this board are appointed by the executive council for a term of two years. Their duties are to examine and issue certificates to those qualified to act as state mine inspectors, hoisting engineers and mine foremen.

State Mine Inspectors. The three members are appointed by the governor for terms of four years. It is the duty of the inspectors to inspect the mines in the state to see that they are worked in conformity with the mining laws.

State Historical Society, Iowa City. The purpose of the society is to bring about the discovery, collection, and preservation of materials of Iowa history; researches in the field of Iowa history; publication of the materials of Iowa history; dissemination of the materials of Iowa history through public depositories and members. The society has more than eleven hundred active members and one hundred ninety official depositories.

State Board of Engineering Examiners. The membership of the board consists of five members appointed by the governor for terms of four years. No person can practice professional engineering or land surveying without first being registered with this board. The board conducts examinations for applicants for registration.

Board of Architectural Examiners. The board of five members are appointed by the governor for five year terms. They conduct the examinations and issue certificates permitting the practice of architecture in Iowa.

Board of Examiners for Court Shorthand Reporters. The examiners are appointed by the chief justice of the supreme court and they conduct examinations of those seeking to become certified shorthand reporters.

Geological Survey. It is the duty of the geological survey to furnish information to the public on such subjects as the mineral resources of Iowa, the

geological formations present in the state and what uses may be made of them, the possibilities of investment in enterprises that involve geological materials, and any other questions that have to do with geology.

Watchmakers' Board. The Fifty-first General Assembly created a Watchmakers' Board of five members to register all persons or firms engaged in watchmaking or repair. Members of the board are paid \$10 per day when engaged in board duty, with maximum compensation of \$500 a year.

The Iowa Development Commission. The commission was created by the 51st General Assembly to succeed the Industrial and Defense Commission. The commission is composed of eleven members appointed by the governor and the commission selects a director. It is a promotional agency. Its duties are to collect and disseminate information on the state's industrial, agricultural and recreational opportunities. It provides statistical and market analysis information for industry and carries on a continuous program of new industry promotion, advertising the state's advantages throughout the nation. A program of general state publicity provides news, statistical information and photographs for newspapers, magazines, trade publications and radio scripts. Special publications are prepared by the commission and given wide circulation. Speakers are provided to schools, clubs and civic organizations. The commission's program endeavors to include all proper promotional media for fostering and promoting the economic welfare of the state.

Iowa Real Estate Commission. The commission is composed of the secretary of state as chairman and four additional members appointed by the governor with the approval and consent of the senate. The commission is empowered to promulgate rules and regulations to carry out and administer the law relative to real estate brokers and salesmen and carry on a program of education of real estate practices and matters relating thereto. It employs a director and licenses applicants who are trustworthy and competent to transact the business of a real estate broker or salesman in such manner as to safeguard the interests of the public. Each applicant for a license must pass a written examination conducted by the commission or its authorized representative.

Municipal Indebtedness. In this connection it should be said that by both constitutional and statutory restriction municipalities in Iowa are limited to incurring indebtedness to an amount not to exceed a certain percentage of the taxable value of the property within such corporation. However, they may anticipate tax revenue in some instances for twenty years in the future, and in others fifty years, in order to presently make available moneys for certain municipal purposes. These purposes are to be found in other chapters of the code and there are other provisions for park and cemetery purposes in the general law. The subject of municipal indebtedness and issuance of bonds is of a highly technical nature and no effort is made to cover it in this connection.

State Beer Permit Board. The State Beer Permit Board decides disputes between applicants for beer permits and issuing bodies for such. The personnel is the chairman of the Tax Commission, Secretary of State and Auditor of State.

Merit System Council. The Iowa merit system council serves as the central personnel office for those state agencies who receive certain federal funds. It provides progressive and uniform personnel practices to about 1,800 individuals who work in about 200 different classifications in the five agencies served.

Iowa Natural Resources Council. The Fifty-third General Assembly declared it to be the policy of the state to correlate and vest the powers of the state in a single agency with the duty and authority to establish and enforce an appropriate, comprehensive, state-wide plan for the control of water and for the

protection of surface and underground waters of the state, recognizing and including in such plan the resultant effect thereof on other resources of the state; and created the Iowa Natural Resources Council as the agency of state government to promote the policies set forth in the Act, and to represent the State of Iowa in all matters within the scope of the Act.

The functions and duties of the Resources Council include the establishment of a comprehensive state-wide program of flood control, and a comprehensive state-wide program for the conservation, development and use of the waters of the state.

The Civil Defense Administration. The administration is composed of nine members appointed by the Governor, confirmation not required. The Civil Defense Director to be appointed by this nine member administration committee.

County Government

In the year 1821, when Missouri was admitted into the Union, no provision was made for government in the residue of the Louisiana territory, thus the geographical area embraced in the future commonwealth of Iowa seems to have been left temporarily without established local government. It was not until 1834 that the area now included in Iowa was formally attached to and made a part of Michigan territory for the purpose of temporary government. During 1836, when a part of Michigan territory was admitted to the Union as a state, the remainder was set aside as Wisconsin territory. The area of the present state of Iowa was included in the new jurisdiction. For convenience of administration, that part of Wisconsin west of the Mississippi River was organized as Iowa territory in 1838. Iowa, with its present boundaries was admitted to statehood December 28, 1846.

As the national government is divided into 50 states, the government of the state of Iowa is divided into 99 divisions known as counties. Each county is a local government in itself for local purposes, located in the county seat, the county seat contains the court house which is the office building for all of the offices of the county.

The county serves as an agency of the state for the purpose of political organization for local administration. The state legislature passes laws and the city council passes ordinances to govern people. The county can pass no law, but merely administers the laws passed by the legislature.

TOWNSHIPS

In the same manner that the state is divided into counties for local government purposes the counties are divided into townships for somewhat similar purposes. The township is a territorial and political subdivision of the state established exclusively for public purposes connected with the local administration of government. The principle officers of the township are township trustees, justices of the peace and constables. Township trustees have virtually the same jurisdiction over the property of the township that the board of county supervisors has over the property of the county. Their duties in reference to handling the public affairs of the township are also similar. They have also certain duties in connection with the care of indigent persons, animals running at large, settling controversies over partition fences and duties relating to sanitation and health within the township. The constables and justices of the peace are, of course, charged with the duties in reference to enforcement of law. The constables are the peace officers of the township and the justices of the peace, the judicial officers of the township. They have both civil and criminal jurisdiction of a limited nature.

COUNTY SUPERVISORS

The first county boards organized in Iowa were authorized by a statute enacted by the first Iowa territorial legislature and approved by the governor December 14, 1838. A board brought into being under this early enactment was known as the board of county commissioners and was created as a "body corporate and politic," the county board in its present form and under its present name was established in 1860 and called county board of supervisors.

The functions and records of the board of supervisors and the auditor are interlocking to a marked extent. In a general sense the supervisors bear to the county business the same relation that the private corporation's board of directors bears to the corporation's affair, while the auditor's place in the scheme of county management is at least measurably similar to that of the chief executive of the corporation. The supervisors direct and the auditor executes. The auditor is the board's clerk, but he is more than that, for example he may in the absence of a quorum adjourn a meeting from day to day until a quorum is present. In prescribing the duties of the auditor in relation to matters touched also by the board of supervisors the law seldom differentiates between the functions of the auditor as auditor and those of auditor as clerk or executive officer of the board. The commingling is so complete that it is left almost entirely to inference to determine not only, in some instances, whether the auditor, when acting, is acting as auditor or as clerk or agent of the board, but also, in other instances, whether it is the auditor or the board that is functioning.

Among the board's powers are those to make such orders concerning corporate property of the county as it may deem expedient, and not inconsistent with law; to examine and settle all accounts of the county, and all claims against the county not otherwise provided for by law; to represent the county and have the care and management of the county's property and business where other provision is not made; to manage and control the school fund; to require any county officer to render a report, under oath, on any subject connected with the duties of his office and give bond; to remove from office by a majority vote, any officer refusing or neglecting to make any such report or give bond; to fix the compensation of county and township officers in the absence of other provisions by law; to cause county buildings to be insured; to rent rooms if there be no county buildings; to acquire for the county needed real estate; to sell real estate no longer needed; to spend not to exceed \$300 a year for experimental purposes on land owned by the county; to receive bids and award contracts; to buy supplies; to compromise judgments held in favor of the county when full recovery seems impossible; to authorize the county auditor to destroy all duplicate tax receipts, poll tax receipts and hunting license applications five years old, and assessors books, assessments rolls, county vouchers and cancelled county warrants ten years old. Each member of the board of supervisors is elected for a term of three years and vacancies in the board of supervisors are filled by appointment made by the county auditor, clerk of the district court and the county recorder.

COUNTY AUDITOR

The office of the county auditor was created by the 12th General Assembly in the year 1868. The county auditor's duties were extended to include duties theretofore performed by the clerk of the board of supervisors and he was authorized to take acknowledgments of signatures to instruments. Since the office of county auditor was created his duties have become greatly enlarged. He has the custody and control of the county records involving the business of the county as transacted by the board of supervisors. He also has the custody of official bonds filed by other county officials. He receives, records and submits

to the supervisors claims for bounty on rodents and predatory animals. He receives from municipalities local budgets in duplicate and forwards one copy to the State Comptroller and the other remains on file. It has been his duty to furnish assessors with the names of shareholders in foreign building and loan associations and also furnish the board of education the assessor's list of blind and deaf persons. He handles and files documents pertaining to the change of names of incorporated towns and villages. It is his duty to keep drainage records, including maps, plats, profiles and file notes; to appoint appraisers to assess damages in drainage districts; to destroy obsolete and condemned public documents on order of the board of supervisors; to deposit in banks designated by the board of supervisors public funds coming into his hands; to act as clerk of the board of supervisors; to issue warrants for payment of claims against the county; to keep an accurate record of county receipts and expenditures as reported to him by the county treasurer.

COUNTY ASSESSOR

The 52nd General Assembly enacted a bill which provided for the assessment of real and personal property in the state of Iowa. The bill provides that in every county in the State of Iowa the office of County Assessor was created. This law was amended by the 53rd General Assembly. The original bill became effective as of July 1, 1947, and at that time the terms of office of all township, city and town assessors terminated, other than those of city assessors specifically provided for in the law.

The new amendment provides for the selection of county assessors and deputies by a special conference of mayors of all incorporated cities and towns, members of the county board of education and the county board of supervisors who are authorized to select a county assessor from the list of names certified by the State Tax Commission following an examination to select eligibles from those with a grade of not less than 70 per cent.

Said assessor shall be named for a four year term and his salary shall be fixed by the conference group and shall not be less than the salary paid to the county auditor of the respective county in which he shall be chosen. The requirement shall also be that the county assessor shall be a resident of the county for a year and a legalized voter.

The board of supervisors in each county is required to set up an annual budget for the office of county assessor covering expenditures for each year, and they are further required to levy a sufficient annual tax to defray expenses of the county assessor and his office, the amount of tax so levied to be fixed by the board of supervisors.

Any city having a population of 10,000 or more, or which shall attain such population in the future, but shall not have a population of 125,000, may by ordinance provide for the selection of a city assessor and for the assessment of property in such cities under the provisions of statutes formerly enacted.

BOARD OF REVIEW

The Legislature also created a county board of review with all the powers of local boards of review formerly prescribed by statute, and further provides for appeals to the district court.

The enactment further provides that on or before the first day of December, 1947, the board of supervisors in each county shall call a conference which shall include the mayors of all incorporated cities and towns in the county whose property is assessed by the county assessor, members of the county boards of education and members of the boards of supervisors. The conferences shall

organize for the purpose of selecting a county board of review of not less than three nor more than five members. The board selected shall include at least one farmer, one registered real estate broker and at least one person experienced in the building and construction field. In selection of the members of the boards of review and in determination of all other matters the county boards of supervisors, the mayors, and the members of the boards of education shall vote as units, each unit having a single vote, and it shall be necessary for two of the three groups to agree on the selection of any member of the board of review and in the determination of all other matters. The terms of the members of the boards of review shall be for a four year period beginning with January 1st following the year of their selection. But in the case of boards chosen for the first time the term of one member shall be for one year, one member for two years, and a third member for three years, and additional members for four years each.

The members of the county board of review shall receive compensation at the rate of \$10.00 per day for the periods they are in session, plus mileage and actual expenses incurred in carrying on their duties, all of which shall be paid from the county general fund.

COUNTY TREASURER

Even before Iowa was detached from Wisconsin that territory had created the office of county treasurer whose tenure of office was then one year. His duties were defined as follows:

To collect all moneys due and accruing to the county and to pay out and disburse such moneys on orders drawn by the board of county commissioners. Iowa, in forming its own territorial organization continued this office providing that the treasurer should be elected for a term of four years. When Iowa became a state under the constitution of 1846 that instrument provided that all civil officers then in office should "continue to hold and execute their respective offices and appointments until superseded under this constitution." This provision applied to the county treasurer along with other officers.

The treasurer's main functions remain now what they were at the beginning, namely, collecting moneys due the county and making disbursements on proper authority. Incidental to these main functions and in addition thereto it is the duty of the treasurer to keep a true account of all receipts and disbursements; to keep separate account of the several taxes for whatever purpose; to sell, exchange and retire all county bonds; to collect taxes for destruction of weeds and hedges; to notify property owners of cigarette tax penalty accruing upon default in payment of tax; to act as trustee of funds realized from lost property found and sold; to collect motor vehicle fees; to collect all regular taxes and to collect delinquent taxes by distress and sale of property of delinquents.

Also he has the duty to keep a register of warrants paid, and of warrants not paid for want of funds; to deposit public funds in banks designated by the board of supervisors; to be custodian of condemnation funds; to remit to the state treasurer and treasurers of local governmental units their respective shares of taxes collected; to notify school corporations of apportionment of school funds and make payment thereof; to execute tax deed to property sold for taxes and not redeemed; to conduct tax sale; to act as treasurer of the board of hospital trustees in any county having a county hospital.

COUNTY RECORDER

One of the functions of a state in protecting the property rights of its citizens is the making of accurate and authentic records of ownership of various forms of property. In the United States the performance of this function has, for the most part, been entrusted to the several commonwealths and they have in turn delegated this function to the county. To perform this duty the legislatures of

most states have provided an officer whose duty it is to make a record of all transactions affecting real estate and in some instances to record other matters also. This office is variously known as clerk, recorder, or register of deeds, and is a well recognized part of the machinery of county government.

In the state of Iowa this officer is known as the recorder. The office existed under the Wisconsin form of government and was continued by the territory of Iowa when it became a separate organization. The first Iowa enactment provided that a recorder be elected bi-annually to record deeds and papers in succession as filed and presented, to index them alphabetically and indicate on the back the exact day and hour of filing. Among the most important instruments recorded are deeds, mortgages and other papers affecting the title to real estate. The law provides that no instrument "is of any validity against subsequent purchasers for a valuable consideration, without notice, unless filed in the office of the recorder." This requirement is coupled with the provision that the recorder "must endorse upon every instrument properly filed for record in his office the day, hour and minute of such filing and forthwith enter in the index book the entries required to be made therein." Separate record books and index books are required for deeds to land and deeds to town lots with like provision for mortgages and releases of mortgages; and separate books are required for other conveyances of real estate, one for lands and one for lots; also an index book is kept for powers of attorney and affidavits. All index books must show grantor and grantee, arranged alphabetically. Marginal releases of mortgages are permitted, to be forthwith indexed by the recorder; assignments of mortgage are likewise immediately indexed.

Likewise, instruments affecting title to personal property are spread on the records by the recorder, except that such instruments, including chattel mortgages, conditional sales contracts and leases, and assignments and releases thereof, may be either recorded in full or made of record by merely filing the original or a true copy, on which the recorder indorses the time of filing, the alternative method being at the option of the person presenting the instrument. For all such instruments the recorder keeps an index book.

In addition, the recorder's books cover the recording in full or the listing or indexing of various miscellaneous documents, including discharge papers of persons having served in the armed forces of the United States, articles of incorporation, findings and decisions of trustees in drainage matters, farm names, decisions of fence viewers, liens, mortgages and deeds of trust of railroad corporations, names and marks on bottles and other containers, notices of forfeiture of contract for sale of real estate, order changing township name, decrees of court partitioning real estate, permits to sell dangerous weapons, powers of attorney to convey and revocations thereof, change of name by individual, names adopted by concerns for business purposes.

The county recorder is elected for a term of four years, and shall report quarterly to the county board of supervisors all fees collected by him and make quarterly settlement of same, paying into the county treasury all fees collected.

CLERK OF THE DISTRICT COURT

On November 17, 1836, it was provided that the judges of the district court should appoint a clerk who "shall issue writs and processes and perform all duties properly required" of him as clerk. And on December 8, 1836, the clerk was further required to make, keep and preserve records of all proceedings of determinations of his court.

The clerk's office was continued after Iowa territory was separated from Wisconsin in 1838 and when Iowa became a state in 1846 the new state constitution provided that the clerk of the district court should be elected every two years.

The first session of the Iowa state legislature required the clerks of the territorial district courts to turn all records of their offices over to the clerks of the district court of the state of Iowa. This office has continued without important change to the present time, but as a statutory office after the adoption of the constitution in 1857.

The clerk has sweeping powers, especially in probate matters, exercising the functions of the court, subject, in the more important aspects, to reference to the court in case of objection.

The clerk is ex officio a member and clerk of the commission of insanity and is also ex officio jail inspector along with the county attorney. The duties thus imposed upon him are in addition to his duties as clerk of court.

The office of the clerk of the district court, as appears from the foregoing, was in existence in 1838 when county officers were first chosen. The clerk is elected for a term of four years and in addition to the duties heretofore enumerated he acts in conjunction with the county auditor and county recorder in drawing grand juries, petit juries and talesmen.

COUNTY SHERIFF

The office of sheriff is of ancient origin, dating back to Saxon, England. At the time of their conquest of England in the eleventh century, the Normans found the office existing. From that early day the office has come down through the years, in due course, making its appearance in Colonial America and persisting on through territorial days to the present time as an essential feature of the system of government and jurisprudence that has developed from early beginnings. Always, the essential character of the office has been the same. At the beginning the sheriff was guardian of the peace and keeper of prisoners, just as he is today. He is an officer of the court now, as he was then.

Coming to recent times we find the office of sheriff as a heritage from Michigan territorial days, to be established in Iowa as soon as Iowa became a dependent territory. It was then provided that the sheriff should be appointed by the governor and should serve for a term of two years. His duties were defined in part as follows: To preserve peace, serve processes of all kinds, attend court, and have charge of the courthouse and jail.

Effective in 1840, the office of sheriff was made elective for a two year term.

Under the current statutes, as above cited, the sheriff may call any person to his aid to keep the peace, or to arrest any person liable thereto, or to execute processes of law; he may annually hold a school of instruction for peace officers; he is required, by himself or deputy, to return all writs and other legal process issued by legal authority to him directed; he makes special investigations into alleged infractions of the law when directed by the county attorney to do so; he is required to attend upon the district court and serve writs, warrants and other processes; he is keeper of the county jail and responsible for prisoners therein.

Other statutes direct that the sheriff shall execute the death penalty when such penalty is decreed in his county; that he shall prevent cruelty to animals and kill disabled animals; to serve papers in contested election cases; give notice of election by publishing proclamation; to take fingerprints of persons arrested; to execute health warrants; to summon jurors and provide them with meals and lodging when the court so directs; to issue and revoke permits to carry concealed weapons; seize property of relatives for support of poor under direction of court; to execute warrants for delivery of prisoners to penal institutions and insane persons to asylums.

The sheriff is elected for a term of four years.

In civil matters the sheriff is the officer of the county courts and must serve all papers, orders, summons and other processes that the court may execute.

The sheriff is responsible to the county board of supervisors for the faithful performance of his duties.

When the sheriff's office is vacated by death or resignation, the county board of supervisors appoint a man to fill the vacancy. The county coroner becomes the acting sheriff until such appointment is made. In some of the heavier populated counties of the state, the sheriff departments are organized in very efficient police organizations. Employing the radio for supervision and relaying information to mobile units maintaining a county highway patrol that patrols the highways of the county 24 hours of the day and a plain clothes investigation division. All sheriff's offices are equipped with radio receiving sets to pick up state police bulletins.

COUNTY ATTORNEY

Even before the then unattached region, now known as Iowa, was made a part of Michigan, that territory had established the office of district attorney. It was provided that this officer should be appointed by the governor for a term of three years. When Iowa was detached from Michigan, as part of Wisconsin, the office and its name were continued by the latter territory.

In designing its own organization, Iowa territory, in 1838, made provision for the appointment of a similar officer by the governor, to be known as the district prosecutor, and to be appointed for a term of two years.

When Iowa became a state the office designated as prosecuting attorney was established as a constitutional office. The duties were defined substantially as follows: To represent the state and county in all criminal matters; to attend to the legal business of the county, both in the district and supreme courts; and give legal opinions to the civil officers of the county.

The constitution of 1857 eliminated the prosecuting attorney as a county office. It provided for a district attorney to be elected in each judicial district for a term of four years. This provision was repeated by statutory enactment. This office continued to be a district office until 1884, when by constitutional amendment, the office of district attorney was discontinued and the office of county attorney provided for, with a tenure of office of two years. This leaves the county attorney the sole constitutional county officer in Iowa.

The general duties of the county attorney remain substantially what they were at the beginning, but the statutes of today are liberally sprinkled with specific mention of detailed duties that have attached to the office over the intervening years, with the complex development of society and government. Among other things, it is the duty of the county attorney to cooperate with the auditor of state and attorney general to secure correction of irregularities in accounts of city and county officials; to appear as attorney for township trustees in the smaller counties in certain instances; to appear for the state fire marshal in arson cases; to appear for informant in appealed insanity cases; to prepare and deliver to the attorney general, typewritten manuscript for abstract of record in criminal appeals; to appear as attorney for absentee in proceedings for appointment of guardian for absentee; to swear out writ of attachment to secure claim in favor of state.

It is his duty to institute and prosecute action for collection of money due permanent school fund; to cooperate with attorney general in enforcing state law against combinations, pools and trusts; to assist the state commerce counsel in enforcement of orders of the Iowa state commerce commission; to conduct proceedings in cases of application for admission to psychopathic hospital; to appear at hearing in cases of indigents alleged to come within the meaning of law providing free medical treatment at University Hospital; to conduct condemnation proceedings in cases where damages are payable from county, township or school district funds; to bring suit when so directed by attorney general

to collect delinquent corporation fees and penalties; to collect forfeit due the state for illegal stringing of electric transmission wires; to institute proceedings in cases of neglect to comply with law in respect to employment of children, fire escapes or safety of employees.

Also, to proceed in name of state against real estate subject to escheat; to prosecute actions for collection of taxes from express companies failing or refusing to make payment; to appear, when requested to do so, for petitioner and all officials concerned in cases of petition for appointment of guardian or commitment of feeble-minded persons; to prosecute on behalf of complainant cases of denied paternity; to represent the treasurer of state in inheritance tax cases when especially authorized to do so; to demand security for debt due the state; to appear to protect the rights of child in child placement cases; to commence quo warranto proceedings in certain cases; to enforce law requiring railroads to destroy noxious weeds on right of way; to bring action to recover cost to state of making map of mine for mine inspectors; to prosecute actions to collect taxes on property withheld from assessment.

In addition, it is his duty to file removal proceedings against county and municipal officers when such proceedings are indicated; to prosecute actions for revocation of license to practice certain professions when requested by attorney general to do so; to enforce law against unfair discrimination in business transactions; to prosecute violators of law governing veterinary medicine; to act ex officio as jail inspector along with the clerk of the district court.

The office of county attorney is primarily one of service rather than of record. By law, legal papers, documents or records prepared or issued by this office are filed in the office of the clerk of the district court, except in case of legal opinions rendered for the board of supervisors or other county officials, in which case they are filed with those officials.

No one is eligible to this office who has not been admitted to the bar. The office of county attorney is different from other county offices in that it is created by constitution of the state of Iowa while others are created by legislature. There are no statutes directing him as to how his power is to be exercised so it is left wholly to his discretion, and therefore, he has very broad power in investigation work. It is one of his primary duties to present all cases of probable crime to the grand jury and if such presentment results in an indictment, it is his duty to proceed promptly to prosecute the defendant before a petit jury in the district court.

The prosecuting attorney, or county attorney, has power to appoint whatever assistance he deems necessary to handle criminal and civil matters arising in this office. Such appointments must, however, be approved by the board of supervisors.

GRAND JURY

The grand jury is selected by an ex officio commission consisting of the clerk of the district court, the county auditor and the county recorder, which commission is called the jury commission. This jury commission selects grand jurors, petit jurors and talesmen. This jury commission, under the law of Iowa, shall on the second Monday after the general election is held in each even numbered year meet at the courthouse, in rooms provided by the county, and in accordance with the certificate of appointment furnished by the county, select and return on blanks furnished by the county, a list of names and addresses of 150 electors from which grand jurors' names are selected.

The ballots containing the names of the grand jurors shall be deposited by the jury commission into a box which shall be plainly marked to show that this box contains a list of eligible grand jurors and this box shall have but one opening through which a hand may be inserted. This box shall then be sealed

by the auditor in the presence of the clerk and deposited with the clerk of the district court.

Grand jurors shall be drawn under the laws of the state of Iowa by the ex officio commission mentioned above at the office of the clerk of the district court and at a time to be fixed by the clerk of court, this time shall not be less than 20 days nor more than 30 days before the first day of each term at which the grand jury is required to be drawn. The grand jury box shall under the laws of the state at the time of the drawing be first thoroughly shaken in the presence of the commissioners attending the draw and thereupon the seal on the opening shall be broken, likewise in the presence of the commissioners. One of the commissioners shall then, without looking at the ballots, successively draw the names of 12 persons from the box and as each name is drawn shall successively pass said ballot to one of the other commissioners who shall open said ballot as drawn and read aloud and place said names, in writing, on an appropriate list. The 12 names mentioned herein constitutes the jury panel for that particular calendar year.

In the drawing of grand juries not more than one person shall be drawn as grand juror from any civil township except where there are less than 12 civil townships in the county, in which case not more than two persons shall be drawn from any one township. After the drawing in the manner provided and the listing mentioned herein is completed the box is again sealed by the commission and again returned to the custody of the clerk. The clerk then files this list in his office and immediately issues orders to the sheriff commanding him to summon the persons so drawn to appear at the courthouse at the designated time.

At the term of court at which time jurors are required to appear, the names of the 12 persons constituting the panel of the grand jury, except such as may have died, removed from the county, or been excused by the court, shall on the second day of each term of court, unless otherwise ordered by the court or judge, be placed by the clerk in a box and after thoroughly mixing the same he shall draw therefrom seven names and the persons so drawn shall constitute the grand jury for that term of court. Should any grand juror who has been summoned to appear fail to appear, or be excused, the clerk shall draw another name until the seven grand jurors are secured.

A foreman is appointed by the judge of the district court from the persons so impanelled as grand jurors and the foreman is required to take an oath which oath is set forth in full in the statutes of Iowa. Thereafter the remaining grand jurors are likewise administered the same oath which the foreman had just taken. The court then in a general way charges the grand jurors by giving them such information as may be proper as to the nature of their duties and any charges for public offenses returned to the court or likely to come before that body.

The grand jury upon the completion of its business in any particular term is discharged by the court, but whether its business be completed or not it is discharged by the final adjournment thereof and in each instance before the next term of court begins.

So that working in conjunction with the District Court and the prosecuting attorney is the grand jury consisting of seven members whose names are drawn as heretofore stated. The grand jury investigates all offenses committed against the state of Iowa within its county. In order to secure an indictment five of the members must concur in the indictment, and every indictment must be endorsed as a "true bill" and the endorsement signed by the foreman of the grand jury. This is an influence against malicious or wrongful prosecution.

The county attorney, or his assistants, are authorized at all times to appear before the grand jury and assist them in their investigation. He may, and fre-

quently is required to, give legal advice on any matters pending before the grand jury.

The grand jury is entitled to free access at all reasonable times to the county jail and to examine, without public charge, all public records within the county. Neither the county attorney nor any other officer or person, except grand jurors, may be present when the question is taken upon the finding of an indictment.

The grand jury has certain special duties—

1. To inquire into the case of every person imprisoned in the jail of the county on a criminal charge and not indicted.
2. The condition and management of public prisons in the county.
3. The wilful and corrupt misconduct in office of all county officers.
4. The obstruction of highways.

COUNTY CORONER

The county coroner is elected for a term of two years. It is his duty to investigate all violent deaths, meaning death from all external force whether accidental or intentional. Most of his work as a practical matter is finding the cause of the death in case of murder in the first degree, second degree or manslaughter.

It is his duty to perform all the duties of the sheriff when that office is vacant; where the sheriff is a party to the proceeding or action in the court of record; when the sheriff or his deputy must be absent from the county; or when the sheriff may show partiality, prejudice, consanguinity, or other interest. He is authorized in cases where violent death occurs to make inquest upon the dead bodies of such persons as are supposed to have died by unlawful means and such other cases as by law provided.

He is further authorized to conduct post mortem examinations in cases where he reasonably believes such is necessary to determine the true cause of the death.

The office of county coroner was abolished by the 58th General Assembly, effective December 31, 1960. He was replaced January 1, 1961, by a Chief Medical Examiner to be appointed by the Board of Supervisors of each county.

COUNTY ENGINEER

The board of supervisors of each county under the laws of the state of Iowa shall employ one or more registered civil engineers who shall be known as county engineers. The board of supervisors must fix their term of employment, which shall not exceed three years, but the tenure of office may be terminated at any time by the board. The board must fix the compensation of said engineer or engineers and pay this compensation, together with all engineering costs, from the general county fund or from the secondary road construction fund or from the secondary road maintenance fund or from any or all of said funds. These engineers, in the performance of their duties, work under the direction of the board and are required to give bond for the faithful performance of their duties in a sum not less than \$2,000 nor more than \$5,000.

The county engineer has general charge of the construction, maintenance and repairs of all bridges and highways within his county which are under jurisdiction of the board of supervisors. He is in reality superintendent of most of the projects ordered by the county board of supervisors.

COUNTY SUPERINTENDENT OF SCHOOLS

The county superintendent is appointed by the County Board of Education for a term of three years, from the 1st day of August following his election and until his successor is elected and qualifies.

The county superintendent may be of either sex; shall be the holder of a superintendent's certificate and shall have at least five years of experience in administrative or supervisory work or in teaching.

The county superintendent under the direction of the state superintendent of public instruction serves as a means of communication between the department of public instruction and the various officers and instructors in the county. He is required by law to visit each public school in the county at least once during each school year. At the request of the superintendent of public instruction he must visit and report such school as may be designated. He enforces the school laws; conducts examinations and keeps records thereof; furnishes reports annually to the superintendent of public instruction; administers oaths to the school officers; makes annual reports of the financial transactions on the first day of January giving a summary of his official financial transactions for the previous year.

Municipal Government in Iowa

In Iowa, cities and towns, also known as municipal corporations, are organized pursuant to provisions of the state law. As has been frequently said in court decisions, they are "creatures" of the legislature and subject to regulation by it.

The subject of city and town government is dealt with in Title XV of the Code of Iowa, 1935. The title includes Chapters 286 to 329-C, inclusive.

By Chapter 286 the method of incorporating cities and towns is dealt with. In brief, it may be said that under state law, when the inhabitants of parts of any county, or of two or more counties lying contiguous to each other, not embraced within the limits of any city or town, desire to become incorporated as a town, they may apply to the district court of the proper county, by a petition in writing signed by not less than 25 of the qualified electors of the territory proposed to be embraced in such town. The court then appoints five commissioners who are required to give notice of an election for incorporation within certain time limits. The question is submitted at the election as to whether or not the town shall become incorporated. Upon a favorable vote, the town thereafter exists as a corporation. Provision is also made in the same chapter for discontinuing the corporation upon a petition being filed, and the question of discontinuance submitted to the electorate for a vote. Provision is also made for consolidating towns by submitting the question of consolidation to a vote of the people. Likewise, provision is made for the annexation or severance of territory to or from a city or town theretofore duly incorporated.

The foregoing provisions roughly have to do with the bringing of the town into existence as a corporation, the discontinuance of it, the consolidation of it with other cities or towns, and the annexation or severance of territory after the corporation has been duly established.

For purposes of classification, cities and towns are divided as follows:

1. First Class. Every municipality having a population of 15,000 or over is a city of the first class.
2. Second Class. Every municipal corporation having a population of 2,000 or over, but not exceeding 15,000, is a city of the second class.
3. Third Class. Towns. Every municipal corporation having a population of less than 2,000 is deemed a town.
4. Fourth Class. Town sites platted and unincorporated are known as villages. These provisions may be found in Chapter 287 of the Code.

In the chapter last mentioned there are many provisions governing the administration of the affairs of such cities. This chapter, however, does not include cities operated under what are known as the commission government, city manager government, nor special charter cities. In all cities and towns, the corporation is governed by a council. In the case of towns, the council consists of five councilmen at large, and in cities, of two councilmen at large, and one council-

man from each ward, except where the city embraces in whole or in part two or more townships only one councilman at large shall be chosen from any one township. In such cities and towns the mayor, treasurer, and assessor are elected by the entire electorate, and in cities of the first class where there is no municipal or superior court, a police judge may also be elected, where provision therefor is made by ordinance. In such cities the council appoints a clerk, city solicitor, city engineer, and an auditor.

The mayor is empowered to appoint a marshal and such police officers as may be provided by ordinance, a health commissioner, street commissioner, and in cities of the first class, when necessary a wharf master. The powers and duties of the mayor are included in Section 5639 of the Code. Among them are these: He presides at council meetings, has charge of the corporate seal, is the conservator of the peace, is chief magistrate, must sign all commissions, licenses, ordinances, resolutions, etc., which require his signature, and hold police court unless a police judge has been appointed. The duties of the clerk, treasurer, assessor, marshal, policemen, police matron, and other officers are statutory. The powers of city and town councils are covered in a general way by Section 5663 of the Code, and they include provisions as to regular and special meetings, rules for conducting proceedings, establishing a seal, election of officers, filling the vacancies, terms of service, power of officers, control of finances, advertising for supplies needed for use by the city, and appropriation of public monies. Provision is also made for compensation of councilmen. In cities of the first class councilmen may not be paid more than \$250 per year. In other cities and towns the compensation shall not exceed \$1 for every regular or special meeting, and in the aggregate not more than \$50 in any one year, except that special compensation may be made to councils in all cities and towns for service as members of the board of review which is a body empowered to review assessments of real and personal property made by the assessor.

COMMISSION FORM OF GOVERNMENT

By Chapter 326 of the Code, provision is made for cities having a population of 2,000 or over adopting what is known as the commission form of government. This is accomplished upon petition of the electors of the city to the number of 25 per cent of the votes cast for all candidates for mayor in the last preceding city election. Thereafter, the question of adopting the commission form is left to a vote of the people. Under such form of government the city is governed by a mayor and four councilmen, where the population exceeds 25,000. Where the population is between 2,000 and 25,000 the city is governed by a mayor and two councilmen. The term for all, regardless of the size of the city, is two years. In such cities government is divided into the following departments: public affairs, accounts and finances, public safety, streets and public improvements, parks and public property. The department of public affairs is presided over by the mayor and each of the other departments by members of the council who are elected to the special position.

Ordinances and resolutions may be passed by the council upon a majority vote and must be signed by the mayor. An ordinance or resolution appropriating money or ordering improvements or sewers, or authorizing the making of any contract or granting any franchises or right to occupy or use the streets, highways, bridges, or any public place in the city for any purpose, is required to be complete in the form in which it is finally passed and remain on file with the city clerk for public inspection at least one week before final adoption. Franchises to use the streets, highways, bridges, and public places by street cars, gas or electric works, electric light and power plants, heating plants, and other public service utilities, can only be granted upon favorable vote of the people. Petitions for ordinances may be instituted by the electors when signed by the required statutory number. The council possesses all of the powers exer-

cised by city councils in cities of the first class and second class, and under special charter, and certain additional powers too numerous to mention in this connection. Provision is also made for government of the parks, swimming pools, police operations, drainage, street improvements, armories, and many other matters. As a matter of fact the subject of street improvements in such cities having a population of 125,000 or more is covered by elaborate provisions which are to be found in Chapter 326-C1 of the Code and have to do with the method of improving streets, alleys, and public places, by paving, grading, and so forth, from the time of the institution of the proceedings to the time of the confirmation by the court of levy of assessments, payment of assessments and so on.

MANAGER PLAN OF GOVERNMENT

By Chapter 328 of the Code any city or incorporated town, including commission form of government cities, may organize for government under what is known as the city manager plan. This transition is accomplished by favorable vote of the people, following the filing of the petition with the requisite number of signers. In cities having a population of 20,000 or more, five councilmen are elected to govern them and in cities having a population of less than 20,000, three councilmen constitute the governing body. The tenure of office is two years. All ordinances and resolutions are enacted by the council. The council acts as the Board of Review, also appoints certain of the officers, including the city solicitor and assistants, assessor, clerk, police judge or magistrate.

The council appoints a city manager whose duties are purely of an administrative character. His duties are very numerous and are embraced in Section 6669 of the Code. Generally speaking, he acts as business representative of the city, has power to employ and discharge any and all necessary help, with certain exceptions, to buy and pay for the supplies furnished to the city and supervises the work of all appointive officers, except those appointed by the council above named. The council itself does not transact the business affairs of the city, as is done in all other forms of municipal government.

CITIES UNDER SPECIAL CHARTER

By Chapter 329 of the Code, the government of cities under special charter is provided for. These cities, numbering 4, in early days, were created by an act of the legislature and operate directly under special charter from that body. They are governed by a common council, of which the mayor is the presiding officer, with the right to vote in case of a tie. The council has power to enact ordinances, employ a clerk, assessor, marshal, and fixes the amount of the compensation of the council and other officers within certain statutory limitations. In most respects cities under special charter have a form of government very similar to that of cities under the general incorporation laws above referred to. Although there are a few differences, they are not material in this connection.

CIVIL SERVICE

By recent enactment of the state legislature the provisions of the civil service laws of the state have been made applicable to all cities having a population of more than 15,000. In all cities of a population of less than 15,000 and over 8,000 the city councils are empowered to institute civil service by ordinance. In cities under 8,000 having a paid fire department, the council is empowered to establish civil service. The provisions of the civil service laws apply to city employees in cities of 15,000 generally, with certain exceptions, among them being the clerk, solicitor, assessor, treasurer, auditor, civil engineer, health physician, chief of police, market master, laborers, election officials, secretaries, commissioners, and casual employees. In all other cities they apply only to members of the police and fire department except chiefs of police, casual employees, and certain other limited number of persons in connection with such departments.

MISCELLANEOUS MUNICIPAL FUNCTIONS

In this connection, no effort has been made to enunciate provisions of law relative to mayor's and police courts, park commissioners, permanent park boards, river front improvement commissions, city planning commissions, juvenile play grounds, public libraries, comfort stations, municipal bands, community centers, houses, and recreation grounds, art galleries, city hospitals, bridges, docks, airports, armories, electric utilities, viaducts, jitney busses, street improvements and special assessments, use of sewers, flood protection, utility plants, provisions for water works plants, street railway regulations, municipal taxation, platting, pension systems for firemen and policemen, housing regulations, zoning, restricted residence districts, etc., all of which are the subject of statutory regulation in so far as the municipal government is concerned.

MUNICIPAL INDEBTEDNESS

In this connection it should be said that by both constitutional and statutory restriction municipalities in Iowa are limited to incurring indebtedness to an amount not to exceed 5 per cent of the taxable value of the property within such corporation. However, they may anticipate tax revenue in some instances for 20 years in the future and in other, 50 years, in order to presently make available monies for certain municipal purposes. These purposes are to be found in Chapter 317 of the Code, with other provisions for park and cemetery purposes elsewhere existing in the general law. The subject of municipal indebtedness and issuance of bonds is of a highly technical nature and no effort is made to cover it in this connection.

LEGISLATIVE AUTHORITY OF CITIES

While city councils exercise legislative powers, and in pursuance thereof may enact ordinances and prescribe penalties for violations thereof, the ordinances may cover only fields in which statutory authority has been delegated, and in no event may contravene state legislative enactments. This restriction applies to all cities and towns regardless of the form of government under which they operate.

Municipal Police Department

The municipal police of the state of Iowa are responsible for the enforcement of the laws within their jurisdiction, and all cities of any size have today organized police departments. The smaller villages have what is known as the town marshal.

An organized police department of a city must assume the enforcement of all ordinances and state law violations in their city. Also patrol the community with one thought in mind, the protection of life and property. The larger departments of the state have several departments within themselves, namely, a detective bureau, a traffic department, an identification or finger print department, policewomen and uniformed patrol shifts. Three eight-hour shifts cover the 24-hour period.

Most of the police work today is done by cruisers which is a great deal different than it was in the old days. The capital city of the state of Iowa, which is Des Moines, had its first uniformed police department of eight men, in the year 1878. Their work was all done on foot and they had no equipment. Older men who have knowledge of the department in those days often tell us of the hardships that they endured in trying to apprehend thieves with the aid

of an oil lamp and on foot compared with our present day cruisers with modern lighting devices.

Today the modern departments have a detective department and the men work in plain clothes and are always teamed up in pairs. They are given criminal assignments and investigations. This department investigates all robberies and other crime of major importance.

The identification bureau or finger print department cooperate with its scientific knowledge and this department is manned by experts in finger printing, hand writing, ballistics work and all types of scientific investigation.

The uniformed division of the department has what is commonly called the beat policeman, who is assigned a certain district which he takes care of on foot. It is his duty to see that the doors of business establishments are secure and to investigate anyone suspicious in his territory and to take care of all law violations on his beat. He is supervised generally by a roundsman or patrol sergeant who goes from one beat to another constantly checking to see that the man is doing his work properly, or helping if he needs assistance.

The radio cruisers are manned by two men who are given a certain district which they patrol and answer all emergency calls within that district. Some of the larger cities in Iowa have established in these cruising cars emergency ambulance equipment so that in case of an accident they can immediately give aid to the injured without waiting for an ambulance to arrive. Most of the cities are now equipped with radio so that they can get their calls in motorcycles at any time by radio. Some cities have two-way communication so that the men in the car can talk back to the headquarters, this being a great service which enables the officer in charge to know just exactly what is going on and what is needed throughout the city.

The traffic division looks after all traffic violations and investigates traffic accidents. They are generally equipped either with a motorcycle or a car which patrols certain highways and districts watching for the reckless driver and speeder and always hoping to be able to apprehend these violators so that some life may be saved. This department also has men on foot who work on the heavier congested districts, taking care of parking regulations and intersections during busy hours. The director of the traffic division also carries on the educational work in the different organizations throughout the city, and works with the school board and appears regularly at the schools in giving safety talks and other educational features which will promote traffic safety.

The municipal police departments have the federal bureau of investigation of Washington, D. C., and a state bureau of investigation for the state of Iowa, which they call upon to assist them at any time they are in need of their services. All criminals are photographed and finger printed and a copy is sent to these bureaus in order that the municipal departments can learn whether or not the criminal is wanted in some other part of the state or nation. These bureaus are very beneficial in the aid of the municipal departments in apprehending criminals.

The police departments also have the help of the state radio which covers the entire state and contacts all law enforcing officers throughout the state. Whenever a crime is committed in any locality they can immediately broadcast it throughout the entire state.

The state of Iowa in the past few years has established a highway patrol, an efficient department, which has done a great service to the state of Iowa, in patrolling the highways and supervising the traffic. This department also has apprehended many notorious criminals who are operating on the highways in this state. This department has cooperated wholeheartedly with the law enforcement officers throughout the state and it is impossible to express the great value that they have been to the law enforcing officers of the state of Iowa.

NOTICE

Due to recent enacted legislation which becomes effective in July 1963, some statements relative to appointments will be revised in future publications of the book. It was impossible in this edition because of the time required to assure having the booklet ready for your session.

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