Recent social legislation in Iowa

John Ely Briggs

State University of Iowa

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RECENT SOCIAL LEGISLATION IN IOWA

by

JOHN ELY BRIGGS

Submitted to the Faculty of the Graduate College of the State University of Iowa in Partial Fulfillment of the Requirements for the Degree of Master of Arts

The State University of Iowa
Iowa City, Iowa
1914
RECENT SOCIAL LEGISLATION IN IOWA
AUTHOR'S PREFACE

While this thesis purposes to treat primarily of recent social legislation it was necessary to include also those social measures to be found in the Code of 1897 in order to furnish the basis of the later enactments. Thus all of the statutes of this State having a social bearing which were in force in 1897 fall within the scope of the discussion as well as the amendments and additions to the law since that date. The regulations governing domestic relations, which are manifestly social in character, have been omitted because of the scarcity of such legislation since 1897.

Acknowledgments are due to Professor Benj. F. Shambaugh for his constant inspiration and encouragement. To Dr. Fred E. Haynes the writer is indebted for many helpful criticisms and suggestions.

John E. Briggs

The State University of Iowa

Iowa City Iowa
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RECENT SOCIAL LEGISLATION IN IOWA

Introduction

The scope of social legislation in Iowa since the Code of 1897 is so broad that to include more than the substance of the statutes themselves would extend the treatment of it to lengths incompatible with the purpose of this paper. It has even been necessary to limit the term "social", as almost any legislation might have been included if it were used in the sense of having to do with society, for the raison d'etre of all government and law is the well-being of the governed.

In the first place all that legislation which is mainly economic in character without having the effect of altering conditions of society has been omitted. Taxes furnish an example, yet when soldiers and sailors are exempted, or when a tax is levied for poor relief, it assumes a social aspect.

Neither has that legislation been considered which belongs primarily to the individual and would have only an indirect effect upon society, such as the regulations regarding the practice of medicine.

Only the laws that deal with society or classes of society when under adverse conditions and which attempt to ameliorate those conditions have been admitted to the discussion, thereby eliminating those which refer to normal conditions of society.
Domestic relations constituted of the state of matrimony with its various consequent circumstances has been judged to be normal.

Finally, those parts of the statutes which have to do with the mere machinery of government and are not essential to the object of the laws have been passed by.

Thus limited, it has seemed feasible to divide the field into two parts, the first including legislation affecting particular classes, and the second that affecting society in general.

In the first division the customary classification has been followed in regard to dependents, defectives, and delinquents. Between these classes there is a very close and organic connection. Collectively, they might be designated as the stationary or retrogressive class in society. Indeed, one family will often furnish members to all three types. Consequently there has been much overlapping of jurisdiction in their treatment at the hands of the public and statutes often include provisions applying to them all, particularly so because State solicitude in its operation is largely confined to institutions, thus furnishing additional common ground.

Separate classes were made of pensioners and laborers because the legislation concerning them is of a different nature than that of dependents, defectives, and delinquents. Pensions
are given for services rendered to society and the government. They are rewards of merit. Labor legislation aims to insure the welfare of that part of society which lives by manual labor. It is a protection of a class from society rather than a protection of society from a class, as is the case with dependents, defectives, and delinquents.

The legislation affecting society in general has been more or less arbitrarily divided into the subjects of public health, public safety, and public morals, which, in the light of Iowa legislation, seemed to cover the ground to the best advantage.
PART I

LEGISLATION AFFECTING PARTICULAR CLASSES
I

General Legislation for Institutions

Since the great part of the legislation relating to dependents, defectives, and delinquents has to do with their care and custody in the various institutions, some of the laws apply to all of these institutions and classes in common. The most conspicuous piece of legislation of this sort is that establishing the State Board of Control.

In 1898 the Governor was authorized to appoint three electors of the State to compose a "board of control of state institutions" which was to have "full power to manage, control, and govern, subject only to the limitations contained in this act, the soldiers' home; the state hospitals for the insane; the college for the blind; the school for the deaf; the institution for the feeble-minded; the soldiers' orphans' home; the industrial home for the blind; the industrial school, in both departments; and the state penitentiaries."

Prior to this time the management of these institutions had been vested in various boards of trustees and commissioners for each institution. The Governor and Executive Council were in charge of the penitentiaries. But with the advent of the State Board of Control, "all the powers heretofore vested in or exercised by the several boards of trustees, the Governor, or the Executive Council with reference to the several institu-
tions" were assumed and exercised by it. Since 1898 the College for the Blind has been transferred to the jurisdiction of the Board of Education, the Industrial Home for the Blind has been discontinued, while the Reformatory for Females, the Hospital for Inebriates, the Colony for Epileptics, the Sanatorium for the treatment of tuberculosis, together with increased authority over divers local institutions caring for the same classes of people have been added to the care of the Board of Control.

Each member of the Board is appointed for a term of six years and receives $3000 a year in salary for which he devotes his whole time to the duties of his office. The Board employs a Secretary at a salary not exceeding $2000 a year and in 1900 provision was made for the appointment of a member of the Board as Acting Secretary during the absence or disability of the Secretary. It is the duty of the Board to visit and inspect each institution in every part once every six months and make a biennial report to the Governor and Legislature not later than November fifteenth of the year preceding the meeting of the General Assembly. Estimates for appropriations, suggestions for legislation, and the daily record of each institution are included. Statements of the cost of maintenance are required annually.

In regard to finances and support of the various institutions the Board, in the first place, requires a uniform system
of records and accounts. The power to fix salaries of all officers and employees in the several institutions is vested in the Board unless the compensation is settled by the General Assembly. Funds for the support of the institutions, with the exception of a contingent fund of $250 in the hands of the managing officer, are drawn monthly from the State Treasury based upon monthly estimates approved by the Board of Control. Monthly abstracts of the expenses for the preceding month are made by the commissary officer to the Board of Control and a complete inventory of the stock and supplies of each institution must be reported annually by the chief executive officer. Supplies to last thirty days may be purchased on the approved estimates of the Board of Control and if purchase in bulk for use longer than thirty days is deemed feasible contracts may be entered into by the proper officers of the institutions or by the representative of one institution acting for the others. Such contracts are let on a competitive basis but local dealers are given preference if it can be done without loss to the State. In 1900 the provision was inserted that the Board of Control may, without estimates being made, order supplies to be purchased for one institution from another under its control.

For improvements costing more than $1000 the Board must secure plans and make recommendations for appropriations. A State Architect may be employed for this purpose at a salary
not exceeding $3000 a year. No buildings or improvements may be constructed which contemplate a cost greater than the amount of the appropriation. All contracts for the construction of improvements must be let by the chief executive officer of the institution where they are made, with the approval of the Board. In certain cases the labor of inmates may be utilized if it would be advantageous to the State.

The possibility of any officer or employee connected with any of the State institutions receiving any gratuity or contribution which might influence him in the purchase of supplies or politically is carefully guarded against. This provision was broadened in 1900 to include any "employe" of the Board of Control as well as those of the institutions, and at the same time officers and employees connected with State institutions were protected from solicitation for political funds by making that act a misdemeanor. 4

Some further powers of the Board of Control fixed by the act of establishment are the holding of quarterly conferences with the executive officers of each institution at which matters of administration are discussed, 5 the collection of information in regard to the best methods of treatment of dependent, defective, and delinquent classes and the issuance of it in bulletin form, the districting of the State into divisions from which certain institutions may receive inmates or patients, the power
of compelling the executive officers of the institutions to provide adequate fire protection, the power to make further rules and requirements necessary for the proper administration of the various institutions, and the power to appoint for a term of four years subject to removal the several executive officers of the institutions, who have the same qualifications and duties as before the act except as modified by it.

Some specific powers are designated in regard to the care of the insane and the Board was given the task of thoroughly investigating the management and the estimates for improvements of the State University, the State Normal School, and the State College of Agriculture and Mechanic Arts. This last duty, however, was repealed in 1909 with the establishment of the Board of Education.

The original act of the Twenty-seventh General Assembly also provided that a "record showing the residence, sex, age, nativity, occupation, civil condition and date of entrance or commitment of every person, patient, inmate, or convict" together with data concerning his discharge or transfer be kept by the Board of Control. The chief executive of each institution was to appoint and discharge all the assistants and employees. The passage of the act also abolished the office of local treasurer in the institutions and provided that all funds on hand be turned over to the State Treasurer in accordance with the new plan.
Another law which applies to all eleemosynary institutions of the State supported by public funds is that of 1906 which guarantees to all inmates of such institutions the free exercise of religious worship, grants to clergymen of the creed preferred access to each inmate, and permits an inmate to engage in an hour's religious service on the first day of the week. Minors may make a church preference with the approval of their parents or guardian.

Finally the last Legislature passed an act levying an annual tax of one-half mill on the dollar of the assessed valuation of the taxable property of the State for a period of five years beginning in 1913. It is to be paid into the State Treasury and placed to the credit of the "Iowa soldiers' home, Iowa soldiers' orphans' home, school for the deaf, institution for feeble-minded children, state sanitarium for the treatment of tuberculosis, state industrial schools, state hospitals, penitentiary, reformatory, Iowa industrial reformatory for females, district custodial farm, and state colony of epileptics," for the purpose of improvements, the purchase of land, and the establishment of industries in the above institutions. But none of these levies may be spent by the Board of Control in buildings costing over $5000 without first obtaining the approval of the General Assembly to the plans. However, in case alterations are desirable afterward, when the General Assembly is not in session, the sanction of the
Executive Council will be sufficient authority if it does not involve an expenditure of more than $35,000 as to any one building. An exception to the last condition would occur in case of fire or casualty.
II

Legislation Concerning Dependents

The first great class of people with which the State is concerned in a charitable way are the dependents. This portion of society is composed of the "persons who are unable or unwilling to support themselves without aid from others. Here belong helpless infants, infirm old people who are without means of subsistence, paupers of all grades and kinds."

Poor Relief

In Iowa the county board of supervisors has general authority over all matters of public poor relief but is aided by the township trustees and such overseers and stewards as it may choose to appoint. Both outdoor and institutional public relief is afforded, the expense being borne by the county treasury.

A "poor person" in Iowa is "construed to mean those who have no property, exempt or otherwise, and are unable, because of physical or mental disabilities, to earn a living by labor;" but "aid to needy persons who have some means, when the board shall be of opinion that the same will be conducive to their welfare and the best interests of the public" is not forbidden.

Only those members of the family who are in the line of
descent may be held for the support of a poor person. The
father, mother, or children are the first to be held account-
able for relief or maintenance, and this includes the puta-
tive father or the mother of an illegitimate child. In the
absence or inability of nearer relatives, the same liability
extends to grandparents, if of ability without personal labor,
and to the male grandchildren who are of ability by personal
labor or otherwise.

The township trustees of the township where the poor
person is, if called upon to do so, direct the manner of
relief or maintenance and compel observance by an order
from the district court. Before such an order can be
issued, written application for it must be made and the par-
ties charged notified ten days previous to a hearing of the
allegations and proofs. If the defendants demand, the ques-
tion may be tried before a jury. The order of the court
for relief may call for the payment of money or for taking the
indigent person into the home of the relative charged with his
or her maintenance, it may be for entire or partial support
and can be enforced by judgment and execution of the amount
due. Property may be seized by the district court in an-
ticipation of the support by the public of a person who has
been abandoned by father, mother, husband, or wife upon the
complaint of the township trustees, they having been applied
to for aid. The county may recover from the relatives,
liable for the support of a poor person, or from the poor person if he should become able, any money spent in relief or support and in a like manner a more distant relative may recover, but such proceedings must be started within two years from the time a cause for action accrues.\textsuperscript{18}

In order to be entitled to county aid a person must have a legal settlement in the county to which he applies. A person who has attained majority, having resided in the State a year without being warned to depart, gains a settlement in the county of his residence; a married woman takes the settlement of her husband; an abandoned married woman acquires settlement as though unmarried; legitimate minor children have the settlement of the father but if he has none then that of the mother; illegitimate minor children have the settlement of the mother but if she has none then that of the putative father; a minor whose parent has no settlement in the State and a married woman living apart from her husband and having no settlement and whose husband has no settlement in the State, may gain a settlement by residing for a year in a county; and a minor bound as an apprentice gains immediately a settlement where his master has one.\textsuperscript{19}

Persons who are county charges or likely to become such coming into a county may be prevented from acquiring a settlement by a written warning to depart authorized by the authorities of the county, township, or city.\textsuperscript{20} A person coming
from another State who is neither a citizen nor has a settlement there, may be sent back at the expense of the county or temporarily relieved where he applies. The county where settlement is had is liable to another county rendering relief for the expenses of such aid to a poor person and for charges of removal and support after notice is given. Cases of disputed settlement are tried in the district court of the county against which the claim is made and in the same manner as an ordinary action.

The township trustees or city overseer, with the approval of the board of supervisors, are allowed upon application to provide outdoor relief to poor persons within their jurisdiction to the amount of $2 a week for each person, exclusive of medical attendance. The relief may be either in the form of food, rent clothing, fuel, lights, medical attention, or money. In payment for such relief any able-bodied person may be required to work on the streets or highways at the rate of five cents an hour.

The expense of public poor relief is paid out of the county treasury upon the approval of the board of supervisors and in case the ordinary revenue proves insufficient, a poor tax may be levied. The board may limit the amount to be appropriated for outdoor relief.

In order to facilitate the administration of poor relief or to make it more effective, the board of supervisors
may provide for a county home. If, however, the estimated cost exceeds $5000 it must be approved by a vote of the people. A steward appointed by the board has charge of the home. In counties having homes relief is to be furnished there only, except temporary outdoor relief, annual allowances to possible charges, and relief to persons who have served in the army or navy, or their widows or families, when they can and prefer to be relieved by the two dollars a week provided for outdoor aid. No person can be admitted to the county home except on the written order of a township trustee or a member of the board of supervisors, and moderate labor may be required. An inmate must be discharged when he becomes able to support himself. A general inspection is required once a month.

The support or medical attendance of any or all the poor may be contracted for, under proper supervision and inspection, for a year at a time, and work be required by the contractor of those physically able. If the support of the poor is let out along with the use and occupancy of the home, it may be for a period of three years.

The education of poor children cared for in the home is provided in the district school and the expense considered a part of the support of the county home.

Cities of the first class, cities having the commission plan of government, and those acting under special charters
may establish and maintain an infirmary for the poor of the city, and provide for the distribution of outdoor relief. 38

When gifts and bequests are received and held by a county, city, town, or other municipality for the establishment of benevolent institutions, and there is no provision for the execution of the trust, three trustees, residents of the county, to have charge and control, are appointed by the county probate court. 39

All of the regulations pertaining to poor relief that have been noted thus far are contained in the Code of 1897. Since that time the changes have been of a minor character. The first revision was in regard to the power of public corporations to accept benevolent gifts or bequests. School corporations were included along with counties, cities, and towns in 1900. 40 In 1909 counties, cities, and towns were given power to levy a tax not exceeding three mills on the dollar of the assessed property of the municipality for the maintenance of benevolent institutions, including hospitals, received by gift or devise, if upon submission at an election, such a proposition should receive a majority vote. The governing board of the municipality may discontinue the levy of the tax if the property is destroyed by the elements and there is no fund for rebuilding, or if after five years further support is voted down by sixty-five per cent of the
votes cast, the resubmission of the proposition having been initiated by the governing board or ordered by a petition of twenty-five per cent of the electors.\textsuperscript{41}

In the same year the tax rate for the support of the poor was raised from one to two mills,\textsuperscript{42} and the name "county home" substituted for "poor house".\textsuperscript{43}

The only other piece of legislation having to do with poor relief since 1897 was the work of the Thirty-fifth General Assembly. It requires that all organizations, institutions, or charitable associations which solicit public donations in Iowa must obtain a State license from the Secretary of State. The purpose is to prevent frauds in the collection of money for charitable purposes. Churches and schools or church or school societies are not, however, included. A fine of $100 or imprisonment for thirty days in the county jail is the maximum penalty for soliciting funds without a license or, if under a license, for diverting them to a use other than that for which they were contributed.\textsuperscript{44}

**Contributory Dependency**

While juvenile courts had been established in 1904 it was not until 1909 that there was any legislation which struck at the source of the difficulty of protecting and promoting the welfare of children in Iowa. In that year
an act was passed by the Thirty-third General Assembly which made it possible for action to be taken against persons contribut-
ing to the dependency or neglect of a child.

When a child is found to be dependent or neglected, those persons "having the care, custody, or control of such child", or any others who encourage, counsel, contribute to, or are responsible for the neglect of the child, by wilful omission or neglect of duty, are guilty of contributory de-
pendency and may be proceeded against in the district court according to the method pursued in equity cases. If the person is found guilty he may be released on probation for two years, a bond being required which, if not executed with-
in the time set by the court, renders the person liable to be committed to jail until it is. Should the court's order or the terms of the bond be violated during the two years, the county attorney may recover the bond, in which case the money is placed in the hands of the chief probation officer for the care and maintenance of the child.

A guardian may be appointed for a person guilty of con-
tributory negligence if he is a spendthrift or an habitual drunkard incapable of managing his affairs, and, unless he is able without, such a person can be compelled to work for the support of his children while failure to do so will be considered contempt of court. However, if the contributory dependency consists of habitual intoxication it is the duty
of the court to commit the drunkard to such hospital for
inebriates as the State may furnish and upon release from
such an institution he must be placed under the aid and
assistance of a special probation officer for the remainder
of a two year term dating from the time of the commitment,
the costs of treatment and suit, including the salary of the
probation officer, to be paid by the offender.

The court may levy on any property, including wages,
without exemption, except such as are provided for unmarried
people in another connection, if the person guilty of con-
tributory dependency fails to apply a sufficient sum for the
benefit of his family. Proceedings brought because of con-
tributory dependency do not preclude the possibility of taking
criminal action also if the case demands.

When children are allowed to remain with a person guilty
of contributory dependency the court is authorized to prescribe
conditions calculated to remove the cause of dependency and
neglect. But if the court deems it to be in the best in-
terest of the child, he or she may be placed in an authorized
juvenile detention home.

A child is held to be abandoned if the parent or parents
found guilty of contributory dependency fail to comply with
the orders of the court during the two year period, or if
they depart from the jurisdiction of the court and for six
months fail to support the child without satisfactory excuse.
If at the end of two years a child is abandoned by both parents it may be adopted out by the clerk of the district court, or turned over to the Soldiers' Orphans' Home or some approved home finding association, and such adoptions bar the child neither from the inheritance of its former parents nor those gained by the adoption, wills to the contrary notwithstanding. A child may be declared abandoned by one parent and not by the other and, in case of divorce, if the parent having the custody and care of the child is adjudged to be guilty of abandonment, the ability and propriety of the other to take the child remains to be considered.

Finally, the act of 1909 provided that "if any person lead, take, decoy or entice" a child away from a family, home, or institution, or interfere with its peaceful possession and control, he should be punished by imprisonment in the penitentiary not more than ten years, by a fine not exceeding $1000, or by both fine and imprisonment, thereby repealing the section in the Code of 1897, which requires the same punishment of the person who should "maliciously, forcibly or fraudulently lead, take, decoy or entice away any child under the age of fifteen years with intent to detain or conceal" it from those having lawful charge. Thus the act of 1909 extended the age limit, under which the law against enticing away of children applied, to the time when children legally
cease to be such, for although a dependent or neglected child is defined as one under sixteen years of age,\textsuperscript{47} such a child may be placed in a family or home for a period extending to its majority.\textsuperscript{48}

However, the section was again amended in 1911 so as to read:

"If any person maliciously, forcibly, or fraudulently, take, decoy or entice away any child under the age of sixteen years with intent to detain, or conceal such child from its parents, guardian, or other person or institution having the lawful custody thereof, he shall be imprisoned in the penitentiary not more than ten (10) years, or be imprisoned in the county jail not more than one (1) year, or be fined not exceeding one thousand dollars ($1,000.00)."\textsuperscript{49}

**Soldiers and Sailors**

As early as 1886 provision had been made for the care of indigent soldiers and sailors by the establishment of a home at Marshalltown.\textsuperscript{50} This act was supplemented and amended in the succeeding years so that by 1897 the Code provided a home for "dependent honorably discharged Union soldiers, sailors and marines, their dependent widows, wives and mothers, and dependent army nurses" to be under the management and control of five trustees who had served in the Union army or navy. They were appointed by the Governor for five years, none of them were to be members of the General Assembly, no two from
the same Congressional District, and not more than three from the same political party. The compensation was $4 a day for the time actually employed and five cents a mile each way for traveling expenses. Each member gave a bond of $10,000 to the State. Three members constituted a quorum but the adoption of plans and the letting of contracts for buildings or the selection of a commandant for the Home required an affirmative vote of the majority of the board. The trustees were to meet quarterly, elect officers annually, make and enforce regulations, and report the conditions of the Home. 51

This system prevailed until the establishment of the State Board of Control for charitable, reformatory, and penal institutions.

To be admitted to the Iowa Soldiers' Home under the law as found in the Code one must have served in the Iowa regiments or batteries, or have been accredited to Iowa, or have resided in the State three years next preceding the date of his application. He could be admitted with his wife, if married before 1885. Eligible army nurses, mothers, and widows could be admitted, supported, and maintained, receiving the same allowance as other members of the Home. A person leaving the Home, discharged therefrom, or adjudged to be insane had residence in the same county from which he gained admission. 52
A commandant, qualified by possessing an honorable discharge from the United States army or navy, was appointed by the board of trustees. His salary was not to exceed $1800 together with the free occupancy of a house provided with lights, fuel, and water. The commandant was empowered to appoint and remove a similarly qualified adjutant, quartermaster, and surgeon; and also a matron and such other necessary subordinate employees, but the board fixed their salaries. No officer was permitted to be interested in any contracts in connection with the Home and on conviction of such a thing could be fined as much as $5000.53

For the salaries and wages of those connected with the Home, $13,000 was annually appropriated out of money in the State Treasury as were also the funds for general support, the cost of which was estimated according to the average number of members for the preceding quarter, but not exceeding $10 a month for each member. Appropriations were to be drawn monthly by the board of trustees.54

The Code of 1897 also provided for a tax of one-half mill on the dollar on all taxable property in the county, to constitute a fund for the relief and burial expenses of "honorably discharged, indigent Union soldiers, sailors and marines, and their indigent wives, widows, and minor children not over fourteen years of age, if boys, not over sixteen years, if girls, having a legal residence in the county." The disburse-
ment of the fund was placed in the hands of the soldiers' relief commission, which consisted of three persons, two of them honorably discharged Union soldiers, sailors, or marines. They were appointed by the board of supervisors.

It was further required that the board of supervisors appoint a person in each township whose duty it was to cause any indigent, honorably discharged soldier, sailor, or marine, who had served in the United States army or navy during the Civil War, to be decently buried, and to see that a headstone was erected. The county bore the expense of the burial and the headstone which was not to exceed $35 and $15 respectively.

During the past sixteen years the greater part of legislation relating to the care and public support of soldiers and sailors has naturally been concerned with the management and control of the Home at Marshalltown.

The first question to be raised was on the matter of support and in 1898 the $13,000 appropriation for salaries and wages was discontinued. In place of it, and to cover the whole expense of the Home, the apportionment of $10 a month for each member was changed to $14 a month. Four years later "ten dollars per month for each officer and employe not a member of the home" was added. The amount of support for the Home was again raised in 1907 and this time from $14 per capita of membership to $15.
The last legislature (1913) provided that if the average number of members is less than 850 in any month, the Home is to be accredited with $12,750 for that month in addition to the monthly allowance for each officer and employee. Fifteen thousand dollars was furthermore appropriated "for the purpose of increasing the support funds", and "for the purpose of providing for the erection and improvement of buildings, for appurtenances and connections" of various institutions under the State Board of Control, a special tax of one-half mill on the dollar of the assessed valuation of the taxable property of the State was authorized to be levied annually for five years beginning in 1913.

During the period under consideration $300,000 has been appropriated for improvements and equipment, new buildings being ordered at every legislature except the last two. The building program caused heavy appropriations, the largest of which came in 1903 and amounted to $75,000. An old people's building, a headquarters building, a female servants' building, an assembly hall, a laundry building, a kitchen, an ice house, a green house, a place for married people, a women's dormitory, a quartermaster's building, and hospital facilities have all been added.

In 1903 the commandant was given power to appoint such assistant surgeons as may from time to time be required, and
they, together with the surgeon who had formerly been required to fulfill the qualification of being an honorably discharged Union soldier or sailor, were relieved from such a restriction. The necessity of removing such a qualification is obvious. In case of a vacancy occurring in the office of commandant, adjutant, or quartermaster, and there is no suitable person with an honorable discharge from the United States army or navy available, it was made lawful in 1913 to appoint any other person otherwise properly qualified.

The compensation of the officers has also been a subject for some legislative action. In 1903 the adjutant, quartermaster, and surgeon were furnished with houses and supplied with lights and water. Heat and fuel were included later. Ice has been furnished to all of the officers, including the commandant, since 1909. The compensation of the commandant is now $2000, having been raised from $1800 in 1906.

With the growth of the institution the question of admittance has been persistent. Eligibility on the basis of services rendered and upon the proposition of self support have been the two lines of development.

In 1906 the rule in regard to the admission of wives of soldiers or sailors was made to include widows of honorably discharged Union soldiers or sailors married before 1885
who had subsequent to 1885 married another honorably dis-
charged Union soldier or sailor. Under the Code only
those married couples were admitted who were married before
1885. Dependent fathers as well as widows, wives, and
mothers of honorably discharged Union soldiers, sailors,
and marines have been eligible to admission since 1909.
The Thirty-fifth General Assembly rewrote the rules of ad-
mission but the only change, besides being a clearer statement,
was in regard to women married to honorably discharged Union
soldiers and sailors, and that clause reads as follows:

"Women who, prior to the year 1890, married honorably
discharged union soldiers, sailors or marines, and who have
ceased to be the wives of such soldiers, sailors or marines
by reason of their death or because divorced from them with-
out fault on the part of the wives, and a subsequent marriage
shall not deprive such women of their right to the benefits
of the home, nor shall such right depend upon the presence
of the husband in the home as a member of it."

A certificate stating that the person applying for
admission is a resident of a certain county and signed by
the board of supervisors of that county must be filed with
the officer in charge of the Home. If an applicant is
entitled to admission but is not a resident of the State,
a record is made of the fact upon his admittance. The
purpose of this procedure is to fix the liability of the county for the care of an inmate in case of insanity or any other cause for which the county may be liable. 70

Until 1909 dependent persons were eligible to be admitted to the Iowa Soldiers' Home. But in that year an act was placed upon the statute books which allowed those eligible, except for being dependent, to enter the Home and to pay all or part of their support. They could remain as long as their presence did not exclude people having insufficient means. Those whose income did not exceed $20 a month were not required to pay any of their pension for support, and if it did exceed $20 a month, only that amount of income in excess which would cover the cost of support, provided there were no persons legally dependent upon the member, was required. 71 However, this law had remained for only four years when it was repealed and another substituted, which omitted the provisions allowing members to contribute toward part of their support. No pension money from the United States government can any longer be taken for support in the Home. 72

This provision was made in 1900, however, that if a member of the Home had a wife or minor children dependent upon him for support, one-half of his monthly pension had to be deposited with the commandant for them, and if a member
were twice convicted of violating criminal statutes, intoxication, or other misdemeanors, all of his pension had to be deposited with the commandant, to be paid out with the consent of the depositor for his necessary wants. Upon the discharge of the member the balance was given up thirty days afterward. 73

Two years later the phrase stipulating that deposited money was to be paid out "for the necessary wants" of the depositor was stricken out and the law in regard to the support of dependent wives and minor children rewritten, specifying that the wife must be dependent for support upon her own labor or that of others while the commandant is made the judge to determine if the wife has deserted her husband, is of bad character, or not dependent upon others for support. If such proves to be the case, the money accruing from one-half of a member's pension goes to the minor children and is paid to their guardian rather than to the children themselves as the former law was worded. 74

The next legislature amended the pension regulations in case of intoxication so that in the event of a member abstaining for ten months he is allowed $2 for the eleventh and $4 for the twelfth, while if he still conducts himself properly, at the end of twelve months the full right to control his pension money is granted as though he had never been convicted. 75

The law providing for the relief and burial of indigent
soldiers and sailors as found in the Code of 1897 has been much extended. The first step came in 1904 when not only United States soldiers and sailors who had engaged in the Civil War but also those of the Mexican and Spanish-American wars were included.76 The wife or widow of an indigent soldier, sailor, or marine was added to the list by the Thirty-fourth General Assembly.77 In 1909 the tax limit for funds to relieve and bury indigent soldiers and sailors or the wives and widows was raised from one-half to one mill and the limit of burial expenses increased from $35 to $50.78 The soldiers' relief commission now holds its annual meeting on the second instead of the first Monday in September as provided in the Code.79

By the joint action of the commission and the board of supervisors, part of the tax for relief and burial may be used to erect a monument in any cemetery of the county, "a portion of which has been set apart for the burial of Union soldiers, sailors and marines, in which there have been not less than fifty interments."80

The exemption from taxation of the property of soldiers and sailors presents a social aspect in that it affects a certain class of people. Under the Code of 1897 any homestead not exceeding $800 in value belonging to the widow of a United States soldier or sailor in the Civil War, or belonging to the soldier or sailor himself if he were dependent on
it for support and incapable of manual labor, was exempt from taxation, but the value of any other real estate owned by him was deducted from such exemption.81

In 1902 the law was rewritten to include soldiers and sailors of the Mexican War with their widows, and provided that the latter should remain unmarried. The exemption from taxation no longer applied to homesteads alone but to any property, the sum of $800 being exempted unless the privilege should be waived or the whole property of the soldier, or widow or wife should amount to $5000. The assessor was to turn over to the county auditor a list of persons subject to this exemption.82

Again there was rewriting in 1911. This time the property value and exemption was raised from $800 to $1200 and the circumstance of the possession of $5000 property value resulting in the forfeiture of any exemption was removed.83 Otherwise the act followed the same wording as the one previous. But the last session of the legislature (1913) provided that the $1200 exemption be made from the homestead of a soldier or widow if it is of that value and if not then from such property as is designated and owned by the soldier, sailor, or widow.84
The Orphans' Home

The Orphans' Home and Home for Destitute Children was located at Davenport. A board of three trustees was provided in the Code of 1897 for its management and control but, as in the case of other State institutions, this system was superseded the next year by the Board of Control. A superintendent, either a man or a woman, was placed in charge of the Home. All children of resident soldiers or orphans of soldiers under fifteen years of age who were destitute or unable to care for themselves were eligible for admission, and such others, destitute, of like age, and having a legal settlement in the State could be admitted upon approved application so long as none of the former class were denied. They were under the complete authority of the superintendent and had to be discharged at the age of fifteen. A common school education was provided and regular employment furnished, the profits from which were placed at interest and each inmate paid, when discharged, in proportion to the labor he or she had contributed to the fund. Any child, with the approval of its parents or guardian, could be adopted by any citizen of the State, but the articles of adoption were subject to cancellation by the board of trustees. Ten dollars monthly for each child actually supported, together with the expense of their transmission to the Home was appropriated for the
support of the institution, the number of children to be determined by the average number during the previous month.

Counties were made liable for the support of their destitute children cared for in the Home, and partly to that end the boards of supervisors were authorized to levy a tax not exceeding one-half mill on the dollar to constitute a "county orphan fund" which should be used for the maintenance and education of destitute orphans. Assessors were to make enumerations of the orphans of deceased soldiers.

The name of the Home was changed in 1898 to "Iowa Soldiers' Orphans' Home" which is more significant of its functions. The age limit for discharging a child was changed from fifteen to sixteen years. Other sections were rewritten with the object of making them more specific. The Code reads, "All children of soldiers residents of the state" may be admitted and the amendment denoted that they be "destitute". Similarly it was specified that destitute orphans of soldiers should apply to the board of trustees for admission (formerly application was not required of them) and "become wards of the state", but that other destitute children should apply to the judge of the district of the applicant's residence or to the board of supervisors of that county. It was further explained that counties were liable for the support of only their children who were not soldiers'
children. It was not until 1906 that orphans of sailors and marines were admitted on the same conditions as those of soldiers.

The matter of support has been a subject of considerable development. In 1904 the per capita support was raised from $10 to $12 and the limit of the liability of the county for support of children other than those of soldiers was placed at $6 a month for each one, the cost above the sum being paid by the State. In 1913 a minimum of $6600 a month was established for the support of the Home if the average attendance should fall below 550, and counties, in that event, were made liable only for their proportion of the amount accredited to the Home, that is, the maximum of $6 monthly would be automatically reduced.

The growth of the Iowa Soldiers' Orphans' Home, as measured by the appropriation it has received, has kept pace with the other State charitable institutions. Since 1897 over $333,000 has gone into such improvements as a chapel, barns, a power plant, cottages, an ice house, a laundry, kitchen, boys industrial building, gymnasium equipment, and sewerage and hospital facilities. The last legislature (1913) passed a resolution favoring the building of a $25,000 hospital and a $14,000 school house. The initial appropriations for them have been ordered. Extensions in land have been made from time to time.
As the institution has grown and developed, the duties of the superintendent have become more arduous, and his salary has been increased from $1200 to $1500 and finally to $1800.93

The conditions of adoption and placing out of the inmates were amplified in 1906. The act provided that orphans in the Home could be adopted out, and that the written consent of the parent or parents had to be obtained, unless the child had been abandoned by them. Orphan children or children who were abused, neglected, or abandoned before being committed to the Home or likely to be so treated if sent to their parents or guardian could be placed out by the superintendent with a family of good standing. The articles of agreement were to provide for the "custody, care, education, maintenance and earnings" of the child and, although the period is fixed, it cannot extend beyond the time when the child shall attain its majority. The Board of Control was empowered to remove an adopted or placed out child but persons other than the contracting parties must interfere in no way.94

The regulations in regard to placing out by contract were repealed in 1911. The substitute act made all inmates of the Home wards of the State and permitted the superintendent to place out any child regardless of conditions in its former home. A change which rendered the transaction more satisfactory was that the Board of Control now gives its written
approval to the articles of agreement rather than having their justice guaranteed from the fact that the superintendent has negotiated them.95

Homes for the Friendless

Laws regarding the care of children in homes for the friendless as found in the Code of 1897 were passed by the Seventeenth General Assembly (1878). Incorporated homes for the friendless could receive, control, and dispose of minor children, and acted as their legal guardian. Children were surrendered through the mayor, judge of a court of record, or justice of the peace. Girls under fourteen and boys under twelve could be arrested and committed to such homes if complaint were filed that a child had been abandoned or neglected, or that the parents were dead, drunkards, or in prison for crime. Religious instruction was to be that of the parents, and if children were placed out it was to be with families of that faith also.96

In 1902 these laws were repealed and a new act passed which was more in accord with conditions. Now any incorporated society for that purpose may become the legal guardian of a friendless child with full powers in regard to control and adoption. Children may be surrendered by both parents jointly; by either if the other is dead, insane, a drunkard, in prison for crime, an inmate or keeper of a house of ill fame, or has abandoned the family; by the mother alone if the child is
illegitimate; or by the mayor, judge of a court of record, or justice of the peace. Upon written complaint and evidence that any child is abandoned, ill treated, friendless, or living under bad influences, it may be taken and placed in a home. An appeal from such proceedings may be taken to the district court within twenty days. During the trial the child may be kept in custody by a peace officer. The society or person adopting the child must keep it in school between the ages of seven and fourteen and the former rule in regard to religious instruction still prevails.

The State Board of Control has supervision over all institutions coming under these provisions with power to inspect them, and to require a complete annual financial and statistical report of the children cared for. In 1909 the Board was also authorized to investigate all charges of abuse, neglect, or other misconduct which may be made against any such institutions. If the trust is abused the powers of the society or home may be revoked.

In order to prevent children with contagious or incurable diseases, deformities, feeble minds, vicious characters, or those likely to become public charges within five years from being brought into the State by similar organizations incorporated in other States, such institutions must get the permission of the Board of Control and give an indemnity bond of $1,000.
III

Legislation Concerning Defectives

Defective classes are usually dependent as well, but are considered apart on account of the nature and origin of their disability. While the care of defectives is thus closely associated with that of dependents, they have longer been a cause for state solicitude. As governmental ministration of charity has developed the segregation of the various classes of defectives into special institutions has come to be the accepted mode of treatment. Institutions for the care of the blind, the deaf and dumb, and the feeble-minded are provided mainly for children and are largely educational in character, while the insane, the inebriates, and the epileptics are indebted to the State primarily for medical treatment.

The Blind

Although the adult blind are now at the mercy of private charity in Iowa, during the period between 1893 and 1900 an Industrial Home for the Blind was maintained at Knoxville, for the instruction of these unfortunates in some trade or vocation and to serve as a working home for any blind person who knew a trade or vocation and was physically and mentally able to perform the labor required. Every indigent blind person with a legal residence in the State could be admitted. A
board of three trustees, one of whom was woman, had complete
control of the government of the institution — appointing
officers, fixing salaries, regulating the labor of the in-
mates, the price they were to pay for board and maintenance,
the sale of the products manufactured, and the expenditure
of appropriations.100

With the exception of the institution passing under the
supervision of the State Board of Control and the salary of the
superintendent being fixed by statute at $600 a year,101 this
law remained unchanged until 1900 when an act was passed auth-
orizing the Board of Control to close the Home, send the in-
mates home — paying their actual expenses and giving them not
more than $25 for incidentals, hire a custodian to care for
the premises, lease the land, dispose of all personal property
about the place, and to turn all funds received into the State
Treasury. An appropriation of $3000 was made to accomplish
this end and the remainder of special appropriations was trans-
ferred to the general funds of the State.102 Four years later
the property was converted into a hospital for inebriates.

A college for the blind at Vinton is provided for in the
Code of 1897. Out of institutions and asylums for the blind
beginning in the early history of the State it has developed.
Before 1898 the College for the Blind was under the management
of a board of trustees, five in number, who appointed the
teachers and other employees, fixed their salaries, and exer-
cised general supervision. "All blind persons, residents of the state, of suitable age and capacity," were entitled to an education there. Non-residents were also admitted, if they could be accommodated, upon the payment of $54 quarterly. Pupils were supplied with clothing but at their own expense if they were of age, and if not, the account was charged to their parents or guardian, to be collected by the proper county. Ten thousand dollars was appropriated annually for contingencies and for current expenses not exceeding $40 quarterly for each resident pupil. A report by the principal, including the number of pupils, their name, sex, age, residence, place of nativity, cause of blindness, the studies pursued, the trades taught, and a statement of all expenditures was required every odd-numbered year. 103

Since the Code of 1897 the College has had a varied career. When the State Board of Control assumed management it was placed in the category of charitable institutions.

Since 1909 all blind children, residents of the State, between the ages of twelve and nineteen, have been obliged to attend the College during the scholastic year unless bodily or mental conditions should prevent, or the child should be diseased or immoral to the extent of being a menace to the health and morals of the other pupils, or should be
effortlessly taught the common branches elsewhere during
the scholastic year. A penalty of $25 or eight days im-
prisonment was provided for anyone failing to educate such
a person in the manner prescribed, for employing or harboring
during the school session, or for inducing such a one to ab-
sent himself or herself from school. As a consequence
of these compulsory education requirements the College was
two years later transferred from the jurisdiction of the
Board of Control to that of the State Board of Education,
and thus officially placed among the educational institution
of the State.

The act creating the State Board of Education gives that
body power to fix the salaries of the officers in the various
institutions under it but when the College for the Blind
was transferred, the law stipulating that the salary of the
superintendent should be $1200 a year was overlooked. The
conflict was rectified in 1913 by repealing the salary estab-
lished by law.

The per capita appropriation of $40 a quarter to meet
current expenses was reduced in 1898 to $35. But to con-
form with the system of support in similar State institutions,
the two separate funds authorized in the Code were abolished
in 1902, and all expenses, including compensation of officers
as well as general maintenance, were provided for by an appro-
priation at the rate of $22 a month during nine months of the
year for each pupil actually supported, based on the average number for the preceding month.\textsuperscript{110}

Similarly, when a minimum total allowance was provided for other institutions in 1911, the College for the Blind was included, and if the average number of pupils for any month should fall below 160, $3600 is appropriated regardless of the enrollment. This money was originally to be paid out in accordance with the regulations applying to the State Board of Control,\textsuperscript{111} but in 1913 the obvious inconsistency of such a procedure was remedied by making all annual appropriations to the College payable monthly on the order of the Board of Education.\textsuperscript{112}

Since 1897 a hospital, a gymnasium, and a cottage for the superintendent have been built, while in 1913, $65,000 was appropriated for the purpose of remodeling the main building.\textsuperscript{113}

When the meeting of the General Assembly came to be held on odd-numbered years on account of a change in the system of State elections, it was necessary that the biennial report of the principal be made in even-numbered years.\textsuperscript{114}

Just two days after the approval of the measure making the education of blind people compulsory (1909), another act was approved which requires the assessor to record the name, age, sex, and address of all blind persons within his jurisdiction. This data is then forwarded to the Secretary of the State Board of Control within thirty days.\textsuperscript{115} While the
information obtained is valuable in itself, it would seem that the act was intended to furnish a means of enforcing the compulsory education law. But since the College for the Blind has been placed under the control of the Board of Education, reports made to the Board of Control have been of little influence. At least the system is antiquated.

The Deaf and Dumb

Almost identical with the College for the Blind in its organization is the School for the Deaf at Council Bluffs. Prior to 1897 it was under the complete control of a board of three trustees. The terms of admission were such that any resident of the State who was deaf and dumb, or so deaf as not to be able to get an education in the common schools, could be admitted free, and similarly qualified non-residents were allowed to enter upon the payment of $40 quarterly. Each superintendent of common schools in the State was required to report to the institution annually the name, age, and address of any deaf and dumb persons in his county between five and twenty-one years of age. The superintendent of instruction in the School reported to the Governor biennially the number of pupils, their name, age, sex, residence, place of nativity, cause of deafness, the studies pursued, the trades taught, and the financial status of the institution.

Expenses for clothing and transportation were to be
met in the first instance by the School and charged to the parents, or to the inmate if he had reached his majority, and collected by the county of his residence. The State held the county liable. Twenty-one thousand dollars was appropriated annually for the payment of salaries, while current expenses were met by an appropriation of $35 a quarter for each pupil, based on the average attendance for the last preceding quarter of the school session.\textsuperscript{116}

With the exception of the School for the Deaf being placed under the Board of Control in 1898, practically all of the legislation since the Code has been in regard to financial matters. The appropriation for salaries was reduced in 1898 from $21,000 to $18,000.\textsuperscript{117} Four years later, the same day an act identical in its provisions but applying to the College for the Blind was approved, the two distinct appropriations were abandoned and all expenses met from a fund appropriated at the ratio of $23 a month during nine months of each year for each pupil supported in the School.\textsuperscript{118}

The method of certifying and paying charges for clothes and transportation held by the State against the county was technically changed in 1906, but in affect remained the same.\textsuperscript{119}

In 1909 provision was made for indigent and homeless pupils to remain and be supported at the School during the whole year, and to meet this expense the per capita appropria-
tion for such pupils was extended over the extra three months. The same legislature established a minimum annual appropriation for the School of the Deaf, as was its wont with other institutions. In this case if the average number of pupils in any month should be less than 275, the School is accredited with $6050.120

On the afternoon of May 8, 1903, the greater part of the School plant was destroyed by fire and $250,000 was appropriated by the Thirtieth General Assembly for rebuilding and equipment. In 1906, $50,000 more was set aside for a new boiler house, a laundry building, and a machine shop. Seven thousand six hundred and seventy-three dollars and seventy-five cents was used for purchasing land in 1909.121

By the same act which made it compulsory for blind persons between twelve and nineteen years of age to attend the College of the Blind during the scholastic year, deaf persons were required to attend the School for the Deaf for a like period.122

The law authorizing the enumeration of the blind applies also to the deaf.123 The School for the Deaf has not been placed under the control of the Board of Education, however, so that in this case the statistics may be of some value.

The Thirty-fifth General Assembly made it possible for deaf and dumb persons, or those so deaf that education in a
common school is impossible, between twenty-one and thirty-five years of age to be admitted with the consent of the Board of Control. The tuition for non-residents of the State was raised to $60 quarterly. Superintendents of common schools must now include, "so far as he [they] may ascertain", deaf and dumb persons between the ages of five and thirty-five, in their reports to the superintendent of the School.  

The Feeble-Minded

The State institution at Glenwood is for the purpose of training, instructing, caring for, and supporting feeble-minded children. It was operated before the creation of the Board of Control under the direction of a board of three trustees. Any person between the ages of five and twenty-one so intellectually deficient as to be unable to get an education in the common schools was entitled to receive physical and mental training there at State expense, and it was the duty of county superintendents to report any such cases annually to the superintendent of the Institution. Application for admission could be made by the child's father, mother, or by the board of supervisors or the county attorney, and if a feeble-minded child had no parents or guardian in Iowa, and was not comfortably provided for, it became the duty of the board of supervisors or the county attorney to apply for its admission.

Should it be necessary to furnish clothing and transport-
ation to a pupil, the account was charged to the county of his residence, after having been paid in the first instance by the State, and the county could then collect from the inmate, his parents, or guardian, unless it should be shown by three disinterested parties of the county that the account ought not to be collected from them. When it fell out so, the State paid the bill.

For the maintenance of the Institution $10 a month for each inmate supported by the State, based on the average number for the previous month, was appropriated, together with $22,000 annually for equipment, employees, and general expenses.

Idiotic children were considered eligible for admission and a special custodial department was provided for those who could not be benefitted by educational training. Any inmate could be returned to his parents or guardian at any time by the board of trustees.¹²⁵

Such was the law as found in the Code of 1897 and aside from the managerial changes effected by the advent of the State Board of Control,¹²⁶ the status of the Institution for Feeble-minded Children is practically the same today.

In 1898 the monthly allowance for support was raised from $10 to $12 for each pupil sustained by the State and the appropriation for "ordinary" expenses was discontinued.¹²⁷

The only other changes have been to enlarge the scope of
the Institution. In 1902 feeble-minded women less than forty-six years old were admitted under the same conditions and rules of maintenance as children," and the same privilege was extended to feeble-minded men under forty-six in 1909. Every legislature since 1897 has appropriated large sums for the improvement and extension of the Institution for Feeble-minded Children. A hospital, an ice manufacturing plant, two double cottages for boys, a boys' custodial building, a laundry, and barns have been built. Considerable money has also been spent in purchasing more land, in obtaining a satisfactory water supply, and for heating equipment. Plans were approved by the Thirty-fifth General Assembly for new additions costing $177,000 and $133,000 of that amount was appropriated, besides $24,000 for other improvements.

The Insane

The earliest state institutions in the field of public charities were those for the care of the insane, and even at the present time they constitute the most important class. At first they were considered as police institutions but with the development of the idea of medical treatment insane asylums have been converted into hospitals, with the result that there has been a great increase in the number of inmates and a multiplication of institutions. Hospitals for the
insane are for two purposes: the cure of the curables, and the restraint of those who cannot safely be allowed their liberty. Consequently, idiots, who are defective from birth, are not admitted and cured patients must be discharged immediately. Incurables and harmless insane are discharged when there is need of room for more recent cases, and relatives are permitted to remove incurable but harmless patients.

The legal status of the insane is practically the same as that of minors. They have no right to vote and are not responsible for acts which in others would be criminal, while every precaution is taken lest they be punished contrary to law.

Four State Hospitals are provided for in the Code of 1897 and private and county care of the insane is regulated in connection with them. The State Hospitals are located at Mount Pleasant, Independence, Clarinda, and Cherokee. The State Board of Control now has complete management of them but before the creation of that body each was operated under the direction of five trustees, two of whom were women. Quarterly meetings were held and monthly visitation made either by the board itself or by a committee from it. Another visitation made either by the board itself or by a committee from it or by a committee of three, appointed by the Governor, was to make monthly inspection of the various Hospitals and report annually.
to the Governor. It had full power to correct and punish all mistreatment of inmates. This committee, as well as the visiting committees from the local boards of trustees, was abolished when the State Board of Control was created, and the provision made that the State Board, "by a committee, or its secretary," should visit each Hospital once a month, and if it should be deemed prudent, a woman residing within fifty miles of any Hospital could be appointed to visit that institution.

The law in the Code required biennial reports to be made to the Governor preceding regular sessions of the General Assembly. The local boards of trustees also appointed the officers of the Hospitals and determined their salaries. Each Hospital was under the immediate control of a superintendent who was required to be a physician of acknowledged skill and authorized to practice medicine in Iowa. His salary could not exceed $3000 a year and certain fees as a witness in civil and criminal cases involving the question of insanity. The local treasurer drew money for current expenses from the State Treasury quarterly but not exceeding $14 a month for each public patient, figured on the basis of the average number present on the fifteenth of the three preceding months. The chief duty of the steward was to make purchases of supplies and to superintend the farm in connection with the
institution.

There was a board of three commissioners of insanity in every county, or place where district court was held, consisting of the clerk of the court, a physician, and a lawyer. They had "cognizance of all applications for admission to the hospital or for the safe keeping otherwise of insane persons within their respective counties."

Upon the subject of admission it was provided that the application should be in the form of an information certifying that the person was believed to be insane, was a fit subject for treatment in a Hospital, and was to be found in the county. Upon the receipt of such information the commissioners were to make investigations, including testimony pro and con and an examination by a physician. If insane, a fit subject for treatment in a Hospital, and of legal residence in their county, the commissioners were to commit such a person to the Hospital of the district in which the county was located, and the patient was conveyed there by the sheriff, his deputy, or a suitable relative or friend. An appeal from these findings could be had to the district court, and pending such an appeal the person could not be held in custody, unless it should not be safe to allow him to be at large. In such a case private patients might be cared for by relatives or friends and public patients placed in the county home or the county jail.
If an insane person were suffering from want of care it was the duty of the commissioners of insanity to make all needful provisions and to remove all private and public patients outside of a hospital for the insane to such an institution. An insane person held in any prison, charged but not convicted and not on trial for crime, was to be removed to a hospital after an investigation and kept there until his reason was restored. If it were necessary to discriminate in the reception of patients, cases of less duration than a year were to have preference over all; next, chronic cases with the most favorable prospect of recovery; those for whom application had been longest on file, other things being equal, were next preferred; and finally, when cases were equally meritorious, the indigent have been given preference. Only the "insane", or persons mentally deranged, and not "idiots", or those foolish from birth are admitted to the Hospitals.

The county where a patient had legal residence was made immediately liable for his support and the board of supervisors was authorized to levy annually a tax for that purpose. Expenses incurred by one county on account of an insane person whose legal residence was in another, were to be refunded with interest by the county of his residence. Those having no legal residence in Iowa, or whose residence could not be ascertained, were to be supported by the State. A county tax not exceeding one-half mill could be levied for the "county insane fund" and
the judge was to decide whether or not the person should be released or remain in the hospital. The same person was not eligible for such proceedings oftener than once in six months. Persons confined as insane were entitled to the benefits of the writ of habeas corpus.

Anyone mistreating an insane person was declared to be guilty of a misdemeanor and subject to a fine of not over $500, imprisonment in the county jail not longer than three months, or both.

If a patient in a hospital for the insane should die suddenly and with apparent cause, or should die and his relatives so request, it was required that a coroner's inquest should be held.

According to the Code, an escaped inmate of a Hospital for the insane was to be located soon or the commissioners of insanity of the county in which such a one had residence were to be notified. If found in that county, the patient was to be returned or provided for otherwise by the commissioners.

Inmates were allowed to write to members of the State visiting committee, or to any other persons, once a week, but their letters were subject to inspection. Letters coming to patients could be examined by the superintendent and if he should deem them to be of an injurious nature he
was to be used for the support of people outside of State Hospitals.

While provision was made for the support of the insane at public expense, whether in a State Hospital, county asylum, or poor house, that did not release their estates nor those of their relatives from liability, but the board of supervisors, if they should deem it humane and proper, might relieve the estate or relatives from part or all of such liability. Friends or relatives were allowed to provide special care for patients and to pay all or part of their expenses. A monthly sum not exceeding $14 was charged for board and care.

It was provided that whenever cause for the treatment of a person for insanity, either in a county or a State Hospital, should cease to exist, such a one should be discharged, and if from a State Hospital, suitable clothes and a sum of money not exceeding $30 were to be provided. Incurable and harmless patients might be discharged at the request of relatives or in order to make room for more recent cases, but when that was done the commissioners of insanity in the county to which they were sent were to provide for them.

If a patient in a hospital for the insane were thought to be sane, a commission of three, appointed by a judge of the district court, was to investigate and upon its findings
was to return them to the writer with his reasons for so doing. But if any officer should violate any of the provisions relating to letter writing he became liable to a fine of not exceeding $1000, imprisonment in the penitentiary not over three years, or both the fine and imprisonment.

Provisions were made for the appointment of a guardian of the property of "an idiot, lunatic or person of unsound mind" who should also be the guardian of the minor children of his ward. In this case the district court rather than the commissioners of insanity has jurisdiction to decide the question of insanity. The guardian was empowered to sell or mortgage the property upon proper occasions, and sufficient property could be set off for the wife and children under fifteen years of age, or either, to support them a year from the time of the man's insanity. The priority of claims to the custody of the person were, first, the legally appointed guardian, then the husband or wife, next the parents, and finally the children. After six months the person under guardianship might apply for its termination by petitioning the court and if the trial resulted unfavorably another petition could not filed for four months.

During the past sixteen years the greatest development in governmental care for the insane has been along the line
of aid outside of institutions and in the improvement and regulation of private and local hospitals by the State. In 1898 the "county insane fund" was found to be generally insufficient and the maximum tax rate for that purpose was raised from the one-half mill levy to one and one-half mills. 133

Better provision for the maintenance of families of insane persons was made in 1903 when the wife and all minor children were included rather than merely the "wife and children under fifteen years of age". It was also made possible to set aside sufficient property to support them during the period of insanity rather than for only the first year. 134

The most progressive step in private and county care of the insane was taken in 1900 when institutions of that character were placed under the jurisdiction of the State Board of Control. 135 Semiannual visitation by at least one member of the Board, or by some disinterested competent person, and thorough investigation of conditions with a report to the Board is required. The inspector, if not a member of the Board, may be allowed as much as $5 a day compensation and actual expenses. The sum of $3000 was set aside for the inspection authorized, but six years later the appropriation was changed to $2000 annually and made to cover the expense of inspecting associations, societies, and homes for friendless children also. Every two years
any surplus thus appropriated is to be returned to the general funds of the State Treasury.\textsuperscript{136}

At the time of these semianual inspections patients are allowed to be heard in any complaints or grievances they have to offer. In 1909, however, the Board of Control was empowered to "investigate charges of abuse, neglect or other misconduct" made against any private or county institution in which insane people are kept.\textsuperscript{137} Formerly, only the complaints of patients were investigated and no formal hearing was provided for those.

Pursuant of the data furnished by the reports of the investigating committees, it becomes the duty of the Board of Control to make rules and regulations touching the care and treatment of the insane patients in private and county institutions. After a reasonable time if these requirements are not complied with, the patient kept in such places at public expense may be removed at the expense of the county from which they were originally sent, to the proper State Hospital, or such other private or county institutions as have complied. Persons supporting insane patients there at private expense are notified of the action taken in regard to the others.

If it is thought that any violent or acute case in a patient kept in a private or county institution at public expense may be better cared for in a State Hospital, he may
be removed there at the expense of the proper county. Up until 1913, if the written permission of the immediate relatives, or, if there were none, that of the commissioners of insanity of the county to which the patient was chargeable, and of the Board of Control were obtained, a chronically insane person could be removed from a State Hospital to a private or county institution of good standing.

However, the Thirty-fifth General Assembly decreed that if it is desirable to remove from a State to a private or county institution any chronically insane patient sustained at public expense, the consent of the relatives or guardian need no longer be obtained and action may be taken upon the written request of the board of supervisors or of the commissioners of insanity of the county to which the patient is chargeable, and the Board of Control. With inmates kept at private expense, however, the consent of the parents or guardian is still necessary. 138

Should any difference of opinion between the authorities in charge of the private or county hospitals for the insane and the Board of Control arise over the question of the removal of patients, it is finally settled in the district court.

If one county has no facilities for the care of its insane, the commissioners of insanity may, with the consent of the board of supervisors and the Board of Control, provide for
their care at any convenient private or county institution. Private institutions must be able to show a certificate from the commissioners of insanity of some county in the State or from two reputable physicians, one a resident of Iowa, for each insane patient. The State Board may institute proceedings in the name of the State to ascertain if a sane person is being illegally restrained of liberty.

Besides the regulation of private and county institutions devoted to the care of the insane, many modifications in the laws governing the State Hospitals have also been made during the last sixteen years.

The act creating the Board of Control authorized the State to be districted and all patients must be sent to the State Hospital located in the district embracing the county from which they are admitted.

The names of the institutions were changed in 1902, omitting the term "insane" and adding the epithet "State", so that now they are called the "Mount Pleasant State Hospital", the "Clarinda State Hospital", and the "Cherokee State Hospital".

Some conception of the development of these various Hospitals may be gained from the appropriations that have been made for their maintenance. During the first part of
the period the Cherokee Hospital was in the process of construction and $100,000, $360,000, and $100,000 was appropriated by the Twenty-seventh, Twenty-eighth, and Twenty-ninth General Assemblies respectively for the general building fund. The special commission in charge of the work of construction was superseded by the Board of Control in 1898. In 1904 the Thirtieth General Assembly appropriated $30,000 for the purpose of obtaining a water supply and $85,000 for the construction of a cottage for patients. To build and equip an infirmary, $125,000 was appropriated in 1907 and in 1911 $50,000 was set aside to erect a pavilion for tubercular patients.

At Clarinda $15,000 has been appropriated for an ice manufacturing plant (1903), $60,000 for a cottage for patients (1904), $15,000 for heating apparatus (1905), $75,000 for a cottage for women (1907), $80,000 for a cottage for men (1911), and $15,000 for additional water supply (1913).

Besides improving the water system (1904) and the heating apparatus (1906) in the Hospital at Independence, a $125,000 infirmary (1907) and a $57,500 home for attendants (1911 and 1913) have been constructed.

The Hospital at Mount Pleasant has been improved by
the erection of an electric light plant at a cost of $13,000 (1900), new machine shops costing $16,000 (1900), a sewage disposal plant at an expenditure of $10,000 (1902), a laundry building for which $15,000 was appropriated (1902), a women's infirmary at an outlay of $83,000 (1907, 1909, 1913), and an ice plant costing $12,000 (1909).

In addition to these improvements, $33,600 has been used for the purchase of land at Cherokee (1902, 1907, 1909), $30,000 at Clarinda (1902), $78,691.85 at Independence (1902, 1904, 1909, 1911), and $33,551.46 at Mount Pleasant (1902, 1904, 1906).

The Twenty-ninth General Assembly declared that, in case of an appeal to the district court from the findings of the commissioners of insanity, it should be the duty of the county attorney, without additional compensation, to prosecute the action on behalf of the person alleging another to be insane.141 Since its creation the Board of Control has had permissive power to constitute itself a commission for the determination of the insanity of a person in a State Hospital and, with the endorsement of the superintendent of that hospital, it may discharge any person not insane or one able to be cared for elsewhere without danger.142

The law relating to settlement has been revised and amplified in regard to patients admitted to State Hospitals. The act creating the Board of Control stipulated that before
county authorities should send to a State Hospital for the insane a patient whose residence was unknown and who would be supported there by the State, the Board of Control should be notified and investigate to determine the propriety of the commitment. Then if the residence of the patient was found to be in another State or county, the Board was to see that he was sent there, or, if it were decided that he should be sent to a State Hospital, his conveyance to that place was to be provided for. Superintendents of the State Hospitals for the insane were also to notify the Board whenever there was a question as to the propriety of a commitment or the retention of a patient already received.143

But these provisions were rewritten in 1906 so as to cover the situation more adequately. When the commissioners of insanity find an insane person who is a non-resident of Iowa, or whose residence is unknown, they must notify the Board of Control which thereupon investigates the case. If the person is found to be a non-resident of this State he may either be sent forthwith to the place of his legal residence or to a State Hospital. Any non-resident patient in a State Hospital may be removed to the place of his legal settlement at any time unless his condition forbids or for
other reasons the Board deems it inexpedient. If the legal settlement cannot be ascertained the patient may be taken to a State Hospital, and if thereafter it is discovered that he has legal settlement in a county of Iowa, the costs of maintenance are charged to that county. No patient may be maintained in a State Hospital at State expense without the formal order of the Board of Control. Transfers to State Hospitals or to places of legal residence may be made only upon the direction of the Board of Control and at State expense. It is preferable that employees of State Hospitals should conduct the transfer of patients.144

Until 1907, in case there was disagreement between the commissioners of a county from which an insane person had been committed to a Hospital and the auditor of the county which the commissioners alleged to be the one of his legal settlement,145 there was no method for the adjustment of the difficulty. The Thirty-second General Assembly, however, provided that if the auditor should find adversely to the decision of the commissioners, the case must forthwith be taken to the district court and decided. Should the commissioners delay longer than six months before appealing to the court, their county becomes liable for the support of the patient regardless of his legal settlement. If it is decided that a patient has
residence in neither county, the Board of Control is notified and that body then proceeds in the same manner as in ordinary cases of non-residence. 148

In the code of 1897 no arrangement was made for the payment of the expenses of the arrest, care, investigation, and commitment of an insane person in case such a one did not have legal settlement in the county where he was tried and found insane. This defect was remedied in 1904 by making the county in which the person had legal settlement liable, or, if the person had no legal settlement in Iowa, then the State was to pay the cost of arrest, care, investigation, and commitment. 147

However, the passage of the laws in 1906 and 1907 regulating the procedure in cases involving the trial and commitment of non-resident insane has made it advisable to rewrite the law providing for the payment of the costs and expenses. Besides those of "arrest, care, investigation and commitment . . . including the costs of appeal if an appeal be taken", the expenses of "quarterly support in a State hospital during the investigation, or the time required to determine the residence of such person, also court costs in suit to determine the legal settlement of such patient" have been added. The words "upon investigation" have also been inserted, indicating that before a board of supervisors of a county charged with the legal settlement of an insane person need pay these "necessary and
legal costs and expenses" the case must be investigated. Unlike that of other State institutions for the care of unfortunate classes, the support of inmates of Hospitals for the insane has been provided mainly by counties and from private sources. However, the rate charged for board and care has changed from time to time as it has in the other institutions. In 1898 the maximum monthly sum allowed for each patient was reduced from $14 to $12 at Mount Pleasant and Independence and to $13 at Clarinda. Furthermore this amount was to be based on the "average number of patients in the respective hospitals for the preceding month." 

Although the Hospital for the insane at Cherokee, which had been authorized in 1894, was not ready for occupancy until August of 1893, the Twenty-eighth General Assembly established the maximum rate of $13 a month for the board and care of each patient. By the same act the rate for the Hospital at Clarinda was reduced to the maximum of $12. The next legislature placed the maximum monthly allowance for the Cherokee Hospital at $15 a patient but for the Hospitals at Clarinda, Independence, and Mount Pleasant it remained at $13. The rate was still based on the average number of patients during the month previous but in the case of the Hospital at Cherokee, if this average should exceed 600 the allowance was to be automatically reduced to a maximum
of $14 a month, if the average exceeded 750 the allowance was to be $13, and if it was over 900 $12 a patient for each month was all that could be obtained for support. However, when patients were supported by county or private funds, the amount in excess of $12 a month was to be met by the State. Eight thousand two hundred and fifty dollars was appropriated by this act for the support of the Hospital at Cherokee during the first month of its occupancy, and $6000 was set aside to defray the expense of transferring patients to the new institution.\textsuperscript{153}

Once more the monthly rate of support in the Hospitals for the insane was changed and since 1911 $14 a month for each patient has been granted to the Hospitals at Mount Pleasant and Clarinda while at Independence and Cherokee the apportionment has been $15. The scale for reduction in proportion to the number of inmates which was established for the Hospital at Cherokee in 1903 was abolished on account of its superfluity.\textsuperscript{154}

According to the Code the estates of patients, or persons legally bound to support them, may be held liable by the counties for the support of inmates in the State Hospitals. But inasmuch as such a system could not apply in the instance of non-resident patients, an act was passed in 1911, specifically
stating that the estates of all non-resident patients treated in the State Hospitals, and all persons legally bound for the support of such patients, were to be held liable to the State for their care, maintenance, and treatment.155

In 1906 the procedure in securing the payment for the support of public patients was considerably changed as to detail, but in general effect it remained the same as it was in the Code of 1897.156

The laws governing the return of escaped inmates of State Hospitals for the insane have been greatly modified since 1897. The first amendment (1904) allowed the necessary expenses incurred by the county commissioners of insanity in the capture and return of an insane patient to be paid directly from the State Treasury.157 The next legislature, however, repealed the whole statute relating to escape and substituted another, whereby the superintendent of a State Hospital is given the entire responsibility for the return of escaped patients. His first duty is to cause immediate search, as formerly, but if the person cannot be found, instead of notifying the commissioners of insanity of the county where the patient belongs, the clerk of the district court in that county is notified, and when the superintendent
is informed, by the clerk or otherwise, of the location of the patient he must send some person, preferably an employee of the Hospital, to return with the escaped inmate. The superintendent may, however, pursue a different course for good reasons approved by the Board of Control. In case of apparent necessity, local authorities may take the patient into custody and restrain him until he is taken away. Expenses of capture, restraint, and return to the Hospital are paid out of the State Treasury, having been properly approved by the superintendent and the Board of Control.158

The Inebriates

The only classes of defectives for which special State care has been provided since the Code of 1897 are the inebriates and the epileptics. Inebriates were the first to receive attention. In 1902 the Board of Control was authorized to provide a department for "dipsomaniacs, inebriates and persons addicted to the excessive use of morphine or other narcotics" in one or more of the Hospitals for the insane.159 Such persons were to be tried before the district court in the county of their residence,160 examined, and committed in the same manner as incorrigibles were examined and committed to the State Industrial School. For the first commitment, the term was to be between one and three years and for the second between
two and five years. The expense of the trial, commitment, and treatment was to be borne and paid the same way as was provided for insane patients and the estates of inebriates were to be held liable to the same extent as those of the insane.

The Governor was given power to parole a patient after thirty days of treatment if he appeared to be cured and would pledge to refrain from the use of all intoxicating liquors as a beverage, or other narcotics, during the remainder of his term of commitment. To enforce such a pledge it was required that the paroled person should report his conduct to the Governor the first of each month, which report was to have the sanction of the clerk of the district court in the county where the person had residence. If the paroled inebriate should fail to make his report, the sheriff of the county, having been informed that such was the case, was to return him forthwith to the Hospital, there to remain during the full term of his commitment.

But this system was retained only two years. The Thirtieth General Assembly passed an act transforming the former Industrial Home for the adult blind at Knoxville, which had been abandoned in 1900, into a State Hospital for Inebriates. The purpose of this institution was for the "detention, care, and treatment of all male dip-
somaniacs, inebriates, and persons addicted to the excessive use of morphine, cocaine, and other narcotic drugs." Females similarly addicted were to be placed in a Hospital for the insane to be designated by the State Board of Control. Those already in a department for inebriates in connection with any of the State hospitals might remain there. Otherwise they were to come under the provisions of the new act.

The Hospital at Knoxville was placed under the jurisdiction of the Board of Control. A superintendent, qualified by being "a reputable physician", was to have immediate charge of the institution and was to be appointed by the Board for a term of four years at a salary not to exceed $2000 annually.

Application for commitment could be made to the judge of the district court by the inebriate himself, by his wife, a relative, guardian, or any other person. Unless the application was made in person the accused was to be given a hearing before the district judge and was to be allowed counsel. A formal trial in civil court could be demanded. If the accusation was established the person was to be committed to the Hospital until cured, but not for a longer term than three years. At the time of the trial the facts concerning the previous history, condition, and treatment of the accused were supposed to be discovered.
All costs and expenses incurred by the arrest, hearing, trial, and transportation were to be paid by the county, and, in case the person was committed, could be recovered by it from him. In payment for the care, treatment, and maintenance of each patient the Hospital was allowed a maximum of $20 a month, to be paid according to the method provided in the case of State Hospitals for the insane. But if the amount should be over $15, the State was to pay the excess and it was not to be charged to any county or person. This act also declared that until the average number of patients each month should exceed two hundred, $4000 a month, the maximum regular allowance for that number, was to be accredited to the institution.

Four thousand dollars was appropriated to defray the expenses of transferring the patients then in the insane hospitals connected with the Hospitals for the insane. One hundred and twenty-five thousand dollars more was set aside for the purchase of additional land, the erection of additional buildings, and the installation of proper equipment.

The superintendent was to establish the rules and regulate the conduct of patients in the Hospital. He was permitted to require them to do such work as was thought to be physically and mentally beneficial. Should a patient leave the grounds without authority he might be imprisoned in the county jail from thirty to ninety days, and if he should refuse to work or if
he should break any of the rules he might be punished, be-
sides forfeiting his right to a parole. In case of escape
the expense of recapture and recommitment was to be paid by
the State. Confinement in the Hospital for Inebriates did
not excuse a person from prosecution on account of offenses
against the penal statutes of the State.

Anyone furnishing an inebriate, either in the Hospital
for Inebriates, or in any insane Hospital, with intoxicating
liquor or narcotic drugs, except by written prescription from
the superintendent, was to be held guilty of a felony and sub-
ject to a fine of from $500 to $1000 or to imprisonment in
the penitentiary from six to twelve months. And after a
patient had been discharged as cured, for knowingly furnishing
him intoxicating liquor or narcotic drugs without a written pre-
scription of a reputable practicing physician, a person was to
be held guilty of a misdemeanor punishable by a fine of from
$300 to $1000 and imprisonment in the county jail until the
fine was paid.

The superintendent was empowered to grant paroles when-
ever patients were thought to be cured. Paroled inmates of
the Hospital for Inebriates were required to take a pledge
agreeing to refrain from the use of intoxicating liquors and
narcotics during the term of their commitment, and to avoid
frequenting places and associations tending to lead them back
to their old habits. They were to report to the superintendent
through the clerk of the district court the first of every month and if they should fail to report or to keep their pledge they were to be returned forthwith to the Hospital at the expense of the State. A patient might also be paroled by the State Board for such a period and on such conditions as were deemed advisable if his physical condition became such that further confinement would be injurious to his health.

Should a patient in the Hospital for Inebriates become insane he was to be tried by the commissioners of insanity of Marion County and committed to a Hospital for the insane if the charge was sustained. After being discharged from that institution he was still required to serve his term in the Hospital for Inebriates. The expense of such procedure was to be met by the Hospital for Inebriates in the first instance but the county where the patient had his legal residence was eventually to reimburse the State.

While this act did not alter the provisions in the Code of 1897 allowing the appointment by the district court of a guardian for the property and person of an habitual drunkard, it did supersede the section giving such a guardian the power to confine and restrain the person under his care. The other regulations, that the guardianship could be terminated after six months, that property could be sold for the support of the
ward or his family, that such a guardian was possessed of legal powers to act in the place of the person under his care, and that the priority of claim to guardianship went from the legally appointed guardian down to the husband or wife, next to the parents, and finally to the children, remained unaffected as found in the Code. Neither were commitments made to Hospitals for the insane under the previous act of 1902 to be affected until the Hospital for Inebriates should be ready.

The Hospital for Inebriates thus established in 1904 was discovered to be so essential that the very next legislature was constrained to pass a law giving the Board of Control power to restrict, from time to time, the number of admissions on account of the lack of room. The clerks of the district courts were to be notified of that fact and no one was to be admitted except by the permission of the superintendent, and that was to be granted, in the order of the receipt of applications, only when conditions should permit. Until such permission was received the order of commitment by the various courts was to be suspended. Admission was further restricted and safeguarded in 1907 when it was required that the person committed be not of bad character or repute aside from the habit for which the commitment was made, and that there be a reasonable chance
of effecting a cure. The Board of Control was at the same time empowered to discharge any patient when it was thought that further Hospital treatment would result in no substantial benefit.164

The method of paying for the support of inmates in the Hospital for Inebriates has always been identical with the system provided for insane Hospitals, and consequently was affected in the same manner when the law was revised in 1906. The Thirty-first General Assembly also ordered that the costs of prosecution and maintenance of an escaped inebriate should be paid out of the Hospital support or contingent fund to the county in which the trial is held. Ten thousand dollars was appropriated for a sewage disposal plant and for additional water supply. If an inebriate confined in a State Hospital is discharged or paroled and has not sufficient money to pay for transportation to the place from which he or she was committed, the Hospital may furnish transportation to that place, or to any other not more distant if the patient desires.165

The expenses of the capture and return of paroled and escaped patients, and the costs of the hearing and return of insane patients, to the Hospital for Inebriates, were authorized by the original act to "be paid by said hospital" and "certified by the superintendent thereof to the auditor of the state and the amount thereof . . . . by him and by the
treasurer of the credited to the support fund of said
hospital". But since 1909 a much simpler and more satis-
factory method has prevailed. The law was so amended
that such expenses were to "be paid out of any money in the
state treasury not otherwise appropriated, on vouchers exe-
cuted and approved as in other cases." It was further stated
that the claims should be paid in the first place out of the
Hospital's contingent fund and that the support fund of
the institution should be accredited at the beginning of each
month with the amount expended during the one previous.

The Thirty-fourth General Assembly conferred the powers
of peace officers upon the officers and employees of the
Hospital for Inebriates that they might enforce the rules
and regulations of the institution. They may quell riots or
disturbances and make arrests without warrant.

In 1913 it was found advisable to qualify the law in
regard to the parole of inmates. The superintendent is
now empowered to parole a patient, not only when he is be-
lieved to be cured, but also if he is thought to have im-
proved to the extent of making his release on trial expedient.
Report blanks may be obtained either from the clerk of a
superior court or the clerk of a district court and the report
may be approved either by the clerk or the judge of the court
making the commitment. However, if the patient has moved to another county, then only the clerk of the district court in the county of his actual residence has authority to approve reports, unless to obtain such approval would work a hardship upon the patient, and in that event the superintendent of the Hospital may designate some other public officer to do it.

Another change was to give the superintendent power to parole patients into the care of a reliable and responsible person who is allowed to guarantee in writing to pay all expenses occasioned by the parole and by the patient's return if his parole is violated, for patients so paroled must take the same pledge, make the monthly reports, and be otherwise governed by the same provisions as any others. This act applies to the female inebriate patients in the Hospitals for the insane.

The last legislature also created a custodial department in the Hospital at Knoxville. It is for the confinement of patients who are committed after having once been discharged, for habitual inebriates or drug habituates, and for those who menace the maintenance of discipline. Inmates who escape from the institution may be put into this department by order of the superintendent. The habitual inebriates are kept in buildings or apartments separate from all other patients and
not allowed to associate with them any more than is absolutely necessary. Twenty-five thousand dollars was appropriated for the erection of a custodial building. No patient may be released from the custodial department until the full term of three years has elapsed, but at the end of two years he may be transferred to another department and then becomes eligible to parole. This act, however, does not prohibit the parole of patients at any time if their health demands liberation from confinement.

Another new feature added by this law is the payment of seventy cents a day, after ninety consecutive days' residence in the Hospital and during good behavior, for each day's labor faithfully performed for the Hospital. It is paid out of the general support fund. Fifty cents goes toward the maintenance of the patient and the remaining twenty cents is sent monthly to any person dependent upon him, or, if there are none, it is paid to the patient himself upon his legal release.

To purchase land for the Hospital at Knoxville, $3,308.75 was appropriated in 1907, and $2,250 in 1911.

The Epileptics

The epileptics were the second class of defectives to receive the attention of the Iowa legislature since 1897. It was the Thirty-fifth General Assembly that authorized the establishment of a colony to which all adults afflicted
with epilepsy who have been residents of Iowa one year previous to application for admission, and all children so afflicted whose parents fulfill the residence qualifications may be admitted. The purpose of the institution is for the "custody, care and treatment of epileptics and the scientific study of epilepsy." The colony was placed under the State Board of Control and that body was empowered to select a site as soon as funds should be provided by the State. It was to be "conveniently located with respect to railways and with regard to water supply and proper drainage, and shall be suitable for an institution on the colony plan for both male and female inmates." 172

The necessary funds were furnished from the special tax levy of one-half mill on the dollar of the assessed valuation of the taxable property of the State to be made annually for five years beginning in 1913, for the general erection and improvement of buildings and for appurtenances and connections to all of the various State institutions under the Board of Control. 173 Accordingly the Board set about choosing a site and on March 6, 1914, voted to purchase a tract of land containing 960 acres near Woodward in Dallas County.

Unsexing

The Thirty-fourth General Assembly passed a law to prevent
the procreation of habitual criminals, idiots, feeble-minded, and insane persons. If the managing officer of any public institution of the State, who had in his care such persons, consulting with the Board of Parole in the annual examination of the mental and physical condition of the inmates, should decide that the children of any of them would have a tendency toward "disease, crime, insanity, feeble-mindedness, idiocy or imbecility", and there was no hope of such an inmate improving sufficiently, or if the physical or mental condition of the inmate would be improved, or if an inmate was a moral or sexual pervert, an epileptic, or a syphilitic, the operations of vasectomy or ligation of the Fallopian tubes were to be ordered. Inmates who had been convicted of prostitution or of detaining females against their will for prostitutional purposes, those twice convicted of some other sexual offense, or those three times convicted of felony were to be also subject to the operation. But a penalty of from one to ten years in the penitentiary was established for anyone who should "perform, encourage, assist in or otherwise promote the performance of either of these operations", or even have knowledge of them, unless they were performed under the provisions of the act or constituted a medical necessity.

This law, however, without having been utilized was repealed and rewritten by the following legislature, its
The Board of parole was given the initiative in determining who should be unsexed rather than the managing officer of the various institutions. This Board was "authorized and directed" in conference with the managing officers and physicians to annually, or oftener, "examine into the mental and physical conditions, the records and family history of the inmates". If it should be thought that the children of any of them would be liable to "disease, deformity, crime, insanity, feeble-mindedness, id\textsuperscript{o}cy, imbecility, epilepsy or alcoholism", or if any might be improved mentally or physically thereby, or if any were epileptic or syphilitic, or if any should give evidence of being moral or sexual perverts, then the operations of vasectomy or ligation of the Fallopian tubes might be ordered.

The qualifications of those required to take the operations were broadened. Soliciting was explicitly included as a sexual offense and the number of convictions of felony necessary was reduced from three to two.

The Board of Parole was to make annual reports to the Governor, including observations and statistics regarding the benefits of the law.

The penalty for performing these operations, except as authorized by law, or as a medical necessity, was changed to
a fine of not more than $1000, imprisonment in the peniten-
tiary not more than one year, or both.

Syphilitics and epileptics were allowed to get permission
from the Board of Parole or a judge of the district court to
have the operation of vasectomy or ligation of the Fallopian
tubes performed upon themselves.

However, the first attempt to apply the sterilization
law brought a test case into the Federal court of the
southern district of Iowa and on June 24, 1914, Judge Smith
McPherson rendered the decision declaring the act unconstitu-
tional, null, and void insofar as it applies to persons twice
convicted of a felony. It was concurred in by Judge Walter
I. Smith, United States circuit judge of this, the Eighth
District, and Judge John C. Pollock, United States district
judge for the district of Kansas. The chief grounds for
the decision were that the statute was in effect a bill of
attainder, that it denied equal protection and due process of
the law, and that it provided cruel and inhuman punishment.
IV

Legislation Concerning Delinquents

Closely allied to "dependents" are those persons "who derive their support, at least in part, by imposing an involuntary burden or sacrifice upon the community, and whose hurtful acts are forbidden by law."17s This class sociologists have fittingly termed "delinquents". According to the method of treatment which they receive at the hands of this state they may be classified as criminals, juvenile delinquents, and vagrants.

Criminals

One of the first requisites in determining the extent and nature of the care of criminals is a system of criminal statistics. In view of this fact, the Code of 1897 provided a series of reports. The county auditor was required to report the expenses of the county for criminal prosecution, including the compensation of the county attorney, to the clerk of the district court by October fifteenth of each year. The clerk of the district court was in turn required to report to the Secretary of State by the first Monday in November of each year the number of convictions for the preceding year, the character of the offense and the sentence imposed, the occupation of the convict, whether he could read or write, and
his general habits. The auditor's financial statement was also included. The Secretary of State was then required to make an abstract of these reports for the Governor before each regular session of the General Assembly. Sheriffs were to keep a calendar of all prisoners committed under their care, containing their name, place of abode, time of commitment and discharge, cause and term of commitment, the authority that committed them, and description of their person, occupation, education, and general habits.177

In 1909 the duty of reporting criminal statistics to the Governor was transferred to the Board of Parole, which had been created in 1907, and made to include a resume of the work done by that Board. Consequently clerks of the district courts made their reports to the Board of Parole, and the time was changed from the first Monday of November to the first Monday of July, while a complete account of the expenses involved in criminal trials was added to the content. The time for the county auditor's reports was set at July fifth and sheriffs were also required to submit their calendars to the clerk of the district court by July fifth of each year.178

But in 1913 the reports of the clerks of the district courts were deferred until July fifteenth and made to include data on the number of acquittals and dismissals without trial, and the crimes for which indictments were made in
these cases. The county auditor must now include in his reports "all the items of criminal expenses which appear in the records of his office."179

Public offenses in Iowa are divided into two classes: felonies, for which the punishment may be imprisonment in a penitentiary; and misdemeanors. When the punishment for a misdemeanor is not prescribed by statute, it consists of imprisonment in a county jail not longer than one year, a fine of $500, or both. Besides fines and imprisonment as punishment for breaking the law, a death penalty may be inflicted in a first degree murder case. According to the Code all offenders are bailable except those convicted of murder or charged with treason.180 But since 1902, bail has been refused only in case of conviction of treason or murder in the first degree.181

On account of the dual classification of crime, two systems of punitive institutions have developed; the jails and the penitentiaries, the former under local authority, the latter under State control.

The Jails

In each county there is a county jail with a sheriff in charge for the "detention of persons charged with an offense and committed for trial or examination; For the detention of persons who may be committed to secure their
attendance as witnesses on the trial of a criminal cause; for the confinement of persons under sentence, upon conviction of any offense, and of all other persons committed for any cause authorized by law." There is a keeper for each jail whose duty it is to see that it is clean and healthy, to furnish sufficient clean water daily to each prisoner for drink and personal use, to provide a clean towel and shirt once a week and "wholesome food, well cooked, and in ample quantity" three times a day. He must also furnish "necessary bedding, clothing, fuel and medical aid" for all prisoners. The clerk of the district court and the county attorney must inspect the jails twice a year and report to the next term of the district court. 182

If there are suitable buildings or jails, minors under eighteen years of age, unless they exert an immoral influence, must be kept apart from the other prisoners. All jails must have separate apartments for females. Should a prisoner become refractory he may be placed in solitary confinement on a diet of bread and water. 183

If one should succeed in escaping from jail he is to be imprisoned for not more than one additional year and fined not exceeding $300. 184 In 1909 this rule was extended to include those who "escape from the custody of the officer" charged with their keeping. 185
Being confined for violating any "law, ordinance, by-law or police regulation", the Code declared that a prisoner between the ages of sixteen and fifty may be required to do "hard labor" on the highways, public grounds, or public buildings. In 1909 the restriction excusing able bodied men over fifty years of age confined in jails from being required to do hard labor was removed so that now the only requirement is that they be over eighteen.\textsuperscript{186}

Should a prisoner try to escape he may be placed in solitary confinement and while there the time is not considered a part of that for which he was sentenced. Labor may not be required for more than eight hours a day and $1.50 a day is accredited to the prisoner on any judgment for fine or costs. No poor person, imprisoned until a fine is paid, may be liberated\textsuperscript{187} if the judgment can be satisfied by such labor.\textsuperscript{188}

The expenses of county jails are paid by the county, except that the United States pays for prisoners committed or detained by the authority of the United States courts, and cities and towns are liable for the cost of keeping prisoners convicted under their ordinances.\textsuperscript{189}

Cities as well as counties may maintain jails which are governed by the same general rules, and such special regulations as the council may pass. Such jails are under the jurisdiction
of the marshal. In cities of 25,000 or over the Code of 1897 gave the mayor discretionary power to appoint two or more police matrons for each station-house. However, the law was revised in 1898 reducing the number to "one or more" but making their appointment obligatory in cities of over 35,000 population. In 1907 these requirements were extended over cities acting under special charters.

In 1911 a law was passed relating to the confinement of women in jails which was a step in the direction of proper treatment. The majority of jails in Iowa are kept in a despicable condition, unfit for any person. It was perhaps for this reason, together with the relief of the State from the expense of their keep, that women are now allowed to be committed to "any institution, society, association, corporation or organization having for its objects, in whole or in part, the furnishing of relief, care and assistance to the poor, dissolute, needy or unfortunate, or any other charitable or benevolent object", which is in the judicial district of the court making the commitment. The commitment is for a term no longer than if it was to jail, and women may be removed from jail to such institutions for unexpired terms or returned therefrom to the proper jail at any time to complete there the unexpired term of the original commitment. Such a female in such an institution is under the control of
the managing head of that institution and may be required to do any "reasonable, fit and proper labor" required by the manager, as the sole pay for her keep. The Board of Control has the right to visit any institution where a female is confined under this act, and if it is found unfit, all persons so confined must be surrendered to the court making the commitment.

The Penitentiaries

But the jails are only for temporary and incidental use, deterrent in character, while the penitentiaries are used in the case of the gravest offenses and therefore present a much more serious aspect. The prisoners are retained for longer periods and their treatment becomes an important problem. Consequently State legislation in regard to criminals has been largely concerned with these institutions.

In Iowa there are two State penitentiaries: one at Fort Madison and the other at Anamosa. Under the Code of 1897 the two institutions were on practically an equal footing. The management of the prisons and the treatment of convicts were almost identical. Women could be confined in both places but the criminal insane were kept in a special department in the penitentiary at Anamosa with an assistant deputy warden in charge. All convicts were sentenced to hard labor rather than solitary confinement, although that
might be resorted to for the purpose of discipline. At Fort Madison convict labor could be contracted out by the warden with the consent of the Executive Council for periods not exceeding ten years. At Anamosa, however, contract labor was prohibited and instead the prisoners were employed by the State. Another difference was that there should be not more than one guard for every ten convicts at Fort Madison, and not more than one for every eight at Anamosa. The monthly support was $9 for each convict at Fort Madison and $9.50 for each one at Anamosa, but at Fort Madison this allowance was subject to the deduction of the amount charged to the contractors of convict labor for that month.  

Administration

In 1897 each penitentiary was under the management and control of a warden who was subject to the supervision of the Governor. He was elected by a joint ballot of the General Assembly, for a term of two years, and required to give bond to the State of $50,000. The Governor could remove him and fill vacancies in the office. The warden was to reside within the prison, appoint subordinate officers, see that rigid economy was practiced, make monthly and biennial reports to the Governor, and regulate the discipline of
the institution. Besides his salary of $166.67 a month, the warden was furnished a house, fuel, and lights by the State.

Other officers were a clerk, who acted as commissary and bookkeeper at a salary of $100 a month, a deputy warden who had charge of the convict labor and received a salary of $100 a month, a chaplain to give moral and religious instruction for $70 a month, a physician at each penitentiary, the one at Fort Madison receiving $50 a month and the one at Anamosa $100 a month for his entire time, an assistant deputy warden in charge of the insane department at Anamosa with a salary of $83.34 a month, a matron for the women at $75 a month, and turnkeys and guards at $50 a month. Overseers with knowledge and skill in the branches of labor and manufacture carried on in the prisons could be employed. Being appointed by him, all these officers could be discharged at any time by the warden. For negligence or unfaithfulness in the discharge of their duty he could deduct from their wages, or for allowing a convict to be at large in the prison, conversed with, relieved, or comforted, a fine of $500 could be imposed.

Until the creation of the Board of Control, the Governor, with the Executive Council, had general supervision, and he was
required to either visit the penitentiaries once every three months in person or appoint some one in his place. On July 1, 1898, these powers and duties were transferred to the Board of Control and that body was also given power to appoint the wardens for terms of four years.

When the women's department of the State Penitentiary at Anamosa was converted into the "Iowa industrial reformatory for females" in 1900 it was placed under the supervision of the Board of Control. That board was to appoint the chief executive officer and provide for as many other officers, to be appointed by the chief executive, as it deemed proper. The physician, chaplain, and storekeeper of the penitentiary were to serve also in that capacity for the reformatory.

In 1904 an act was passed providing for an assistant deputy warden for each penitentiary, whose duties were to act as deputy warden in the absence or inability of that officer, and to do anything else prescribed by the warden with the approval of the Board of Control. At the same time the assistant deputy warden at Anamosa was relieved of his charge of the insane department. Of the two matrons, only the one at Anamosa continued to have her salary fixed by statute.

In 1898 wardens were given the power to assign guards to any duty that might be necessary to properly conduct the business of the penitentiaries. The minimum number, as
established by the Thirty-second General Assembly, was to be forty-five at Fort Madison and forty-two at Anamosa. 202

But the greatest innovation in the management of criminal institutions came in 1907 when the penitentiary at Anamosa was converted into "The Reformatory", to be "the reformatory department of the state penitentiary of Iowa", and the indeterminate sentence was established. At that time a new piece of administrative machinery was created in the shape of the Board of Parole. 203

The Board of Parole is composed of three members, one an attorney, and not more than two from the same political party, appointed by the Governor for a term of six years, one to retire every two years. Their office is at the capitol and four sessions must be held every year. Compensation was originally $10 a day while on duty but not exceeding $1000 a year. However, in 1911, the $1000 limit was removed. 204 A secretary is employed at a salary of $2000 a year.

The Board has full charge of the granting of paroles and may establish such rules and regulations as it sees fit. It investigates applications and, when conditions warrant, makes recommendations for pardon. It is also supposed to assist in procuring the necessary employment with trustworthy employers for prisoners about to be paroled, and to render any assistance deemed necessary to the success of the parole system.
Some minor changes made during the last sixteen years in the law relating to the officers of the penitentiaries, have been to give the deputy warden at Anamosa the use of the house occupied by the warden prior to 1898, to reduce the bonds of the wardens and clerks from $50,000 to $25,000 and from $40,000 to $20,000 respectively, to raise the salary of the physician at Fort Madison from $50 a month to $75, to classify the guards of the penitentiaries into three divisions "according to qualification, length of service, character of duties performed and general efficiency," the first to receive a maximum salary of $65 a month, the second $55, and the third $50 to increase the salary of the chaplains from $70 a month to $100 and to provide for an annual vacation of fifteen days with pay, for officers and guards, to be granted by the warden upon application if the officer or guard has been continuously employed in the penitentiary for a year.

Support

In the matter of support of convicts in the penitentiaries there has been little vacillation. Abiding by the law in the Code supplies were to be contracted for by the year, based on the estimates of the wardens. The contracts were let on competitive bids and the contractor was required to give satisfactory security. Since 1898, however, the system provided under the Board of Control has obtained. When the re-
formatory for women was authorized in 1900, an appropriation of $15 a month for each prisoner was provided to pay for the "support, care, maintenance, clothing, and transportation of the inmates of said reformatory, and for the purpose of maintaining the school therein." Upon the recommendation of the Board of Control in 1912, the Thirty-fifth General Assembly increased the monthly allowance for the support of each convict in the penitentiaries $2, making it $11 at Fort Madison and $11.50 at Anamosa.

Custody

Until the establishment of the reformatory, convicts, except the insane, were incarcerated in either penitentiary and under the same classification of punishment. At that time, however, it was decreed that males between sixteen and thirty years of age, convicted of felony for the first time, should be committed to the reformatory, unless the crime consists of murder, treason, sodomy, or incest. Being convicted of "rape, robbery or of breaking and entering a dwelling house in the night time with intent to commit a public offense therein" the court may, at its discretion, commit to either the reformatory or the penitentiary. The insane department was to continue on the same status as formerly.

The Board of Control may transfer a male prisoner from Anamosa to Fort Madison for violation of the rules of the
reformatory, insubordination, or when he is not a hopeful subject for the reformatory system. Prisoners may also be transferred to Fort Madison if it is discovered that they were over thirty years old at the time of the commitment, or have been convicted of felony for the second time. Those in the reformatory July 4, 1907, convicted of murder in the first degree and life prisoners, unless the latter were over fifty-five years of age, were to be transferred to Fort Madison, and whenever the number of inmates at Fort Madison exceeds the number of cells, and there is unoccupied room at Anamosa, the Board of Control may transfer to the reformatory the well behaved and most promising convicts confined at the penitentiary for their first offense. All females convicted of felony and sentenced to confinement in the penitentiary have been sent to Anamosa since 1907. 216

In 1910 it was provided that girls between nine and sixteen years old, who would otherwise be committed to the Industrial School for Girls at Mitchellville, could, at the discretion of the court, be sent to the Industrial Reformatory for Females at Anamosa. Unruly and incorrigible women and girls over fourteen years of age already at the Industrial School could be transferred to the reformatory. 217

Prisoners of the United States may be received into the State Penitentiary and kept in pursuance of their sentences. 218
Sentence

The Code of 1897 provided a scale for the diminution of a sentence on the basis of good conduct, covering any term up to twenty-five years. It is possible thereby to earn one month the first year and one additional month each year for the first six, and after that time six months remain the maximum that can be earned out of every twelve. In this way a twenty-five year sentence can be reduced to thirteen years and nine months. But any convict who violates any of the prison rules forfeits for the first offense two days of his "good time", for the second four days, for the third eight days, for the fourth sixteen days, and beyond the fourth offense, whatever number of days more than one that he is in punishment. For more than four offenses, an escape, or attempt to escape, all the "good time" already earned may be taken away. When a convict is committed under several separate sentences for several convictions they are considered as one in granting or forfeiting "good time". Time spent in solitary confinement for the violation of rules and regulations is not figured as part of the term of commitment.

In 1903 a minimum penalty of twenty-five years in the penitentiary was established for habitual criminals, who were defined as those having been twice previously convicted, sentenced, and committed to prison for terms of not less than three years each. If they have been pardoned on either of these times on account of being innocent, that incarceration is
not considered as one of the two. 220

The Thirtieth General Assembly passed a joint resolution authorizing the appointment of a committee of three -- one member from the Senate and two from the House -- to investigate the Elmira reformatory system and the indeterminate sentence, and to report at the meeting of the next legislature. Five hundred dollars was appropriated to cover the expenses of the committee. 221

But the Thirty-first General Assembly took no action and it was left to the Thirty-second in 1907 to place the Indeterminate Sentences and Reformatory Act upon the statute books.

Since July 4, 1907, no sentence of any person over sixteen years of age, unless convicted of treason or murder, has been for a fixed term. However, the period of confinement cannot be longer than the maximum term provided by law for the punishment of his crime. Separate but continuous sentences are considered as one. If the felony is punishable by imprisonment in the penitentiary, or by fine, or by imprisonment in the county jail, or both, then the operation of the indeterminate sentence law does not prohibit the court from exercising its discretion and imposing the lighter sentence. 222

In 1911 it was made possible for a trial judge to suspend the execution of a sentence if the person convicted was between
sixteen and twenty-five years old, if it was his first conviction of felony, and if the crime did not consist of treason, murder, rape, robbery, or arson. During such a suspension of sentence the convict was to be placed in the custody and care of some suitable person, a resident and citizen of Iowa, from whom monthly reports to the district court making the conviction, showing the whereabouts and conduct of the convict, were required. Such a suspension order is subject to revocation at any time and in that event the defendant is punished according to the judgment.\textsuperscript{223}

An amendment was made in 1913 by adding the qualification that a pardon may be granted by the Governor, with such restrictions and limitations as he thinks proper, any time after the suspension of execution of the sentence if pronounced.\textsuperscript{224}

Employment

As has been previously noted, the Code of 1897 authorizes the contracting out of prison labor only in the penitentiary at Fort Madison.\textsuperscript{225} Able bodied male persons could be taken to Anamosa and there employed in the stone quarries and on construction work about the prison. When not otherwise employed the prisoners were to be set to work breaking refuse stone, with hammers, into pieces not more than two and one-half inches
in diameter, and such stone was furnished free, except for transportation charges, to improve streets and highways.226

But with the passage of the act creating the State Board of Control in 1908 the contract restriction was apparently removed227 for immediately a contract was entered into with the Anamosa Cooperage Company for the manufacture of butter tubs, pails, and barrels.228 The same year a contract for five years with the Iowa Button Company was made, employing prisoners at Fort Madison.229 However, the Twenty-eighth General Assembly passed a law prohibiting the "manufacture for sale [of] any pearl buttons or butter tubs in the penitentiaries of this state" after the then existing contracts should expire.230

In 1903 the law relating primarily to the employment of prisoners in the State stone quarries adjacent to Anamosa was broadened, allowing able bodied convicts to be sent to either Fort Madison or Anamosa and "there confined and worked in places and buildings owned or leased by the state outside of the penitentiary enclosures".231 Thus the act legally extended the confines of the penitentiaries. It came as the result of a decision of the Supreme Court of Iowa that a prisoner concealing himself in a quarry and subsequently escaping was not guilty of breaking and escaping from the penitentiary.232

The establishment of the reformatory carried with it the
proviso that inmates should be employed only on State account and that such employment should "be conducive to the teaching of useful trades and callings so far as practicable, and the intellectual and moral development of the inmates".233

The same year it became permissible to utilize convict labor in caring for the houses and premises occupied by the wardens, and for domestic service, but not more than two prisoners may be so used at any one time.234

In 1913, legislation enacted obviously for the benefit of the penitentiary and reformatory made it possible for able-bodied male prisoners in the penal institutions of the State to be employed on highways and public works.235 However, the labor is not to be leased to contractors nor are any prisoners allowed to be so employed whose character and disposition make it probable that they would try to escape, become unruly, or break the law. If the health of the prisoner is liable to be injured, or if he objects to the work, he cannot be required to do it. Prisoners working on the roads or public works are under the custody of the warden of their institution, even though they may be controlled by the honor system, and he designates the necessary guards and officers to go with them. It is the duty of the warden and the Board of Control to prescribe the conditions and manner of keeping and caring for the prisoners while they are away. Conspicuous or ridiculous clothing is not allowed to be worn. For the violation of
any rules, for lack of industry, for acts of immorality, or if likely to escape a prisoner may be summarily returned to the prison.

Work on the highways is under the supervision of the State Highway Commission but the county board of supervisors or other local officials make the terms of the contract with the Board of Control. The State is paid a certain compensation for this labor, and the prisoners are allowed such part of their earnings, over the cost of maintenance, as is deemed equitable. Part may be deducted and sent to the family or persons dependent upon the convict and the rest, except what is allowed for current expenses, is deposited in the bank and given to the prisoner on his release.

An odious and obsolete requirement was abolished when the Thirty-fifth General Assembly struck out from the law in the Code relating to stone breaking, the clause, "with hammers into pieces of not more than two and one-half inches in diameter".

Treatment

The plight of the convict is far from being as hard as it once was. More and more the spirit of reform has entered and tempered the treatment of criminals. In the Code are such provisions as the purchase of books with the twenty-five cent fees collected from visitors, except relatives and those
legally authorized to view the precincts of the prisons, the temporary removal of sick persons in case of a pestilence in the penitentiary, the separation of those under eighteen years of age from the other convicts, except when at work. Upon entering the prison the property of the convict on his person is removed and kept until he is released, and if any of it consists of money it is placed at interest for him unless disposed of according to law. When discharged an inmate of a penitentiary is given a ticket to the place nearest his home, a suit of common clothes, and from $3 to $5 at the expense of the State. If the conduct of the prisoner while in the penitentiary warrants it, the Governor may restore all his rights of citizenship. In case of a convict resisting the authority of an officer, or if there is an insurrection at the penitentiary, such an officer, and in the latter instance any person, may use weapons to enforce obedience, while to wound or kill a rebellious convict is justifiable.

Since the Code the use of fees from visitors has been a subject difficult of satisfactory determination. In 1900, seventy-five percent of such receipts was authorized to be spent for the purchase of books and periodicals and twenty-five percent for lectures, concerts, or entertainments for the prisoners.
Evidently the public was more curious than was anticipated for in 1904 the law was changed to the effect that such funds might be used to buy books and periodicals for other State institutions under the Board of Control as well, and the proportion to be used for lectures, concerts, or entertainments of the prisoners was reduced to ten per cent at the discretion of the Board of Control. But this arrangement did not work to good advantage and since 1913 the money collected from visitors in the penitentiary and reformatory has been applied "in the purchase of books, periodicals, newspapers, and furniture and furnishings for library and reading rooms, and for lectures, concerts and other entertainments and musical instruments and musical supplies for the institution for which it was collected." If there is a surplus it is transferred to the support fund.

In the Iowa Industrial Reformatory for Females, which has not yet been opened, women or girls are to be "instructed in piety and morality, and in such branches of useful knowledge as are adapted to her [their] age and capacity, and in some regular course of labor, as is best suited to her [their] age, strength, disposition, and capacity, and as promises best to secure the reformation and future well-being of the inmate, and to that end the board of control is authorized to establish, and cause to be operated, in such institutions, schools for education and industrial training".
The Board of Control has been assigned the duty of seeing to it that wardens provide "adequate and ready" means of protection against fire, construct proper means of escape, and enforce rigid rules and regulations in order to minimize the danger of fire.242

Besides what is required in the statutes, the Board of Control and wardens have made rules and regulations tending to better the condition of the prisoners. A good instance is furnished by cessation of the issue of tobacco rations and the substitution of butter instead.243

Escape

In the Code of 1897 there are two sections relating directly to the escape of convicts from the standpoint of the criminal himself. The one provides that an escaped prisoner shall be reincarcerated and his term extended as much as five years, and the other, that the warden must endeavor to apprehend an escaped convict and may offer a reward of as high as $50 for his delivery.244

The first of these sections was amended when the limits of the Penitentiary were legally made to include places and buildings owned or leased outside of the penitentiary enclosures, or public roads used in going to and from such places of employment, so that an escape from these places could be regarded as prison breach also.245 Provision was made in 1900 that
the costs and fees of prosecution should be paid by the State if the prosecution fails, or if they cannot be collected from the person liable to pay them.246

The section was finally revised in 1913 to bring it into harmony with the laws allowing prisoners to be used on the highways, the reformatory system, and the method of parole. Now a prisoner is considered to have escaped from the penitentiary or reformatory if he leaves without authority any place whatsoever in which he is placed and "it is not necessary that the prisoner be within any walls or enclosure nor that there shall be any actual breaking nor that he be in the presence or actual custody of any officer or other person." Even if a person on parole should leave the territory within which the terms of the parole restrict him without the written consent of the Board of Parole, or if he violates any other condition of his parole, he is deemed to have escaped.247 The penalty for escape has remained the same.

Another class of legislation relating to the escape of prisoners is from the angle of those who aid or permit it. In the Code of 1897 the penalty of from one to ten years in the penitentiary is prescribed for a jailor or officer who voluntarily allows a prisoner, charged or convicted of felony punishable by life imprisonment, to escape, a fine of not more than $1000 or eight years in the penitentiary
is established for allowing the escape of one charged or convicted of any other felony, and a fine of not more than $1000 and a sentence of five years in the penitentiary may be imposed for permitting the escape of one charged or convicted of any public offense.

If a person assists a prisoner who is held for felony, to escape from the penitentiary or jail, or forcibly rescues one detained upon any criminal charge, he may be imprisoned in the penitentiary not more than ten years, or fined not more than $500 and imprisoned in the county jail not more than one year. Any person helping a prisoner, held for any criminal offense other than felony, to escape, or conveying to him means of escape is subject to imprisonment in the county jail not exceeding a year, or to a fine not exceeding $500, or to both the fine and imprisonment. For aiding a prisoner to escape from an officer the maximum penalty is a $1000 fine and imprisonment in the penitentiary for five years.

In 1904 an act was passed making it an offense against public justice, punishable by imprisonment in the penitentiary not more than five years, to pass in or attempt to pass in to any penitentiary, reformatory, or grounds or places used in connection therewith, any opium, morphine, cocaine or other narcotic or any intoxicating liquor, or any firearm, weapon
or explosive, or any rope, ladder, or other device for making an escape. This law was made more inclusive in 1913 by making it an offense punishable by imprisonment in the penitentiary or reformatory not more than five years, or by a fine of from $100 to $1000 to place any drugs, liquors, weapons, or explosives where they are likely to be found by the prisoners. In both laws, to find any of the above articles in these places was considered presumptive evidence that they were there for the prisoners.

Parole

While the Governor has always been privileged to grant reprieves, pardons, or commutations of sentence the first instance, since 1897 at least, of a system of parole was in 1900 when the Iowa Industrial Reformatory for Females was established by law. At that time the Board of Control was given power to order the parole of an inmate for "good conduct and for proficiency in studies". However, it is to be remembered that this institution has not yet been put into operation and now the Board of Parole created in 1907 would have jurisdiction. That body may establish rules and regulations under which paroles may be granted by it to prisoners in the penitentiaries, other than those serving life terms. It is the duty of the clerk of the district court making the commitment to furnish data to the Board of Parole concerning
the trial and facts discovered at that time which may guide it in the parole of convicts. A parole enables the prisoner to go outside of the enclosure of the penitentiary but does not release him from legal custody and he may be reimprisoned at any time. None can be paroled until arrangements have been made for their employment or maintenance for at least six months. It is the duty of peace officers to assist in returning paroled prisoners when so authorized. If the terms of the parole are violated the time the convict is absent does not apply on his sentence.

Unless provided for in their rules the Board of Parole may not receive unsolicited a petition for parole. When sent out on parole, a prisoner is to be furnished with clothing, money, and transportation as if he were discharged, but if he is discharged while on parole then no further aid is given.

Since 1909 the Board of Parole, upon the recommendation of the trial judge and county attorney, has been able to parole, after conviction and before commitment, persons not previously convicted of a felony.

Pardons

The pardoning power of the State is vested in the Governor. He may commute any death sentence to one of life imprisonment, but, prior to 1911, before a pardon could be granted in the
case of murder in the first degree the Governor was obliged to act upon the advice of the General Assembly, and before he could present such a proposition to that body he was required to publish his reasons for granting the pardon in a paper published in Des Moines and one published in the county where the conviction was had, for four consecutive weeks and the last issue twenty days before the General Assembly convened. When application for a pardon, reprieve, commutation, or the remission of a fine was made, under the law in the Code, the Governor could require information from the trial proceedings or persons having testimony to offer. Returns of the execution of the order of the Governor were to be made immediately to the Secretary of State. 255

When the Board of Parole was created it became one of its duties to investigate all applications for pardon, under the direction of the Governor. However, unless it is provided for in the adopted rules of the Board, that body may not receive unsolicited any petition, communication, or argument in regard to a pardon. It is likewise the duty of the Board of Parole to keep in touch with paroled convicts and if one has served twelve months of his parole acceptably, and promises well for the future, it may recommend his release from the rest of his sentence. 255

This arrangement antiquated the system of laying before the General Assembly the proposition of pardoning first degree murder convicts, so that in 1911 the same process was made to apply to the Board of Parole instead of the legislature. 257
Juvenile Delinquents

Juvenile Court

In Iowa the juvenile court was established in 1904. At that time the district court was "clothed with original and full jurisdiction" to sit on cases involving children under sixteen years of age not in an institution or charged with the commission of offenses punishable with life imprisonment or death, and any such case appearing in a justice of the peace or police court must be at once transferred. The juvenile court is open at all times for business, but cases requiring notice and a definite place of trial must be held in term time.

For juvenile court purposes a dependent or neglected child is defined as one who is "destitute or harmless or abandoned; or dependent upon the public for support; or who has not proper parental care or guardianship; or who habitually begs or receives alms; or who is found living in any house of ill fame, or with any vicious or disreputable person; or whose home, by reason of neglect cruelty or depravity on the part of its parents or guardian or other person in whose care it may be, is an unfit place for such child; and any child under the age of ten years, who is found begging, or giving any public entertainment upon the street for pecuniary gain for self or another; or who accompanies or is used in aid of any person so doing; or who, by reason of other vicious, base or
corrupting surroundings, is, in the opinion of the court, within the spirit of the act."

A delinquent child is one under the age of sixteen years who "violates any law of this state, or any city or village ordinance; or who is incorrigible; or who knowingly associates with thieves, vicious or immoral persons, or who is growing up in idleness or crime; or who knowingly frequents a house of ill fame; or who patronizes any policy shop or place where any gaming device is, or shall be operated; or who habitually wanders about any railroad yards or tracks, gets upon any moving train or enters any car or engine without lawful authority."

In order that the court should be of still more practical value the act provided for the appointment of "one or more discreet persons of good character" to serve as probation officers, without public compensation. It is their duty to investigate cases brought before the court, represent the interests of the child on trial, furnish information and assistance to the judge, and take charge of the child before and after trial if so directed by the court.

Any reputable person, a resident of the county, may file with the clerk of the district court a petition in writing setting forth that a child is dependent, neglected, or delinquent. Thereupon the person having control of the child
is summoned to appear before the court with the child, and failing to do so may be held for contempt of court. A warrant may be issued for the child if necessary. A relative or some other person suitable to act in behalf of the child is notified of the proceedings. If the child is tried in a summary manner all persons not necessary to the hearing of the case may be excluded, but the probation officer must be present at all hearings.

If the child is brought before the court charged with the commission of a crime not punishable by death or life imprisonment, on demand he must be given a trial for the commission of the offense, and if the penalty for such an offense exceeds a fine of $100 or imprisonment for thirty days the court must make a preliminary examination, according to the rules for such an examination before a magistrate.

If the child cannot give bail he may be detained with the person in charge of him or kept in a suitable place provided by the city or county, but no court nor magistrate may commit a child under sixteen to a jail or police station. If the case is such that it may not be tried on indictment a peace officer may be instructed to file information against the child and the court then proceeds to try the case before a jury of twelve men. The same rules govern such a trial as prevail in the district court.
When a child is found guilty of a crime not punishable by life imprisonment or death the juvenile court may exercise discretionary powers as to conviction. A dependent or neglected child may be committed either to a suitable State institution, to the care of some reputable citizen, to some association whose purpose it is to care for dependent and neglected children, and when the health of the child requires, to some hospital for treatment. In case the child is committed to the care of an association or individual he becomes a ward of that association or individual and may be adopted out or placed out with or without indenture. Any person having control of a dependent or neglected child may enter into an agreement with an association or institution whereby such an association or institution assumes the same relation toward the child as though the court had formally committed the child without such an agreement.

In the case of a delinquent child commitment may be made to the child's own or some suitable family home subject to the custody of the probation officer, to whom periodic reports must be made, and subject to hearings before the juvenile court from time to time; or the commitment may be to an Industrial School; to any institution in the county that may care for delinquent children or any association caring for dependent or neglected
children that will receive it. No term of commitment may extend beyond majority. The child may be paroled from institutions for delinquent children by the board of managers and discharged therefrom by the court. In committing a child the court is to place it so far as practicable with an individual or association having the same religious belief as the parents of the child.

If upon investigation the parents of a dependent, neglected or delinquent child are found to be able to support it, the court may enforce an order obliging them to do so.

The act placed all institutions and associations having charge of juveniles under the supervision of the State Board of Control and provided that the juvenile court and these institutions should make annual reports to the Board.

Since the original law was passed there has been some change in the courts having jurisdiction over juveniles. In 1905 superior courts in cities were given concurrent jurisdiction with the district court in that county. The only difference is that in superior courts a jury trial is held before six instead of twelve jurors.

When the law relating to the punishment of contributory dependency was passed, the duty of the juvenile court to investigate and enforce the care of a child by a parent or persons in loco parentis was made more explicit and mandatory.
It may now aid a parent in the "care, custody, maintenance, education, medical treatment and discipline" of a child if it is deemed necessary. 262

A new feature was added in connection with the juvenile court law in 1907 when, in counties having a population of over 50,000, 263 the board of supervisors was instructed to provide a suitable detention home and school for dependent, neglected, and delinquent children. 264

On account of these changes the importance and duties of the probation officers were increased. In 1907 the district court in a county having a population of over 50,000 was given authority to appoint not more than two persons for probation officers. They were vested with all the powers and authority of sheriffs and allowed a maximum salary of $75 a month and expenses while on duty. In order to provide the detention home and pay the probation officers, these counties were empowered to levy an additional tax of one mill on the dollar. 265

When superior courts were given juvenile jurisdiction it was provided that the regular probation officer for the district court should act for the superior court when it was located in the county seat. But if the superior court is located in a city other than the county seat and in a county of over 50,000 population 266 then the judge may appoint a probation officer with the same powers and compensation as the probation
officers of the district court in such a county. District courts acting as juvenile courts in counties of over 50,000 have been allowed to appoint as many as four probation officers since 1911.

Industrial Schools

For the purpose of taking proper care of juvenile incorrigibles and criminals the Code of 1897 provides "The industrial school located at Eldora, with a department for girls at Mitchellville". But ever since the establishment of the Board of Control in 1898 the School with its department for girls has really been two separate institutions and in recognition of this fact the Thirty-fifth General Assembly declared them "separate and distinct", giving them the name "Iowa industrial school for boys" and "Iowa industrial school for girls".

The government of the Industrial School and the appointment and removal of officers was in the hands of a board of five trustees, but the institution was of course transferred to the jurisdiction of the Board of Control in 1898. Consequently in the acts of the following legislature there are to be found several amendments and repeals in respect to administration.

In 1897 the members of the board of trustees were to visit the Industrial School once a month and, together with the superintendent, report to the Governor separately every two years, but since 1900 the superintendent has simply reported to the
Board of Control annually or upon request. 273

To accord with the system since the Board of Control has been in existence, the Code was amended in 1900 giving the superintendent power to appoint subordinate officers and removing the requirements that he should give bond and keep the books and records of the institution. 274 He still retains the duty to "discipline, govern, instruct, employ, and use his best endeavors to reform the pupils in his care, so that, while preserving their health, he may promote, as far as possible, moral, religious and industrious habits, regular, thorough and progressive improvement in their studies, trade and employment." 275

The functions of the Industrial School are enumerated in the Code. Boys and girls are to be "instructed in piety and morality, in such branches of useful knowledge as are adapted to their age and capacity, and in some regular course of labor, either mechanical, agricultural or manufactural, as is best suited to their age, strength, disposition and capacity, and promises best to secure the reformation and future well-being of the pupils." The effects of alcoholic drinks, stimulants, and narcotics are also taught. 276

The Code provided that children between seven and sixteen years of age and of sound mind could be committed to the Industrial School until they arrived at "majority" by any court of
record, if the crime did not consist of murder. If, how-
erver, the child was thought to be an unfit subject for the School or if he should appeal from the decision of confinement, the judge was to return such a child to the magistrate, to be dealt with according to law. The establishment of the juvenile court in 1904 did not change in effect the method of procedure. The exigency of a parent or guardian complaining that a child is vagrant, disorderly, or incorrigible is met by the court being able to order, with the consent of the parent, such a child, innocent of crime, to be sent to the Industrial School until he or she attains the age of majority, but the parent or guardian must guarantee the payment for the trial, transportation to, and support at the Industrial School. 277

In 1898 the term "majority" was changed to twenty-one in reference to the age that a child could be retained in the Industrial School, 278 but upon the recommendation of the Board of Control in 1899 279 this item was restored as it was in the Code, fixing the age of discharge at eighteen for girls and twenty-one for boys. 280 However, the very next legislature re-established the age limit at twenty-one for both boys and girls, 281 and so it has remained.

The ages between which a child could be committed to the Industrial School for a crime were changed in 1900 from seven and sixteen to nine and sixteen, and at the same time
married women, prostitutes, or any pregnant girls, eligible on account of crime, were excluded. In the case of children voluntarily committed, age limits were prescribed for the first time and were set at seven and sixteen. Six years later girls aged from nine to eighteen were allowed to be committed if on account of crime and criminal boys between nine and eighteen have been eligible since 1909. At this time the age limit of sixteen for children voluntarily committed was also raised to eighteen for both boys and girls.

In 1911 the law dealing with commitment was repealed and rewritten. Now the age limits between which a child may be sent to either Industrial School are ten and eighteen, whether on account of crime or voluntary confinement. With all commitments the judge must send a statement of the nature of the complaint, the date of birth, the habits and environment of the accused, arrests for misconduct, influence and conduct of the members of the family, the substance of the evidence, and such other particulars as have been ascertained. Neither is it any longer possible for married women, prostitutes, and pregnant girls to enter the Industrial School through voluntary commitment.

Primarily to furnish a place for such women and girls the same legislature provided that a girl of the right age to be sent to the Industrial School could instead be placed in any reputable institution in Iowa devoted to the detention
and reformation of wayward and fallen girls, having regard as far as possible for the religious belief of the parents. Such an institution thereafter is subject to supervision by the Board of Control and must make annual reports to the Governor. 286

Before the Board of Control was created 287 the board of trustees for the Industrial School had power to bind out boys and girls, with the consent of the parents or guardian, by written indenture and for any length of time not exceeding the term of their commitment. Careful watch was to be kept and if the obligation were not faithfully observed the indenture could be cancelled and the child returned to the School. 288

In 1908 this section in the Code was repealed and rewritten in order to protect children from being returned at the end of their term to influences and treatment "tending to induce them to lead dissolute, immoral or vicious lives," the superintendent, with the consent of the Board of Control, was empowered to bind such children out until they reached the age of majority. The article of agreement, signed by the superintendent and the parties taking the children, and approved by the Board of Control, were to "provide for their custody, care, education, maintenance and earnings". In case these conditions were not fulfilled the child might be removed by the Board of
Control but other persons not a party to the agreement could assume or exercise no control over the child or its earnings, which were to be used exclusively for the benefit of the child. Should legal proceedings become necessary to enforce these provisions it devolved upon the county attorney in the county where such action was instituted, to act in behalf of the superintendent at his request.

Again in 1911 the section was repealed and rewritten but the only changes were, to make it possible for the superintendent to bind out until they reach majority, not only children who, upon discharge, will return to a bad environment, but any one committed to the School; and to present a clearer statement of what may be done with a child in case the provisions of the agreement of indenture are violated.

The Code provided that if a child kept at the School on account of having committed a crime should prove unruly, incorrigible, or detrimental, the board of trustees could return it to the county where proceedings were to be resumed as though commitment had never been made. The same power was given to the Board of Control over all inmates of the Industrial School in 1900.
Before 1902 a boy or girl in the Industrial School could not be discharged until they had been there one year, but at any time after that. Parole could be granted on satisfactory evidence of reformation. When bound out or released the boy or girl was completely free from the penalties of the offense for which the commitment was made. The Twenty-ninth General Assembly, however, gave the Board of Control power to, "in exceptional cases, discharge or parole inmates without regard to the length of their service or conduct, when satisfied that the reasons therefor are urgent and sufficient." In regard to escape the Code simply provided that "Whoever unlawfully aids or assists any inmate lawfully committed to the industrial school in escaping or attempting to escape therefrom, or knowingly conceals such inmate after escape, shall be punished by a fine not exceeding one thousand dollars, or imprisonment in the penitentiary not exceeding five years." While this section has never been repealed nor amended it would seem that it has been superseded and made more inclusive by the law passed in 1913 making the penalty for bringing drugs, liquors, weapons, or articles designed to aid escapes into any Industrial School of the State a maximum term of five years in the penitentiary.
In 1897 the Industrial School was allowed $10 a month for each boy and $11 a month for each girl actually supported, figuring on the average number for each month. The Twenty-seventh General Assembly reduced this allowance to $9 and $10 a month respectively. The Twenty-eighth General Assembly changed the method of drawing the support fund in order to harmonize it with the system under the Board of Control, and raised the monthly allowance for girls from $10 to $12. The Twenty-ninth General Assembly increased the monthly apportionment for boys to $10 again. The Thirtieth General Assembly made the support fund for girls $13 apiece for each month.

But the height of the monthly proportion of support for each child was reached in 1906 when the Thirty-first General Assembly placed it at $13 for boys and $16 for girls. The same act provided that when the average number of boys should fall below 500 in any one month that department should be accredited with $5500 and when the average number of girls was less than 200 during any month that department should receive $3000. One thousand dollars and $400 were also appropriated to be used for dental work in the boys' and girls' departments respectively.

In 1911 the law was changed so that if the average
number of boys in any month should fall below four hundred and seventy the department would be accredited with $6100 and in the girls' department if the number should go below two hundred and twenty-five, $3600 was to be appropriated. 306

The same legislature made it possible for girls to be committed to institutions whose purpose it was to detain and reform wayward and fallen girls, and provision was made that such institutions should be paid the regular monthly allowance of $16 for the support of each girl by the county where she had legal settlement. 307

Once more the minimum monthly fund was changed so that if the average number of boys any month should be less than four hundred and eighty the School for boys is accredited with $6840 and if the average number of girls any month should be less than two hundred and thirty-five that School is given $3760 regardless of its population. 308

Before 1898 the salaries of the officers in the Industrial School were determined by the board of trustees but the Twenty-seventh General Assembly by statute established a salary of $1800 a year for the superintendent at Eldora and a stipend of $1200 a year for the superintendent at Mitchellville. 309

The next legislature appropriated $350, or $12.50 a month for the twenty-eight months ending June 30, 1902, to pay for the services of chaplains in the department of the
Industrial School for girls. In 1906 the salary of the superintendent of the department for girls was raised from $1300 to $1800.

Workhouses

Cities have power to establish and maintain within their limits or those of the county "a house of refuge, or a house of correction and a workhouse, or either of them", to detain those who violate city ordinances. If there is a house of refuge children under sixteen may be committed to it, but persons over sixteen are sent to the house of correction and the workhouse.

Vagrants

Vagrants, constituting a third class of delinquents, are defined in the Code of 1897 as "All common prostitutes and keepers of bawdy houses or houses for the resort of prostitutes; all habitual drunkards, gamesters or other disorderly persons; all persons wandering about and having no visible calling or business to maintain themselves; all persons begging in public places or from house to house, or procuring children or others so to do; all persons going about as collectors of alms for charitable institutions under any false or fraudulent pretenses; all persons playing or betting in any street or public or open place at any game
or pretended game of chance, or at or with any table or instrument of gaming". 313

This definition was rewritten in 1911 describing the class a little more exactly. The first clause was made to read, "All common prostitutes and keepers of bawdy houses or houses for the resort of common prostitutes". Persons wandering about with no visible means of maintenance were further qualified as those "lodging in barns, outbuildings, tents, wagons or other vehicles". Instead of "procuring", the law now reads "inducing" children or others to beg. Those "representing themselves" as collectors of alms for charitable institutions under fraudulent pretenses are vagrants. 314 "All persons camping on any public highway for the purpose of trading horses" were included as vagrants in 1913. 315

Vagrants may be arrested by any peace officer, brought before a magistrate, and required to guarantee on security their good behavior for one year. They may be committed to jail until such security is given. Should they break their pledge new security may be required or they may be put in the county jail for a term not exceeding six months. The district court may sentence vagrants to hard labor, and the earnings of the vagrant so confined are divided equally between him and the county. 316 Necessary care of the sick
and disabled and one night's lodging for apparently deserving persons may be furnished by the board of supervisors.

Tramps are designated as being particularly undesirable and special provisions are made concerning them. "Any male person sixteen years of age or over, physically able to perform manual labor, who is wandering about, practicing common begging, or having no visible calling or business to maintain himself, and is unable to show reasonable efforts in good faith to secure employment, is a tramp."

Such a person is to be punished by imprisonment in the county jail; if at hard labor ten days, if in solitary confinement five days. However, should a tramp refuse to work he may be placed in solitary confinement for ten days or until his term expires. During that time he is to be fed on bread and water. The use of any tobacco, intoxicating liquors, sporting or illustrated newspaper, cards, or other article of amusement or pastime by an imprisoned tramp is forbidden. Any intimidation or other misconduct on the part of a tramp, for which no greater punishment is provided, is regarded as a misdemeanor. Tramps assembling or congregating together are tried jointly.
Legislation in Regard to Pensioners

Turning now from those classes with whom the receipt of aid or care from the public bears a sting of reproach to one with whom it carries rather a sense of honor and respect, the pensioners, it is found that, aside from the soldiers and sailors who are rewarded by the Federal government, mention of this class is conspicuous by its absence in the Code of 1897. The only State legislation in force at that time referred to the pensions granted by the United States. Such pensions, pensions granted by any of the several States, "or salaries, or payments expected for services rendered", were not subject to taxation. Neither was any money received as a pension from the United States government, nor any homestead of a pensioner purchased with such pension money, subject to execution; not even for debts contracted prior to the purchase of the homestead. Since the Code the only regulation of Federal pensions has been in connection with the inmates of the Soldiers' Home.

Indeed it was not until 1909 that Iowa authorized any pensions to be granted from public funds. In that year it was made possible to retire both firemen and policemen from service on pensions. Both these acts are identical in
the method of awarding the pensions, the amount of the
tax levy, the monthly allowance, and in all points which
the two occupations possess in common. Since the estab­
lishment of firemen's and policemen's pensions however,
amendments have somewhat modified their similarity.

Firemen

All cities and towns, including those governed under
special charters, if they have an organized fire department
may, and if it is a paid company, must levy a one-half mill
tax annually on all taxable property in the city or town
in order to create a firemen's pension fund. This fund
may be augmented by gifts, grants, donations, devises, and
bequests, and by fees or emoluments except personal rewards,
membership, and annual dues from the members of the department.
The membership fee may not exceed $5 and the annual dues amount
to one per cent of the annual salary of the member. This
fund is entirely separate from other city finances and can
be used for no purpose other than that for which it was
levied, although at the end of the fiscal year any surplus
may be invested in government bonds. All payments must be
upon warrants and an annual report is made to the city clerk.

The firemen's pension is administered through a board
of trustees composed of the chief of the department, the
city treasurer, and the city solicitor or attorney, who serve without compensation.

The original act contemplated two classes of firemen: paid members of a department and voluntary or call members. For the regular paid members the amount of the pension was fixed, but for the voluntary members it was left to the discretion of the board of trustees. Pensioners are retired both on account of injuries sustained and services rendered. To entitle a fireman to a pension it was necessary that an injury received while in the performance of his duty should be such as to render him physically or mentally permanently unfit for further duty as a fireman. Then if he were a paid member he was retired on a monthly pension equal to one-half of his monthly salary at the time he was injured.

Upon application a member who had served in a certain fire department for twenty-two years, the last five of which had been continuous, could be retired on the same pension by the board of trustees if it were found that he was unable to perform the duties that might be assigned to him or if he had reached the age of fifty-five. This provision did not apply to volunteer members, although as the section was rewritten in 1913 it would seem that voluntary members are included under all provisions of the law and can be retired for service on a pension fixed by the board of trustees.
The age limit of retirement for service was reduced in 1911 to fifty years, and in 1913 the five continuous years of service qualification was removed, but the proviso added that any fireman retired on account of having served twenty-two years in a department should not receive a pension until he was fifty years of age. Five years of service in the department is now required before a pension will be granted for disability contracted while the person is not engaged in the performance of duty or as a result of following the occupation of a fireman.

Light duties may be assigned to retired members by the chief of the department, and members retired on account of injury are subject to reexamination at any time, but remain on the pension roll until reinstated in the department.

Should a retired or active fireman die, his surviving widow, so long as she remains unmarried and of good moral character, is entitled to $20 a month, and if there are children less than sixteen years old an allowance of $6 a month for each of them is paid until the total for the family amounts to one-half of the fireman's monthly salary when he retired or died. If there is no widow or minor children, $20 a month may be paid to the dependent father and mother or either of them. Under the original act if a fireman in active service died from causes other than injury in the
performance of his duty or disease contracted as a result of his occupation no pension could be granted to his dependents.

Another clause of the original act which was omitted in 1913 was one providing that if the funds became insufficient at any time, only proportional pensions should be granted with no liability for unpaid portions.

These pensions are exempt from liability for debts and not subject to seizure. Neither can the right to a pension be forfeited except by conviction for felony.

The plan went into operation January 1, 1910.

Policemen

The policemen's pension fund is also provided by an annual levy of a one-half mill tax in all cities and towns having an organized police department, including special charter cities. As with the firemen's pension fund, membership fees of not over $5 and annual dues of one per cent of the annual salary of the member help to swell the budget. Gifts and bequests are also very acceptable. All disbursements are upon warrants, an annual report is made to the city clerk, and any surplus at the end of the fiscal year may be invested in government bonds, although the fund can be used for no purpose other than policemen's pensions.

The granting of pensions to policemen under the act of
1909 was merely permissive but the next legislature made it compulsory.327

Policemen's pensions are administered by a board of trustees composed of the chief of the police department, the city treasurer, and the city solicitor or attorney, serving without compensation.

A policeman becomes entitled to be retired on a pension of one-half of his monthly salary at the time he quits the service if he is permanently mentally or physically disabled while engaged in the performance of his duty or if he has served for twenty-two years, the last five of which have been continuous, in a certain police department, becoming unfit for further service or having reached the age of fifty years during that time. A policeman retired on account of an injury may be reexamined at any time, and if found to be recovered, after a hearing, the pension may be discontinued upon his reinstatement in the department. Light duties may be required of retired members in emergencies.

Should a policemen die from injuries received from his occupation or should a retired one succumb, his widow gains a right to $20 a month from the pension fund, so long as she remains unmarried and of good moral character, and for each child under sixteen years of age the sum of $6 a month
may be claimed until the total for the family reaches the amount of one-half of the monthly salary of the husband or father at the time he left the service. In case there is no widow or children $30 a month may be granted to the dependent parents or either of them.

If at any time the pension funds become insufficient, proportional payments are made and no liability exists in such a case for unpaid portions. The pensions are not subject to seizure, neither may they be taken for payment of debts. Conviction for felony is the only act which will forfeit the right to a pension. Payment of policemen's pensions also began January 1, 1910.

Mothers

The so-called mothers' pension in Iowa is, in effect, a new form of poor relief, although in theory it is founded on the principle of reward for service. In reality the benefit of the pension devolves upon dependent or neglected children. The law is but an amendment to the powers of the juvenile court.

Presuming that the home furnishes the best environment for rearing children, if the juvenile court finds that the mother of a dependent or neglected child is a widow and so poor as to be unable to properly care for the child but is
otherwise a proper guardian, it may fix an amount not exceeding $3 a week for each child to be paid to the mother by the county board of supervisors until the child reaches the age of fourteen years. For the purpose of the act, any mother whose husband is an inmate of any institution under the Board of Control is considered a widow while he is there.  

Spirit Lake Relief Expedition

The only other instance of a pension from public funds in Iowa is that provided for the members of the Spirit Lake Relief Expedition. Since April 9, 1913, "the survivors of the Spirit Lake Relief Expedition of 1857, as shown by the roster of Iowa soldiers, vol. 6, pages 922-937 inclusive," have received a monthly pension of $20 from the funds of the State Treasury. This pension is to continue during the lifetime of each such survivor.
VI

LEGISLATION AFFECTING LABORERS

Bureau of Labor Statistics

For the purpose of collecting, assorting, and systematizing statistical details "relating to all departments of labor in the state, especially in its relations to the commercial, social, educational and sanitary conditions of the working classes, and to the permanent prosperity of the mechanical, manufacturing and productive industries of the state", there is established in the Code of 1897 a Bureau of Labor Statistics under the control of a commissioner. This Commissioner is appointed biennially by the Governor. Until 1907 his salary was fixed at $1500 annually but in that year it was raised to $1800.

He is allowed a deputy whose salary until 1904 was $1000 annually. The Thirtieth General Assembly raised it to $1200, and since 1907 it has been $1500. Originally the deputy occupied the position of clerk, but in 1904 the Commissioner was permitted to employ a regular office clerk at a salary of $65 a month. The Thirty-second General Assembly decided that the salary of the office clerk should be fixed by the committee on retrenchment and reform, but in 1913 a nominal salary of $1000 a year was again established.
In 1904 the Commissioner of Labor Statistics was allowed the services of a factory inspector whose compensation was to be $100 a month. The Thirty-third General Assembly granted one additional factory inspector, if such should be deemed necessary by the Executive Council. The salary was set at $100 a month. In rewriting this section in 1913, the Thirty-fifth General Assembly provided for three factory inspectors, one of whom was to be a woman. The appointment of a woman as a factory inspector was primarily in order "to promote the health and general welfare of the women and children employees of this state." The salary of factory inspectors remained at $100 a month.

Office and traveling expenses have always been paid by the State but in 1904, on account of the new activity in factory inspection, the limit was raised from $500 to $1500. Another factory inspector was provided in 1909 and the maximum amount allowed for office and traveling expenses was increased to $2000. Finally when the Thirty-fifth General Assembly added the third inspector, $4000 became the utmost that could be used for this purpose.

In 1897 the duties of the Commissioner of Labor Statistics were entirely statistical in character. His reports were to include "the amount and condition of the mechanical and manufacturing interests, the value and location of the
various manufacturing and coal productions of the state, also sites offering natural or acquired advantages for the profitable location and operation of different branches of industry". He was also to compile "such information as may be considered of value to the industrial interests of the state, the number of laborers and mechanics employed, the number of apprentices in each trade, with the nativity of such laborers, mechanics' and apprentices' wages earned, the savings from the same, with age and sex of laborers employed, the number and character of accidents, the sanitary condition of institutions where labor is employed, the restrictions, if any, which are put upon apprentices when indentured, the proportion of married laborers and mechanics who live in rented houses, with the average annual rental, and the value of property owned by laborers and mechanics", and to report the progress and methods of the schools of mechanic arts. 345

In 1903 the field over which the Commissioner was to report was extended to include "the means of escape from, and the protection of life and health in factories, the employment of children, the number of hours of labor exacted from them and from women". 346 He was instructed by joint resolution in 1904 to aid in the collection of statistics of manufacturers for both the National and State censuses. 347
The appointment of a woman factory inspector in 1913 made it possible to include in the labor statistics reports the "sanitary and general conditions under which the women and children are at work in all factories, workshops, hotels, restaurants, stores, and any other places where women and children are employed". Another provision in the same law required a record to be kept and a report to be made to the Commissioner of Labor within forty-eight hours after every accident causing death, or disability for more than four days, in industries other than mines under the mine inspector. 348

This information was to be secured either by correspondence, by testimony of witnesses, or by actual inspection. It was the duty of every "owner, operator or manager" of an establishment employing labor to report information to the Commissioner when requested to do so. Blank forms were furnished and failure to comply within sixty days was punishable by the penalty of a $100 fine or thirty days imprisonment in the county jail. 349 However, the Thirty-fifth General Assembly amended this section by abolishing the prescribed form and requiring that reports be made "within thirty days after the receipt of notice given by said commissioner". 350

The Commissioner can compel witnesses to appear and testify in their own county. For refusing to do so there
is a fine of $50 or imprisonment in the county jail not over thirty days. The expense of such witnesses must not exceed $100 a year, which, prior to 1902, was paid from the contingent fund of the Bureau but since then it had come out of the State Treasury.\textsuperscript{351}

The Code gave the Commissioner power to enter and personally inspect a place only when requested in writing to do so or when two or more persons should make a complaint. To hinder such inspection constituted a misdemeanor punishable by a fine of not exceeding $100 or by imprisonment for not longer than thirty days. In 1902 he was authorized to enforce the laws in regard to employment of children, maintenance of fire escapes, safety precautions, and the preservation of health. Sixty days notice was to be given in case of violation and at the end of that time, if the fault was not repaired, the county attorney was to be instructed to institute legal proceedings.\textsuperscript{352} But not until 1913 were the fetters removed from the hands of the Commissioner to any appreciable extent. He may now inspect a place of employment at his own discretion without a complaint being entered or a request being made.\textsuperscript{353}

The information secured in any way is considered strictly confidential and it is made a misdemeanor to publish the names
of any individuals or firms. Only those factories, mills, workshops, mines, stores, business houses, or public or private works which employ "five or more wage-earners for a certain stipulated compensation" come within the cognizance of the Bureau of Labor Statistics.

There has been a tendency in recent years to enlarge the scope of the Bureau, extending its jurisdiction beyond the mere compilation of statistics. Factory inspection began with the enforcement of the act of 1902 relating to the safety and comfort of factory employees. Next the Bureau was charged with the enforcement of the fire escape law of 1904. The success of the Child Labor Act of 1906 depends largely upon the vigilence of the Labor Commissioner. And finally private employment agencies were placed under the supervision of the Bureau in 1907.

Employment Bureaus

An institution which is assuming an important role in relation to unemployment is the employment agency. It was in 1907 that the first and only Iowa legislation was enacted concerning this business. Cities and towns were given power to "license and regulate all keepers of intelligence or employment offices, bureaus and agencies, as well as all persons doing the business of seeking employment for others,
or giving information whereby employees or employers may be obtained." Fifteen days later another act was approved which prescribed a method for regulating employment agencies that greatly enhanced the probability of enforcement.

A bureau failing to procure employment according to its agreement must return all "money, personal property or other valuable thing", except an amount not to exceed $1 retained as a filing fee. A written copy of the application or agreement must be furnished the applicant for employment at the time of his making application and it must contain the terms for procuring such employment. The division of fees between an employment bureau and an employer to whom an employee has been furnished is expressly prohibited. The Commissioner of Labor Statistics, or his deputy, may, and upon complaint being filed, must investigate the books and records of any employment agency. For violation of any of these provisions an agency may be fined as much as $100 or the person convicted may be put in the county jail for not longer than thirty days.

Wages

In order to protect the laborer, who is ordinarily weaker than his debtor or creditor and to whom the suspension of daily wages would entail privation, laws have been passed strengthening the guarantees of prompt payment. In the Code of 1897 are
provisions which permit a wife to receive wages for her personal labor, "maintain an action therefor in her own name, and hold the same in her own right". Wages may be paid to a minor when the contract for his personal services has been made with him alone, and the parents or guardian cannot recover a second time. Personal earnings of a resident debtor, at any time within ninety days next preceding the levy, are exempt from execution, and wages of non-residents are exempt from garnishment. Finally, judgments in favor of a laborer or mechanic for his wages are not subject to the ordinary law for the stay of execution.

A special provision in the Code of 1897 requiring that the wages of miners should be "paid in money upon demand semimonthly", was amended in 1900 by adding that all wages of miners should be paid semi-monthly "by paying for those earned during the first fifteen days of each month not later than the first Saturday after the twentieth of said month, and for those earned after the fifteenth of each month not later than the first Saturday after the fifth of the succeeding month." After five days following a demand for wages a miner may collect a dollar for each additional day the payment is deferred or refused up to double the amount owed and a reasonable attorney's fee.
Since most of the coal mining is paid for by weight, the Code of 1897 contains provisions for standard scales subject to examination by Mine Inspectors, for a check-weighman appointed and paid by the miners, and for a weighmaster under oath to keep the scales correctly balanced, to accurately weigh, and to record a correct account of the amount weighed of each miner's car of coal. No payment was to be made for any sulphur, rock, slate, blackjack, slack, dirt, or other impurities. Since 1900, however, no weight has been subtracted on account of the presence of slack in the coal.

The final piece of wage legislation in Iowa is that of the Thirty-fifth General Assembly establishing a minimum wage for public school teachers. A uniform wage scale is fixed, based upon the grade of the certificate. For teachers having first grade certificates the minimum daily wage is that amount obtained by multiplying the average grade by three cents. The daily wage of teachers holding second grade certificates may not be less than the product of multiplying the average grade up to eighty-five per cent by two and three-fourths cents, and in the case of third grade certificates the wage is determined by multiplying the general average by two and one-half cents. For a year's experience and attendance at an approved teacher's training school for six weeks, three points of credit are added to the general
average in estimating the salary due. No maximum wage
is set. Any school officer violating these provisions is
subject to be fined from $25 to $100.

Labor Disputes

No approximately adequate method of settling labor
disputes by arbitration was provided in Iowa until 1913.373
It remained for the Thirty-fifth General Assembly to author-
ize the appointment of boards of arbitration and define their
powers and duties.374

Whenever a dispute arises between employer and employees,
unless it is in connection with interstate trade coming under
other boards of conciliation, which has or is likely to cause
a strike or lockout involving ten or more wage earners, either
or both parties to the dispute,375 the mayor of the city,
the chairman of the board of supervisors of the county, twen-
ty-five citizens of the county over twenty-one years of age,
or the Commissioner of the Bureau of Labor, after investiga-
tion, may make written application to the Governor for the
appointment of a board of arbitration. If the application
is made by both parties to the dispute it must state whether
or not they agree to be bound by the decision of the board,
and if so the decision will be binding for one year from the
date of appointment of the board.
Upon receiving the application the Governor requests each party to submit the names of five arbitrators within three days, of which he will choose one from each group. If either of those chosen fails to serve the Governor may appoint a second fit person. Within five days these members recommend a third person who, if for any reason will not act, may be replaced by the Governor. The next step is the organization of the board by the choice of a chairman and secretary.

In the matter of calling witnesses, administering oaths, and enforcing order the board is vested with the same power as the district court. Witness and officers' fees are the same as are allowed in the district court and are paid by the State. However, the board may "accept, admit and call for such evidence as in equity and good conscience it thinks fit, whether strictly legal evidence or not." Ten days are given, unless the time is extended by the Governor, in which to investigate the situation by making a visit to the place of controversy and hearing all persons interested. During this period neither party may engage in any strike or lockout. A written decision of the case is rendered, at once made public, and put on display in the office of the city clerk. Within five days after the completion of the investigation, unless more time is granted by the Governor, a written decision and report of the findings
must be made to the Governor, a copy must be filed with each party to the dispute, another returned to the Labor Commissioner for publication in his report, and a fourth printed in two newspapers in the county.

Each member of the board is allowed compensation at the rate of $5 a day and necessary expenses for the time actually employed. All expenses incurred under the act are paid out of the State Treasury.

Work Accidents

The accidental injury of employees at their work is the cause for an important phase of legislation that affects laborers. Both preventative and remedial laws have been passed in this connection. The former are largely concerned with the inspection of certain hazardous industries, prescribing safety devices, and providing means of escape and protection in case of fire. The latter aim to guarantee to a workman injured in the course of duty some reparation for his economic loss.

Factories

In proportion to the extent of manufacturing in Iowa, precautionary legislation for the safety of factory laborers has been conspicuously meager. It was in 1900 that the Commissioner of the Bureau of Labor Statistics undertook the work of factory inspection and until 1904 was alone with
his deputy in the work. In that year a regular Factory Inspector was provided, still another in 1909, and in 1913 the number was increased to three, one of whom is a woman. The Twenty-ninth General Assembly, as has already been noted, charged the Commissioner of Labor Statistics with the enforcement of the laws in respect to the employment of children, fire escapes, the safety of employees, and the preservation of health. Only since 1913 has it been obligatory to report accidents in factories, and the law is given meaning by affixing a penalty of from $5 to $100 fine and costs for failure to comply.

The only provisions in the Code of 1897 concerning safety appliances in factories related to steam boilers, which were required to be equipped with a steam gauge, safety-valve, and water gauge. The penalty for neglect to supply these accessories was a fine of from $50 to $100. Cities and towns were empowered to provide for the inspection of steam boilers.

An act in 1902 made it the duty of the owner or person in charge of an establishment where machinery is used to furnish "belt shifters or other safe mechanical contrivances for the purpose of throwing belts on and off pulleys, and, wherever possible, machinery therein shall be provided with loose pulleys; all saws, planers, cogs, gearing, belting,
shafting, set-screws and machinery of every description therein shall be properly guarded." All persons under sixteen years of age, and females under eighteen, were forbidden to clean machinery while it is in motion and children under sixteen are not permitted to operate dangerous machinery. This act provided that the State Commissioner of Labor, the mayor, and the chief of police of every city or town should enforce its terms, and anyone failing to comply with those terms within ninety days after being told to do so was to be fined as high as $100 or imprisoned in the county jail not exceeding thirty days.

But in 1911 the law was changed, allowing only thirty days instead of ninety for the installation of safeguards, and further providing that the use of safety appliances should not be perverted so as to destroy their purpose, nor should they be removed except in special instances and then should be replaced immediately after the work is done. A minimum fine was fixed at $5.384.

In 1903 the legislature seriously approached the question of fire escapes in factories. The act which was passed stipulated that the owner, proprietor, or lessee of a manufactory, warehouse, or buildings of all character of three or more stories in height, should provide at least one steel or
wrought-iron ladder attached to the outer wall of the building and equipped with platforms of the same material at each story for every 5000 superficial feet of area or fractional part thereof covered by the building, if not more than twenty persons are employed therein. If more than twenty are employed, there must be two fire escape ladders, or one fire escape stairway, while if there are over forty employees, two such stairways are required, or as many as the chief of the fire department or the mayor of the city shall determine. Failure to meet the requirements of the law within sixty days after notice, is punishable by a fine of not less than $50 or more than $100, and there is a forfeiture of $25 for each additional week of delay. 385

The enforcement of this act was left to local authorities and evidently on that account it availed little for the next legislature (1904) gave the Commissioner of Labor equal authority with the fire chief, the mayor, or the chairman of the county board of supervisors. 387 A new feature added by the same enactment requires that signs indicating the location of fire escapes "be posted at all entrances to elevators, stairway landings and in all rooms."

When the office of State Fire Marshall was created in 1911, it became his duty to investigate all fires and examine, or cause to be examined, with the power of condemnation all
Mines

By far the greatest amount of legislation guaranteeing the safety of laborers has been in connection with the super-hazardous industry of mining. This legislation, however, is confined to relatively few acts, of which the one in 1911 is of prime importance.

Inspection

The law as found in the Code of 1897 provides that the Governor shall appoint three Mine Inspectors from among the candidates nominated by the Board of Examiners, a body composed of five members; two practical miners, two mine operators, and one mining engineer. Besides being able to pass the oral and written examination of the examining Board, candidates were required to possess the further qualifications of being "twenty-five years of age or over, of good moral character, citizens of the state, and with at least five years' experience in the practical working of mines, and who have not been acting as agent or superintendent of any mines for at least six months next preceding such examination." For his services each Inspector was to receive $1200 a year and traveling expenses up to the amount of $500. The term of office was two years but an inspector could be removed by the
Governor for neglect of duty or malfeasance in office after a hearing before the Board of Examiners demanded by five miners or one or more mine operators.  

There have been some changes in the complexion of the Board of Examiners. The year 1900 saw its jurisdiction extended to the examination of mine foremen, pit bosses, and hoisting engineers working in coal mines whose daily output was over twenty-five tons. This new duty was imposed on account of such employees being required to possess a certificate of competency. The nominal salary of the members of the Board remained the same, that is, $5 a day and necessary expenses while in actual employment, but a proviso was appended limiting the time of employment to seventy days a year.  

The Twenty-ninth General Assembly ordained that members of the Board, except the mining engineer, should hold certificates of competency as mine foremen, and that at least one should be a certified hoisting engineer. All must have had five years of experience. The requirement that one should "hold a certificate of competency as hoisting engineer" was removed by the following legislature however. The Board was given power in 1911 to revoke, after a hearing, certificates of competency of mine foremen, pit bosses, and engineers
if they should wilfully disobey the Mine Inspector or be convicted of a misdemeanor under the mining act.\textsuperscript{393}

The salary of Mine Inspectors was increased in 1900 from $1300 to $1500 and $750 a year was allowed each one for traveling expenses.\textsuperscript{394} In 1907 the salary was raised to $1800 a year,\textsuperscript{395} and $15 a month was allowed each Inspector for office expenses in an act of the Thirty-fourth General Assembly.\textsuperscript{396} Mine Inspectors were appointed for a term of three years in 1913\textsuperscript{397} but the Thirty-fifth General Assembly made the period of incumbency six years.\textsuperscript{398} The Governor's power to remove State officers extends to State Mine Inspectors although the regular process would be through the recommendation of the Board of Examiners.\textsuperscript{399}

For the purpose of inspection the State is divided into three districts, one for each of the Inspectors. The Code of 1897 assigned to the Mine Inspector the duty of examining all the mines in his district as often as time would permit, with a view to finding the "extent and manner in which the laws relating to the government of mines and their operation are observed and obeyed, the progress made in improvements for the better security to health and life, number of accidents happening and their character, the number employed, and such other and further matters as may be of public interest and connected with the mining industries of the state." He was also to see
to it that the weighing apparatus of mines was kept adjusted. For the purpose of performing these duties he was given the right to enter any mine by night or day.

A law passed in 1902 made inspection at least once in six months mandatory in mines having a daily output of fifty tons or more of coal. Since the duties of Mine Inspectors have been extended to include the determination of competency in shot examiners, the enforcement of the child labor law in mines, and inspection of gypsum mines every six months.

The law requires Mine Inspectors to make biennial reports to the Governor by August fifteenth preceding the regular session of the General Assembly. Besides including all information that may be deemed useful, these reports are to contain suggestions for legislation. Since 1911 this duty has been facilitated by the annual reports from mine owners or operators, which contain data regarding the quantity of coal mined and the number of persons employed above and below ground.

There are two sections in the Code of 1897 which regulate the matter of reporting accidents in mines. In the first place mine owners, or persons in charge, must "forthwith, upon the happening of any accident to any miner in or about the mine by reason of the working thereof which causes loss of life," report it to the Mine Inspector and the coroner of the county.
It was the duty of the coroner thereupon to hold an inquest and report his findings to the Mine Inspector.\textsuperscript{407}

Since 1911 any coal mine accident must be reported to the Mine Inspector immediately.\textsuperscript{408} But when the gypseum mining act was passed by the next legislature only the fatal accidents in such mines were required to be reported to the Mine Inspector and the coroner.\textsuperscript{409}

A more extended system of reports is demanded of those employers who choose to come under the Workmen's Compensation Law of 1913. Any accident must be reported to the Industrial Commissioner within forty-eight hours after the employer has knowledge of its occurrence, and a supplementary report must be made at the termination of each sixty day period of disability.\textsuperscript{410}

Maps of the mines are necessary for the Inspector to properly discharge his duties. Consequently, in the Code of 1897 is the regulation that an accurate map of every mine, brought up to date by September first of each year, must be on display in the office of the mine. Should a mine owner fail to have a map brought up to date within sixty days the Inspector may have it done at the owner's expense. An adjoining land owner may require the extent of a mine to be examined when he thinks it necessary to the protection
of his property. A correct map of each worked out or abandoned mine must be delivered to the office of the Inspector.411

Much more elaborate provisions were made in regard to maps by the law of 1911.412 The various details to be contained in the maps and the manner of drawing them so as to show all of the data in its proper relationship were specifically set forth. July first of each year is the date fixed for all maps to be brought up to date, and thirty days are allowed for such maps to be filed in the office of the Inspector. The Inspector is empowered to order a survey of a mine whenever the safety of the workmen, the support of the surface, the conservation of the property, or the safety of an adjoining mine seem to require it. Whenever a person in charge of a mine neglects or refuses for three months to furnish maps to the Inspector he is guilty of a misdemeanor and upon conviction must be fined $100 and committed to jail until the fine is paid, while the Inspector may order maps made at the owner's expense. In 1913 these provisions were adopted for the regulation of gypsum mines so far as applicable.413

Safety Protection

The statute in 1897 dealing with mine exits414 made it necessary to have two distinct openings at all times unob-
structed for each seam of coal worked, if by shaft, separated by not less than 100 feet of natural strata and if by drift or slope, where five or more men are employed, by not less than fifty feet. Traveling ways to escape shafts were to be kept free from water and falls of roof. Escape shafts not provided with hoisting apparatus were to have stairs constructed at an angle of not more than sixty degrees descent and with landings at easy and convenient distances. Air shafts where fans were used for ventilation, and those used as escapes, were to be provided with suitable means for hoisting underground workmen, and no combustible material was allowed between any escape shaft and hoisting shaft except such as was absolutely necessary. When a furnace shaft was used as a means of escape it has to be divided by non-combustible material for a distance of fifteen feet from the bottom and from there to the surface in such a manner as to exclude the heated air and smoke from the side used as an escape shaft. Should an escape shaft be less than one hundred feet from the hoisting shaft an underground traveling way was required to be maintained from the top of the escape for a distance of one hundred feet from the hoisting shaft. If two or more mines were connected underground, the owners were allowed to use each other's hoisting shafts or slopes as escape shafts. No escape shaft could be constructed less
than three hundred feet from the main shaft without the consent of the Inspector. Neither could buildings, except the fan house, be placed nearer the escape shaft than one hundred feet. However, if an escape way were destroyed by the drawing of pillars preparatory to the abandonment of the mine, the above provisions were not to apply, but in such a mine, or any not conforming to the provisions for escapes, not more than twenty men might be employed at one time. Mine owners were given one year in 1897 to comply with the law and at the expiration of that time if their mines were not brought into conformity, operations therein were to be suspended.\textsuperscript{415}

In rewriting the mining law in 1911 the sections treating of escapes were elaborated and some material changes made.\textsuperscript{416} The two openings in shaft mines must now be separated by natural strata three hundred feet in width and those of slope or drift mines by two hundred feet. The stairways in escape shafts must now be at least two and one-half feet wide and fitted with hand rails. Since July 1, 1911, it has been unlawful to build a ventilating furnace shaft in connection with an escape shaft and those so constructed before that time must be closely partitioned. All escape shafts not provided with stairs must have hoisting appliances, separate from the regular hoisting shaft and equipped with a depth indicator, brake on the drum, steel or iron cage, and safety catches and covers on cages.
Escape ways must be ventilated, kept free from ice, accumulations, steam and heated air during the day time, and falling water as far as possible.

If two or more mines are connected underground, upon joint agreement of the several owners, the hoisting shaft, slope, or drift of one may still be used as an escape for the other, but the traveling ways to the boundary on both sides must be kept free and open and the doors unlocked, and when once established such a system cannot be discontinued without the consent of the contiguous owners and the Inspector.

Now, under no circumstances may an escape or ventilation shaft be constructed without the written approval of the Inspector, and that officer may order in extra shafts of like nature to be used only in cases of emergency. From such an order, however, the mine owner may appeal to the district court on an equitable action.

To and from escape ways there must be traveling ways, free from falls of roof, standing water, and obstructions, five feet high and seven feet wide, although in certain instances, with the concurrence of the Inspector, they may be reduced to three feet in height and six feet in width. At all intersections conspicuous signs must be posted directing the way to the escape. Weekly inspection
must be made of traveling ways by the mine foreman or his assistant. Should a difference of opinion arise between the Inspector and the employer or five employees of a mine the case is taken to the district court.

It is unlawful to have inflammable buildings or other material between the main hoisting shafts, slopes, or drifts and the escape exit. Neither is it permissible to store powder where it will jeopardize free egress from the mine in case of fire or casualty in the main shaft, slope, or drift buildings. A year was given by the act in which to construct the escape shafts and exits as provided by law and until that was done not more than twenty men were to be employed in any mine.

In general these same provisions were made to apply to gypsum mines in 1913. There must be two distinct openings, three hundred and two hundred feet apart according to the type of mine, which must be kept unobstructed and free from water. Stairways must be at an angle of not more than sixty degrees descent nor less than two feet in width. All air shafts must be provided with fans for ventilating purposes and no combustible material is allowed between any escape shaft and hoisting shaft. Buildings may not be located within two hundred feet of an escape shaft without the written permission of the Inspector, neither may an escape shaft be constructed without his approval. Two gypsum mines
connected underground may cooperate in the use of each other's hoisting shafts or slopes for escape ways. One year was given for mines to comply with this law.

Signals

It is essential that there should be means of communication between the various parts of the mine and the Code of 1897 provided that all mines operated by shaft or slope where the human voice could not be distinctly heard should be equipped with a metal speaking tube or other means of communication. Amendment was made in 1911 by adding that in cases where mechanical means are used in hoisting or lowering employees a competent person must be stationed at the top and bottom in charge of the signals during the time of raising and lowering employees and for half an hour before and after the ordinary work in the mine is in progress. A regulation code of signals consisting of rings or whistles is prescribed in the law to be used between the engineer and other employees in mines where machinery is operated. This code may be added to with the written consent of the Inspector and must be posted in view of the engineer and at the top and bottom of each shaft. If the working parts of a mine extend three thousand feet beyond the foot of a slope, shaft, or drift a telephone system or like means of communication must be maintained and extended for each three thousand feet of progress. Where traveling ways are used in conjunction with haulage roads that are over one hundred feet
in length there must be a code of signals between the hauling engineer and all points on the road, unless the hauling is done by motor.  \[419\]

Speaking tubes or other means of communication must be maintained in gypsum mines.  \[420\]

**Safety Guards**

Safety precautions, not taken in contemplation of fire or catastrophe but rather on account of the use of machinery, have been necessary. By 1897 it was required that cages used for carrying persons be equipped with a safety catch, overhead cover, and brake on all drums; that there should be a safety gate at the top of each shaft, springs at the top of each slope, and a trail attached to each train used therein; that not more than ten persons should be permitted to ride on one cage at the same time, and no one but the conductor on a loaded car or cage; and that a sufficient supply of timber to be used as props should be kept ready and when required should be delivered to the places where it was needed.  \[421\]

The law of 1911 added that the brake on a drum should be under the control of the engineer without his leaving his post; that flanges on drums should have a clearance of four inches when wound, the two and one-half laps of hoisting cable should remain on the drum when the cage is at its farthest limit; that there should be an index dial showing the position of the cage; that cages should be suspended
between substantial guides; that their covers should be of boiler iron; that no one should ride in a shaft or cage with tools except in repair work; that the speed of a cage should not exceed four hundred feet a minute when persons are carried; nor should any self-dumping cage be used for passengers unless it can be securely locked.  

The same devices are required in gypsum mines.

After twilight, or when the plain view of the top and openings of any shaft are obscured by steam or from another cause, a light other than a torch or open one must be kept burning. Traveling ways must be constructed around the bottom of each hoisting shaft, and for a person, except repairmen, to cross the shaft bottom in any other manner is unlawful. When the Inspector holds that a separate passage way is impractical and a haulage road must be used by employees in going to and fro, unless there is a clear space of two and one-half feet between the car and the wall, refuge places must be cut in the side of the passage, three feet in depth, four feet wide, and five feet high, every twenty yards along the way. A light must be carried on every trip or train of trip cars moved by machinery. All entries used both for draft animals and employees must be substantially eight feet wide, and free from timbers or refuse, except in
the case of long-wall work where the Inspector may determine if such a width is impracticable. 424

Boiler and engine rooms erected since July 4, 1911, have been made of fire proof and not closer to the hoisting shaft, slope, or drift than sixty feet. Material used in the construction of stables in mines must be reasonably non-combustible and no inflammable material may be stored therein except enough hay for one day's use. Gasoline engines and supplies of gasoline therefor, which are limited to twelve gallons, must be located only on a return air current and twenty feet from all traveling ways. Ordinarily they are situated permanently, but in emergencies the Inspector may allow them to be placed temporarily. However, if their temporary location is dangerous regular operations in the mine must be suspended. At least two hand fire extinguishers must be kept ready at all hoisting shafts, air shafts, escape shafts and places of exit, boiler and engine rooms, stables in the mines, and where gasoline engines are used. 425

Shot Firing and Explosives

In Iowa blasting is the customary method of mining. With little or no supervision and in the effort to secure as much coal as possible carelessness prevailed and the disaster at Lost Creek January 24, 1902, was a result. A commission
consisting of two miners, two operators, and one mine
Inspector was appointed to investigate, and with their
report as a foundation, the legislature the same year passed
the law which made it necessary for shot examiners, in mines
where coal was blasted from the solid, to inspect all shots
before they were charged, and it was their duty to prevent the
firing of any that were unsafe.

These provisions were amplified in 1911 making it the
duty of the shot examiner to inspect and mark all dangerous
drill holes, of which a record is to be kept for at least a
week. Shots may not be fired until inspected, and then not,
if condemned by either the shot examiner or mine foreman, and
the mine foreman shall not cause a hole to be charged or a shot
fired that has been condemned by the examiner.

The law of 1911 remedied several other defects in regard
to shot firing. Soil, sand, or clay is now the only sub-
stance that may be used for tamping and that must be delivered
at a place convenient to the workman. Fine coal dust is
very inflammable and often explosive, so to guard against
this danger dust must not be permitted to accumulate along
the roadways which, if dry and dusty, are to be sprinkled at
least once a week and as much oftener as necessary.

No explosives are allowed to be stored in any coal
mine but each miner may have with him two twenty-five pound
kegs of powder and other explosives necessary for one day's use, securely locked in a wooden or metallic box. All powder or explosives must be delivered in the mine by the operator or men employed by him for that purpose, and by electrical process in mines where twenty or more men are employed only when the employees have left the mine. The penalty for the violation of this law is a maximum fine of $100 or thirty days imprisonment in the county jail.

Competent Operators

In order that those employees in mines who occupy positions of grave responsibility should be well qualified for their places, a law in 1900 made it necessary that every foreman, pit boss, and hoisting engineer in mines whose daily output exceeded twenty-five tons should possess a certificate of competency awarded by the Board of Examiners after a satisfactory oral or written examination, or upon proof of the applicant's having been continuously employed as mine foreman, pit boss, or hoisting engineer for four years immediately preceding the examination. An examination fee of $2 is charged and if successful the applicant must pay another fee of $2 for his certificate. For the violation of this act a penalty of a fine of not more than $500, or imprisonment in the county jail not exceeding six months, or both was imposed.

According to the original law vacancies occurring in the
case of a foreman, pit boss, or engineer were to be filled within a reasonable time and in 1909 a "reasonable time" was fixed at thirty days, while the next legislature changed the scheme of rating mines included under this law from those having a daily output of twenty-five tons to those employing five or more persons. For committing a misdemeanor under the mining act of 1911 or for wilful disobedience of the orders of the Mine Inspector, the Board of Examiners may revoke certificates of foremen, pit bosses, and engineers.

When the position of shot examiner in mines was created it was required that they too should prove their competency, but to the Mine Inspector rather than to the Board of Examiners.

The Code of 1897 forbids the employment of boys under twelve years of age in any mine and stipulates that only "experienced, competent and sober engineers" shall be placed in charge of any engine. The mining act of 1911 prohibited any person talking to an engineer on duty and no one besides the engineer is allowed in the engine room except on business. It is further provided that "No persons shall go into, at or around a mine or buildings, tracks or machinery connected therewith while under the influence of intoxicants and no person shall use, carry or have in his possession, at in or around the mine or the buildings, tracks or machinery
connected therewith, any intoxicants."^37

Precautionary Duties

It is for the mine foreman to inspect all parts of the mine from day to day to see that props and caps are supplied at convenient places, to keep a record of all boys under sixteen who are employed during vacation, to examine each escape shaft, manway, and traveling way every day, and to make a written report which is filed in the office of the mine and a monthly copy sent to the Mine Inspector. If conditions in any escape shaft, manway, or traveling way become dangerous he must notify the employees by obstructing the way at the defective spot. 438

Workmen themselves are forced to exercise care in their work. The Code makes it a misdemeanor for any miner, workman, or other person knowingly to injure or interfere with any air course or brattice, to obstruct or throw open doors, disturb any part of the machinery, disobey any orders, ride upon any loaded car or wagon in the shaft or slope, neglect or refuse to prop the roof and entries, or to do any act whereby the lives and health of the persons or the security of the mines and machinery is endangered. 439 Since 1911 it has also been the duty of all employees to examine their working place before beginning to mine or load coal, to
avoid the waste of props, to notify the foreman if those furnished are not suitable, and to carefully close all doors that direct the air current. No workman shall knowingly injure any water guage, barometer, equipment, machinery, or live stock, nor place refuse material or any obstruction in any air course. 440

A stretcher for every fifty employees in a mine must be maintained with sufficient blankets and bandages. 441

Penalties

The Code of 1897 declares that any one giving short weight in a mine, or an owner or one in charge trying to coerce an employee to buy goods of a particular person, or failing to carry out the requirements of the mining law shall be punished by imprisonment in the county jail not exceeding sixty days, and by a fine of not more than $500, while workmen committing dangerous acts are subject to imprisonment in the county jail for thirty days or a possible fine of $100. 442

The Mining Act of 1911 retained the same penalties, 443 as did also the one in relation to gypsum mines in 1913. 444

Should a mine owner persist in his neglect to provide safety appliances in either coal or gypsum mines the Code allows the Mine Inspector, after twenty days notice, to apply for a writ of injunction to restrain the employment in
the mine of more men than absolutely necessary, and in 1911 he was empowered, after reasonable notice, to bring suit in the district court. Then if the owner of the mine fails to comply with the law he may be held for contempt of court and fined as much as $500, being committed to the county jail until it is paid. The judge may order the mine closed while the case is pending.

Transportation

Railroads

The transportation industries have afforded a rich field for legislation in the line of safety precautions against work accidents. A large quota of injured workmen each year have been furnished by the railroads. However, prior to 1897 very little attention had been paid to the protection of life and limb on our common carriers.

All cars on every railroad in Iowa and all engines with a "driver brake" were to be provided with automatic couplers, the cars by July 1, 1898, while it was made unlawful to run any train without sufficient number of cars being equipped with power brakes so that the train might be controlled by the engineer without requiring the brakemen to go between on the top of the cars to use the hand brakes. The penalty for violation of the act was fixed at from $500 to $1000 fine for each offense, but did not apply to railroads hauling
cars 'engaged in interstate commerce and belonging to companies outside of the State. The Twenty-seventh General Assembly gave the board of Railroad Commissioners, a body composed of three members, elected for a term of three years and having general supervision of all railroads in the State, except street railways, power to extend the time within which railway companies, or car manufacturing or transportation companies leasing cars in the State, were to equip their cars with automatic couplers from July 1, 1898, to January 1, 1900.

In 1907 the General Assembly recognized the fact that many railway accidents are attributable to the unreasonable hours exacted of trainmen. A law was placed upon the statute books which prohibited any employee engaged in the operation of trains from remaining on duty or being required to remain on duty more than sixteen consecutive hours, from performing any further duty without ten hours of rest, and from working more than sixteen hours out of any twenty-four. These provisions do not apply, however, in case of work performed in the protection of life or property at the time of a wreck or accident; nor to the time necessary for trainmen to reach a resting place after an unavoidable delay; nor does the law work to prevent crews from taking a passenger train, or freight train loaded exclusively with live stock or perish-
able freight, to the nearest division; and finally employees of sleeping car companies are not included. It is the duty of the Board of Railroad Commissioners to investigate all alleged violations of the act, filing a report of the same with the Governor. They must also prosecute actual violations. The penalty for violation by any superintendent, train master, train dispatcher, yard master, or other official is a fine of from $100 to $500 for each offense.\textsuperscript{451}

Another cause of railroad accidents is found in overhead obstructions and the Thirty-second General Assembly gave the Board of Railroad Commissioners supervision over the stringing of wires over or under any railway track. The Board was to make regulations in this connection within a month after the act went into effect and to examine wires already strung, ordering such changes as were necessary. In no case may wires cross any track less than twenty-two feet from the top of the rails. A fine of $100 for every ten days a wire is maintained contrary to regulations is the inducement to comply with the law and it is enforcable by action in the courts at the request of the Board of Railroad Commissioners.\textsuperscript{452}

It has been unlawful since 1909 for any switch engine to be operated without a head light at each end when used between sunset and sunrise, or without footboards of uniform
height, width, and length both on the pilot of the engine and at the rear of the tender. Grab rails at a convenient height for employees to hold to with their hands and running the full length of the pilot beam and the rear end of the tender beam were also prescribed by the same law. Exceptions are made, however, of engines used for switching at places where regular engines are not exclusively employed as such, or when for a period of twelve hours a switch engine is being cleaned, or a period of forty-eight hours in case of the switch engines being disabled, or in the event of an unexpected amount of work. Neither is the switching by work trains considered contrary to law. Conviction of the violation of these requirements invokes a fine of from $50 to $500 and each day that an engine not equipped according to law is operated constitutes a separate misdemeanor.

Following the law regulating certain safety devices on switch engines came one prescribing the construction of caboose cars. They must be at least twenty-four feet in length exclusive of platform. They must be equipped with two four-wheel trucks and provided with a door and platform at each end, a cupola, closets and windows, an emergency air valve, and an air gauge. The platforms are required to be eighteen inches wide and fitted with guard rails, grab irons, hand rails, and
steps, the latter being equipped with guards at each end and the back designed to prevent slipping. However, work trains, transfer service, and cases of emergency of less duration than thirty-six hours do not come within the law. Neither does it apply to inter-urban railroads. The act stipulated that as fast as cabooses were brought into the shops for general repairs, they were to be sent out with the proper equipment but by January 1, 1912, this time subject to extension as much as one year by the State Railroad Commissioners, all were to be in conformity. Common carriers engaged in transportation by railroads within the State to which State regulatory power extends, except inter-urban roads, who conduct themselves contrarywise are guilty of a misdemeanor and subject to a fine of not less than $100 or more than $500 for each offense.

Railways operating in Iowa between November first and April first of each year must equip all their locomotives with frost glass not less than eight inches wide and eighteen inches long on each side of the cab in front of the seat of the engineer and fireman. Seventy-two hours are allowed in which to repair or replace a damaged or broken frost glass. The penalty for the violation of this act is a fine of not less than $50 or more than $100 for each day a locomotive is operated without the required frost glass.
While its duties are fundamentally of an economic nature, the Board of Railroad Commissioners was in 1907 given the authority to investigate any serious accident resulting in personal injury or loss of life and to make a prompt report to the Governor. But nothing in this report may be used as evidence or referred to in any case in court. In the annual reports of the Board data has been included concerning accidents but in such a manner as to make it futile. Since July 1, 1914, the accidents of those companies coming under the Workmen's Compensation Act have been reported through the Industrial Commissioner.

But legislation guaranteeing the safety of employees on railroads is not confined entirely to those under the supervision of the Board of Commissioners. Street railways also have had some consideration.

In the Code of 1897 is the provision that street cars, except trailers, used for the transportation of passengers, must have the front vestibule enclosed on three sides from November first to April first. A fine of from $50 to $100 was provided for each day's violation of the law. Since that time, however, the amendment has been made that front vestibules must be enclosed on all sides during these months. This act went into operation November 1, 1907.

The Thirty-third General Assembly added that after October 1, 1909, motor cars, except trailers, used to transport passengers,
not then required by law to carry an enclosed vestibule, should be equipped with a transparent shield extending the full width of the car and constructed so as to afford protection from inclement weather. Each day a car is run in violation of this act constitutes a separate offense punishable by a fine of not less than $25.462

The final piece of legislation contemplating safety in the operation of street cars came in 1911. Until January 1, 1913, was given to equip all double truck passenger cars with power brakes and a device for sanding the rails so constructed as to be operated by the motorman. All single truck passenger cars thirty-two feet long installed since July 4, 1911, have also been required to be so equipped. For the violation of this act the fine may not be more than $25 but each day's operation constitutes a separate offense.463

Passenger Boats

The Code orders the appointment by the Governor of one or more persons to inspect passenger boats with a capacity of over five persons used on inland waters of the State, and not licensed by the authority of the United States. It is their duty to examine such boats annually before the boating season at the request of the owner or master, and, if found in proper condition, to certify the number of passengers that may be carried and on what waters. A fee of $1 for the inspection of each sail boat may charged and for steam boats from $5 to
$10 according to capacity. Every pilot and engineer must also apply for a license which will last for five years unless revoked. Three dollars may be charged as a fee for the necessary license. The penalty for owners, agents, masters, pilots, or engineers conducting themselves in a manner incompatible with the intent of the law is a fine of $1000, imprisonment in the county jail not exceeding a year, or both the fine and imprisonment. Inspectors must make an annual report to the Governor.

The classification of boats to be inspected was altered in 1900 by including all except row-boats. The law also recognized power boats other than sailing craft and steamboats.

The Thirty-third General Assembly passed a law making it necessary for boats propelled by sails or machinery on public waters of Iowa between the hours of thirty minutes after sunset and thirty minutes before sunrise to carry a headlight, the lens or mirror of which must be at least five inches in diameter. Boats operated by machinery having a speed of more than ten miles an hour must be equipped with a reverse gear, reversible propeller, or some other adequate means of prompt reversal. The speed limit in going through a draw or under a bridge is four miles an hour. A maximum fine of $100 or a sentence of thirty days in the county jail may be imposed for a violation of these provisions.
Since April 13, 1911, every boat for which a certificate of inspection is issued must be supplied with a number of life preservers equal to one-half the number of persons that may be carried and kept within view and easy reach of the passengers. Life preservers are subject to inspection at the same time as the boat. The penalties for a failure to comply with this act are the same as those prescribed for violation of the law requiring boats to be inspected and licensed. 467

Indemnity for Work Accidents

Until the passage of the Workmen's Compensation Act of 1913 the only resort of an injured workman to claim indemnity was an appeal to the courts under the common law of employers' liability. This is simply a branch of the law of torts and is based on the question of fault, or personal responsibility for personal wrong. If no one was to blame or the employer had exercised ordinary care damages could not be recovered.

However, as time has passed and new circumstances have arisen the fundamental doctrine has been modified by imposing new duties upon the employer, by the theory of occupational risks, the fellow servant rule, contributory negligence, and the doctrine of the assumption of risk. It is the duty of the employer to use ordinary care for the safety of his employees and in injury resulting from breach of this duty constitutes negligence, for which he may be held liable.
There are certain inherent hazards in every industry which no amount of care is able to overcome. For these the law of employers' liability affords no remedy.

Neither can a master be made accountable to one workman for the negligent acts or omissions of another who is engaged in the same employment. With the growing complexity of modern industry, co-employment has ironically kept pace. Track inspectors and locomotive engineers have been classed as fellow servants.

Another way in which the law baffles an injured workman in his endeavor to get indemnity for personal injury is through the doctrine of contributory negligence. No matter how delinquent an employer may have been, if the injury has resulted from the failure of the workingman to exercise due care on account of the slightest negligence on his part there is no compensation forthcoming.

Finally, if an employer is so notoriously negligent that the workman must have been aware of the danger, he is assumed to have tacitly accepted the negligence as a condition of his employment, assumed the risk, and waived his right to recover.

Iowa legislators up to the recent Workmen's Compensation Act sought to protect the working people by a modification of these principles, based as they are upon the antiquated policy
of laissez faire and individual responsibility for social and individual responsibility for social and economic conditions.

Up to the time of the present Code of Iowa the only changes in the law of employers' liability were in regard to the fellow servant rule and the doctrine of assumption of risk as they applied to railroads.

"Every corporation operating a railway shall be liable for all damages sustained by any person, including employees of such corporation, in consequence of the neglect of the agents, or by any mismanagement of the engineers or other employees thereof, and in consequence of the wilful wrongs, whether of commission or omission, of such agents, engineers or other employees, when such wrongs are in any manner connected with the use and operation of any railway on or about which they shall be employed, and no contract which restricts such liability shall be legal or binding." 468

In order to evade the final clause, voluntary relief departments, toward the support of which employees contributed part of their wages, were formed. The Temple Amendment was therefore passed in 1898 declaring "any contract of insurance, relief, benefit, or indemnity", entered into before the injury should not constitute a bar to recovery or a defense. This was not to be construed, however, to prevent settlement between parties subsequent to the injury. 468
The modification to the doctrine of the assumption of risk contained in the Code is in connection with the law requiring power brakes and automatic couplers on railway trains. A workman injured by the running of trains not so equipped was not to forfeit his right to damages by continuing in the employ of the company.470

It was not until 1907 that the doctrine of assumption of risk was qualified in other industries. The Thirty-second General Assembly provided that, should any employer in an establishment where machinery is used be given written notice that certain machinery or appliances were defective or out of repair, an employee, by reason of remaining in the employment with knowledge of the defect, should not be deemed to have assumed the resultant risk.471

The salient feature of this law was the fact that the notice to the employer had to be written. By an act of the Thirty-third General Assembly, this defect was remedied, it being only necessary that the employer having knowledge to the defect. Contracts restricting this liability of employers were declared invalid. Another avenue of evasion was blocked by the act providing that the risk created by defective machinery is not occupational. The law did not, however, apply to the
employee whose duty it was to repair the defect nor when the
danger was so apparent that a prudent man would not remain
at the work there. 472

The rule of contributory negligence was modified in 1909
in the railroading industry. If the injured employee should
contribute to the accident, that was not to act as a bar from
recovery, but the damages were to be in proportion to the
amount of his negligence. There could be no contributory
negligence on the part of the employee if his injury was
the result of the neglect of the employer to provide the
safety appliances authorized by law. 473

Thus, in Iowa, the year 1912 found the fellow servant
rule and the doctrine of assumption of risk abrogated in
the case of railroads, while contributory negligence was not
an absolute bar to recovery. In other industries the fellow
servant and contributory negligence rules remained in force,
but assumption of risk applied only to employees whose duty
it was to repair defects and to those who remained at work
when the danger was so imminent that a reasonably prudent
person would not do so.

That the recovery of some part of the economic loss
of work accidents might be facilitated, mutual life insurance
companies whose charters permitted were allowed in 1906 to
write health, accident, and employers' liability insurance
against any casualty except explosion of steam boilers.\textsuperscript{474}

The "Employers' Liability and Workmen's Compensation Act" of 1913\textsuperscript{475} was a result of the work of a commission created by the Thirty-fourth General Assembly to investigate the problem of industrial accidents and "inquire into the most equitable and effectual methods of providing compensation for losses suffered".\textsuperscript{476}

The law applies to all employers and employees except household servants, farm hands, and casual laborers, but the choice of coming under the terms of the act is optional both with the employer and employee, unless the State, county, municipality, or school district is the employer, in which event it is compulsory upon both employer and employee. Unless the law is affirmatively rejected it becomes automatically compulsory with any employer or employee. But if the employer prefers to reject the act he assumes the burden of proof when charged with negligence and all injuries are presumed to be caused by such negligence if he refuses to accept the terms of the compensation law.

The prime object of the elective feature was the hope of making the law constitutional. That this expectation was not futile has been borne out by the decision of the United States court of the southern district of Iowa rendered on June 23, 1914. Judge Smith McPherson declared the law constitu-
Assumption of risk, fellow servant, and contributory negligence doctrines are all swept away as defenses, unless the latter is wilful or the result of intoxication. Employers cannot in any way contract with their employees so as to relieve themselves of liability for injuries caused by their own negligence, although there is nothing to hinder a settlement after injury, provided the standard set by the act is fulfilled.

In case it is the employee who rejects the act, then the employer may "plead and rely upon any and all defenses including those at common law, and the rules and defenses of contributory negligence, assumption of risk and fellow-servant shall apply and be available to the employer as by statute authorized unless otherwise provided by this act." Notice of injury must be given within thirty days, or within fifteen if to delay a longer time would impair the rights of the employer.

The amount of compensation depends upon the seriousness of the injury and is based upon the annual wages of the employee. After two weeks of incapacity the employer may be required to furnish surgical, medical, and hospital services
to the amount of $100. In case of death, and there are no dependents, the expenses of sickness and burial are paid, but not exceeding $100. If there are persons wholly dependent left, they are paid fifty per cent of the workman's average weekly wage, but not more than $10 nor less than $5 a week, for a period of three hundred weeks. In case of partial dependents, the compensation for the same length of time is in proportion to the part of the workman's annual earnings contributed toward their support. There is no compensation for incapacity lasting less than two weeks. For temporary disability, fifty per cent of the weekly wage at the time of the injury is given, or all of it if such wage is less than $5 a week, and payments are continued during three hundred weeks of such disability. Total permanent disability entitles the injured to the same compensation for four hundred weeks. A complex schedule of compensation for various dismemberments is also included, ranging from fifty per cent of daily wages during two hundred weeks for the loss of an arm to fifty per cent of the daily wages during seven and one-half weeks for the loss of the first phalange of the fourth finger. Payments may be made in a lump sum if desired. Any benefit or insurance arrangements whereby the employee contributes part of his wages toward a relief fund are held to be void.
For the administration of the law there is an Industrial Commissioner, appointed by the Governor for a term of six years and at a salary of $3000 a year, with large powers of settling disputes, securing testimony, approving safety appliances, and deciding claims of attorneys for services in securing a recovery under the act. Settlements made by the arbitration committee, consisting of the Industrial Commissioner and two others, one named by each of the disputing parties, may be reviewed by the Industrial Commissioner and appealed to the district court, but from there up only on questions of law.

All employers under the act are required to secure their liability within thirty days with some corporation, association, or organization approved by the State Insurance Department. This insurance may be either mutual or benefit.

Health of Laborers

Mines

Conspicuous among the laws which contemplate the preservation of health among industrial workers are those applying to mines. One of the first considerations in mine working is proper ventilation and in the Code of 1897 are found the directions that "not less than one hundred cubic feet of air per minute for each person, nor less than five hundred cubic feet of air per minute for each mule or horse employed therein,
which shall be so circulated throughout the mines as to dilute, render harmless and expel all noxious and poisonous gases in all working parts" must be provided in mines by artificial means of sufficient power and capacity. The Laws of 1898 further provide that the air current must not be a greater distance than sixty feet from the working face, except in making cross cuts in entries, and then not further away than seventy feet, unless the Mine Inspector should grant special permission in particular cases.

Important amplifications and additions were made in the "Mines and Mining Act" of 1911. Air currents in coal mines must be measured once a week at the bottom of the intake, near the mouth of each split of the intake, and near the working face of the entries. The air current in every mine must be split and conducted so that not more than eighty employees are on the same split, but in certain instances the Mine Inspector may permit as many as fifty more if the required amount of air is being circulated. Doors maintained for conducting the air current must be kept closed. All breaks-through in entries and rooms, except the last one, must be closed so as to prevent the air from passing through. The openings of all abandoned rooms and works must also be securely closed. Breaks-through in entries must be of an area of not less than twenty-five feet, and in rooms twenty
feet. After being notified by the Mine Inspector, if the mine owner or agent fails to provide a sufficient air supply, the employees may be ordered out until the defect is remedied. Failure to comply constitutes a misdemeanor punishable by a fine of from $5 to $100. 480

No stable may be located in a mine so that the air current passes through it, nor in any place without the approval of the Mine Inspector. Gasoline engines and supplies of gasoline must in all cases be located on the return air current. 481

In gypsum mines the amount of ventilation required is the same as for coal mines, and the Mine Inspector may stop the work if the current is not sufficient. 482 There are, however, no provisions for measurement or for split currents.

Closely allied to ventilation in mines are the laws regulating the illumination of them. The Code states that only pure animal or vegetable oil, paraffine, or electric lights shall be used in coal mines and sets a penalty of a fine of from $25 to $100 for anyone selling or offering for sale impure oil for illuminating purposes in any mine, and another fine of from $5 to $25 for any one knowingly using or permitting such oil to be used. To the Mine Inspector is entrusted the duty of investigating any suspicious cases of violation, according to the standard for oil set by the State Board of Health. 483

But in 1898 before any oil whatever could be used for
illumination in coal mines it had to be inspected and approved by the Inspector of Petroleum Products. The other duties of the Mine Inspector relating to illuminating oil were also turned over to this officer. \(^{484}\)

The only changes made when the law was rewritten in 1911 were to limit the means of illumination only to methods equally as free from smoke or offensive odor as pure animal or vegetable oil and if any substance is used, the refuse from which gives off offensive odor or gas, such parts must be removed at the end of the day's work. The provision that oil had to be inspected and approved by the Inspector of Petroleum Products before being used in coal mines was omitted. \(^{485}\)

Other Industries

All employers of females in merchantile or manufacturing occupations must, according to the law, maintain "suitable seats, when practicable, for the use of such female employes, at or beside the counter or workbench where employed, and permit the use thereof by such employes to such extent as the work engaged in may reasonably admit of." Neglect or refusal to comply may be punished by a fine of not more than $10. \(^{486}\)

In 1902 it became unlawful for any manufacturing es-
establishment, workshop, or hotel in which five or more persons are employed not to be furnished with sufficient number of water closets, earth closets, or privies, properly screened, ventilated, and cleaned, and if women or girls are employed, separate ones with separate approaches must be supplied. Enforcement is in the hands of the Commissioner of the Labor Bureau, mayor of the city, and chief of police, and violation may be punished by a fine of $100 or imprisonment in the county jail for thirty days. Amendment was made in 1911 whereby it became necessary that at least one water closet or privy be supplied for every twenty employees, and kept from obscene writing or marking. The further provision was added that washing facilities should be furnished in factories, mercantile establishments, mills, and workshops, and when the work necessitates a change of clothing there must be proper and segregated rooms for men and women. A supply of suitable drinking water must also be at hand.

Wherever emery wheels, emery belts, or tumbling barrels are used in factories or workshops to a greater extent than for the temporary grinding of tools, unless water is applied at the point of grinding contact, there must be blowers and pipes of sufficient capacity to conduct the particles of dust created to the outside of the building or to some receptacle. If not more than one man, however, is kept at such work the employer may be exempt at the discretion of the Commissioner of the
Bureau of Labor. In 1913 deleterious gases or fumes from molten metal or other material in factories, workshops, printshops, or places where such is used, were required to be carried off by pipes, flues, or other adequate ventilators. The enforcement and penalty for violation of these provisions are the same as in the case of failure to supply water closet and washing facilities.

Child Labor

The first attempt to regulate the employment of children in industry had reference only to mines, and in the Code of 1897 the only instance of child labor prohibition is that no boy under twelve years of age shall work in a mine, and when the age of one seeking employment is in doubt, the employer must obtain an affidavit of a parent or guardian in regard thereto.

The next step had to do with the protection of children from personal injury and is found in the Factory Act of 1902. "No person under sixteen years of age, and no female under eighteen years of age shall be permitted or directed to clean machinery while in motion. Children under sixteen years of age shall not be permitted to operate or assist in operating dangerous machinery, of any kind." But this law was evaded on the part of certain employers by inveigling persons under age to waive the liability of injury from dangerous machinery.

It was the Thirty-first General Assembly that enacted the
No person under fourteen years of age may be employed in "any mine, manufacturing establishment, factory, mill, shop, laundry, slaughter house or packing house, or in any store or merchantile establishment where more than eight persons are employed, in the operation of any freight or passenger elevators, and no one under sixteen years of age may be employed at any work or occupation which is physically dangerous or morally depraving. Neither is it permissible that those under sixteen be required to work before six o'clock in the morning or after nine o'clock in the evening and if the employment exceeds five hours a day there must be an intermission of at least thirty minutes between eleven and one o'clock. But persons working in "husking sheds or other places connected with canning factories where vegetables or grain are prepared for canning and in which no machinery is operated" constitute an exception to the last provision.

The enforcement of the act is left to the Commissioner of the Bureau of Labor and he, his deputy, factory inspectors, or any other authorized person has the right to inspect such premises and bring action in court. Lists of the names of all employees under sixteen years of age in the industries names must be conspicuously posted in the establishment. For false statements in relation to any of the provisions of the act, refusing or hampering inspection, or any other viola-
tion the penalty is a maximum fine of $100 or thirty days imprisonment in the county jail.

An amendment in 1909 sets out that authentic proof of the age of a child employed may be required of the employer and if such cannot be furnished the child shall forthwith be dismissed. 495

Compulsory School Attendance

Closely allied and constituting the most effective method of mitigating child labor are the laws of compulsory education. It was not until 1903 that the legislature of Iowa saw fit to make a beginning. 496 In that year it was decreed that any one having control of a child between the age of seven and fourteen years inclusive, and in proper physical and mental condition, should cause such child to attend some public, private, or parochial school for twelve consecutive weeks a year or be liable to a fine of from $3 to $30 for each offense. The only exceptions were when the school was more than two miles away and public conveyance was not furnished, or on being excused for cause by a court of record or a judge thereof.

All cases of truancy were to be reported to the secretary of the school corporation. Truant school, for the instruction of habitually truant children, and truant officers, to apprehend and take into custody truant children, if need be, were
authorized, but not required, in each school district. School boards of directors were allowed to resort to methods of punishment for habitual truants. It was made the duty of the school directors, president of the board of directors, or truant officers to enforce the law and any lapse in fulfilling their duty for more than thirty days after being notified by any citizen of the district, placed them in jeopardy of a fine of not less than $10 or more than $20.

For the sake of facilitating the enforcement of compulsory education, the school census was to contain the number of children between seven and fourteen years of age.

Some obvious defects of this initial act were remedied by the next legislature when the required school attendance was changed to "sixteen (16) consecutive school weeks in each school year, commencing with the first week of school after the first day of September, unless the board of school directors shall determine upon a later date which date shall not be later than the first Monday in December." In school corporations with a population of 20,000 or over, the appointment of truant officers became compulsory. 497

In 1907 the county superintendent of schools, as well as any citizen of the district, was permitted to file notice of any violation of the law. 498
The sixteen weeks attendance requirement was increased to twenty-four weeks by the Thirty-third General Assembly and boards of directors in cities of the first and second class may now require attendance for the entire time that schools are in session in any school year. In cities and towns of the first and second class the marshall or a police officer may be engaged as truant officer and paid in addition to his regular salary a sum not to exceed $5 a month. A child is excused from attending school "while attending religious service or receiving religious instruction."

The last piece of legislation on this subject was enacted by the Thirty-fifth General Assembly and purports to raise the age limit for compulsory school attendance to sixteen years. However, this provision is not to apply to those over fourteen who are regularly employed or possess an education equivalent to that obtained by having finished the eighth grade. The school census must now include those between seven and sixteen.

Playgrounds

Another recent movement relating inversely yet as a potent force in the solution of both the child labor and compulsory school attendance problems in so far as both aim at ultimate good citizenship, is that of establishing supervised playgrounds. School corporations were given authority in
1913 to acquire real estate to the extent of five acres for
playground and other purposes, and independent school districts
may become indebted for land as an addition to the site already
owned. 501

School boards in cities of the first and second class, special
charter cities, and cities under the commission plan
of government are authorized to establish and maintain in the
buildings and public school grounds under their custody and
management, public recreation places and playgrounds without
charge to the residents of that school district. 502 They
may also cooperate with the city officials and commissioners
in charge of public parks and buildings, and provide supervision,
oversight, and instruction necessary in those places.

The school board may, or upon the petition of twenty-five
per cent of the number of voters at the last school election,
must submit the question of a tax levy for playgrounds. The
rate of the tax, however, may not exceed two mills on the
dollar of the assessed value of the property subject to taxa-
tion in the district, and is levied and collected in the same
manner as any school tax. Once approved the playground tax
is levied and collected annually until the people order its
discontinuance.

The city council or commissioners may appropriate any
reasonable sums from the general funds of the city for play-
grounds and the school board may accept any sums of money appropriated and turned over by the city for this purpose.
Legislation Pertaining to Public Health

At the head of the administrative forces of the State which make for the preservation of health is the State Board of Health. During the period under consideration this institution has been subject to considerable alteration both in organization and function.

As found in the Code of 1897 the Board consists of the Attorney General, the State Veterinary Surgeon, a civil engineer, and seven physicians. Meetings were held in May and November at the capital. The Board had "charge of and general supervision over the interests of the health and life of the citizens of the state; matters pertaining to quarantine, registration of marriages, births and deaths; authority to make such rules and regulations and sanitary investigations as it from time to time may [might] find necessary for the preservation and improvement of the public health”. Biennial reports to the Governor containing such data as might be "thought useful for dissemination among the people, with suggestions as to further legislation", were made. The secretary of the Board was allowed a salary of $1200 a year but the members themselves received only their necessary expenses. A $5000 appropriation annually was the extent of the financial resources at the disposal of the Board.503
PART II

LEGISLATION AFFECTING SOCIETY IN GENERAL
In 1900 the State was divided into eight health districts, seven of which were represented by the seven physicians on the Board of Health.

A far reaching privilege was given to the State Board in 1902 when it was authorized to exercise the powers of local boards of health in order to enforce any of its rules and regulations, and the expense of such action was to be paid in the same manner as though it was the local board.

The same legislature appropriated $7000 for the use of the State Board of Health in destroying and replacing all property infected with contagious disease among the Indians in Tama County.

The time for the semiannual meetings was changed in 1904 from May and November to July and January.

The secretary has been required since 1909 to furnish local boards with all the rules and regulations passed by the State Board, and in 1911 his maximum salary was raised to $3000 a year.

The most radical change in the State Board of Health occurred in 1913. By enactment of the Thirty-fifth General Assembly a Board of Appointment, consisting of the Governor, Secretary of State, and State Auditor, was created. In their hands is placed the appointment of a secretary of the State Board of Health for a term of five years, who becomes
the executive officer and Commissioner of Public Health, with authority in all matters under the control of the Board of Health and other departments having to do with the health and life of the citizens of the State. The membership of the Board, likewise chosen by the Board of Appointment, was reduced to five persons; one civil and sanitary engineer and four physicians, not more than three belonging to the same political party nor more than two of them being from the same school of medical practice. With the exception of the engineer, whose salary was to be fixed by the Board of Appointment not exceeding $8 a day nor $2500 a year, the compensation of the members of the Board of Health was stipulated at $900 a year and transportation expenses. Members of the Executive Council became ex officio members of the Board of Health with the special function of approving the expenditures. The districting arrangement of the State was repealed by the same act. Significant of the centralization of the control of public health matters is the provision that the State Board shall have power to enforce sanitary regulations in a locality if petitioned to do so by five or more citizens of the locality.

However, the real work of preserving the public health is done by the local boards of health. They are composed of the mayor and council of each town or city, or the trustees
of any township, and a physician must be appointed as health officer. The duties as set forth in the Code are to regulate the fees and charges of persons employed in the execution of health laws, to have charge of all cemeteries not otherwise controlled, to make regulations respecting "nuisances, sources of filth, causes of sickness, rabid animals and quarantine", and to maintain sanitary conditions in cellars, rooms, tenement buildings, and places occupied as dwellings. The care of infected persons is also under the direction of the local boards of health. Meetings were required on the first Monday of April and October and at such other times as were necessary, but in 1900 the October meeting was changed to the first Monday in November. The regulations adopted by local boards must be published in some local newspaper, if there is one, or posted in five public places. An annual report to the State Board of Health is also required. Expenses are paid by the town, city, or township, and the method of obtaining funds for this purpose in townships is by a tax levy. It devolves upon the local boards of health to enforce the rules of the State Board while peace and police officers must also aid when called upon to do so. For failing or refusing to comply with the orders of either the State or local boards
of health there is a penalty of a forfeiture of $20 for every day that a person fails, neglects, or refuses to obey.\textsuperscript{513}

In special charter cities a somewhat different system prevailed in 1897 and does still obtain.\textsuperscript{514} There the local board of health is composed of five members, a majority of whom including the mayor, are members of the city council. In general the powers and duties of these boards, although more elaborately enumerated, are identical with those of other local boards of health. In such cities, however, failure to comply with a rule of the local board is punishable by a maximum fine of $100 or a jail sentence of thirty days. Monthly rather than semiannual business meetings are required.

The laws passed during the last sixteen years regulating the payment of the expenses of quarantine are strikingly ephemeral and indicative of the chaotic condition of the whole body of legislation governing the administration of matters pertaining to the public health. In the Code there is no special method of paying quarantine expenses. Presumably it was accomplished in the same manner as other expenses of local boards were met, that is, by the town, city, or township as the case might be.

But in 1900 quarantine expenses were authorized to be paid by the county in the first instance, and a tax was then to be levied on the town, city, or township for reimbursement.\textsuperscript{515}
The next legislature, however, repealed this arrangement, and the act containing this repeal was repealed by the following legislature, which in a substitute act established a scheme whereby the county, having settled quarantine bills audited by the local health boards, could levy taxes to reimburse itself only to the extent of one-third. So the law remained until 1909 when for the third time the act of 1900 was repealed, as well as the scheme of 1904. In fact all the expenses of local boards of health were ordered henceforth to be paid from the county poor fund, except where the person or persons liable for the support of one under quarantine are financially able to secure proper care and attention.

Contagious and Infectious Diseases

Inoculation as a preventative of contagious and infectious diseases is gaining more and more favor. It was not remiss then that an antitoxin department was established in 1911 "for the purpose of furnishing antitoxin to the people of Iowa". The State Board of Health was authorized to establish distributing stations so as to "enable physicians, druggists and other persons to secure the 'Iowa state board of health antitoxin' [as it is labelled] at the reduced rates". To this end $2000 a year is appropriated.

Anyone "knowingly exposing another to infection from any
contagious disease, or knowingly subjecting another to the
danger of contracting such disease from a child or other
irresponsible person," says the Code, is guilty of a misde-
meanor and liable for all damages resulting. One innoculating
himself or any other person with smallpox, or coming into the
State with intent to cause the prevalence and spread of the
disease, may be imprisoned in the penitentiary three years,
or be fined $1000 and imprisoned in the county jail one year.

The maximum penalty prescribed for placing a person in-
fected with diphtheria, smallpox, or scarlet fever upon a
public conveyance is $100 fine or thirty days imprisonment in
the county jail. An infected person may not be removed from
a place without the written consent of the local board of health
of the city, town, or township to which he goes. But should
one be contagiously ill in a city, town, or township not more
than fifteen miles from his place of residence, if he chooses,
he may be taken home in a private conveyance bedecked with
a yellow flag along the least traveled highways and accompanied
by a health officer. The expenses of quarantine and care in
the first instance are paid by the city, town, or township
from which the patient is removed, and in the second by the
city, town, or township to which he goes. Conduct contrary
to this act is punishable by a maximum fine of $100, imprison-
ment for thirty days, or both.
In 1897 the local board of health had power to remove any person infected with smallpox or other disease dangerous to the public health to a separate house, if it could be done without injury to the patient, and there provide nurses, needful assistance, and supplies at his expense, if able, or if unable, at the expense of the county. Should it be impossible to remove a person, the same care, with like conditions as to charges therefor, was to be furnished where the patient was confined and neighbors could be compelled to remove from the vicinity of the infected house. The Laws of 1902 provide that the health officers of a municipality which is allowed to maintain a pest house outside its limits shall have exclusive jurisdiction and control of it and that disputes as to the location of pest houses shall be settled by a committee of three appointed by the president of the State Board of Health.

In revising the regulations for the care of an infected person the Twenty-ninth General Assembly took cognizance of the support of persons in pest houses or detention hospitals where more than one patient is confined, equitably apportioning the expense among all of the patients.

This law being repealed and rewritten again in 1906, the apportionment scheme was omitted, and in 1909 the final rewriting named scarlet fever, smallpox, diphtheria, cholera,
leprosy, cerebro-spinal meningitis, and bubonic plague as diseases for which a quarantine should be established or fumigation required. Anterior poliomyelitis (infantile paralysis) was included in 1911 and the fumigation requirement removed, except that premises where there is a death from tuberculosis must be disinfected.

The Thirty-fifth General Assembly declared syphilis and gonorrhea to be contagious and infectious diseases. Every practicing physician of Iowa must report to the local board of health within twenty-four hours every case that comes to his knowledge and preserve a record of those cases numbered consecutively. The report states the sex, approximate age, character of the disease, probable source, whether previously reported or not, but does not disclose the name of the person. Failure of a physician to comply may mean a fine of $100 or a sentence to the county jail for thirty days while the State Board of Health may revoke his license to practice. Any person afflicted with syphilis or gonorrhea who knowingly transmits or assumes the risk of transmitting them to another person by intercourse may be fined to the extent of $500, imprisoned for a year in the county jail, or both fined and imprisoned. Besides he is liable to the party injured for damages.

As a precaution against the spread of contagious
disease local boards of health may forbid people to congregate in schools, churches, theatres, and other buildings when contagious disease is prevalent. Likewise people not vaccinated may be excluded from such places.

The requirement that hotel beds be furnished with white cotton or linen pillow slips and two sheets ninety-six inches long and wide enough to cover the mattress, that they must be washed and ironed after each succeeding guest, that all bed clothes must be aired and kept clean, and that if any room becomes infested with vermin it must be renovated until the pest is exterminated, is a recent measure guarding against the spread of disease.

Often contagion becomes prevalent through diseased animals and steps have been taken to minimize this danger. The Code fixes a penalty of from $50 to $100 fine for bringing diseased sheep into the State or allowing them to run at large. In the case of horses or mules the fine is from $50 to $500, or the offender may be imprisoned a year in the county jail, or both fined or imprisoned. A fine of from $300 to $1000, six months imprisonment, or both is the penalty for the same offense in regard to cattle. Horses running at large without any known owner which are diseased with nasel gleet, glanders, or button-farcey may
be destroyed. It is unlawful for a person to sell diseased swine, convey them along a highway, or allow them to escape. Those dying from disease must be burned. From $5 to $100 fine, thirty days imprisonment, or both may be imposed upon anyone violating these provisions. Anyone throwing a dead animal into a stream, well, cistern, or pond may be fined not less than $5 nor more than $100 or put in jail not less than ten nor more than thirty days. 532

A State Veterinary Surgeon with power to inspect, destroy, and quarantine animals infected with contagious disease is provided for in the Code. 533 For the use in this connection $3000 was appropriated annually until the sum was raised to $5000 in 1898. 534 Originally the compensation of the State Veterinary Surgeon was $5 a day and expenses while on duty, but this was changed to an annual salary of $1800 in 1907 and allowance was made for a secretary at $750 a year. 535 At the same time local health boards were permitted to notify the State Veterinarian directly of the presence of contagious disease among domestic animals. The Executive Council, rather than the Governor, must now approve the destruction of stock. Biennial reports are made to the Governor.

In 1906 the State Veterinary Surgeon was charged with the enforcement of the law prohibiting the entrance into the
State of any registered cattle for breeding or dairy purposes not accompanied with papers certifying that they have been subjected to the tuberculin test within sixty days previous and are free from disease. In lieu of such a certificate cattle may be quarantined and inspected at the expense of the owner. For violating this law a person is subject to be fined to the extent of $100, imprisoned for thirty days, or both fined and imprisoned.

Tuberculosis

It was in 1904 that the General Assembly saw fit to empower the Board of Control to "investigate the extent of tuberculosis in Iowa and the best means of prevention and treatment of the disease". An appropriation of $1000 was made to determine the actual results of care and treatment.

Following the report of the Board of Control the Thirty-first General Assembly established the State Sanitarium for "care and treatment of persons afflicted with incipient pulmonary tuberculosis". The institution was placed under the authority of the Board of Control and that body was to appoint a superintendent and other officers. There was appropriated $50,000 for the purchase of not less than one hundred sixty acres of land and the erection of buildings and accommodations for one hundred patients. Examining physicians in various localities of the State were to be appointed by the Board
of Control and allowed to charge the applicant for admission
to the Hospital §3 for his examination. Only bona fide resi-
dents of the State afflicted with insipid pulmonary tubercu-
losis, according to the statement of the examining physician,
who show a reasonable probability of satisfactory improvement
were to be admitted.

It was determined that $20 a month should be the maximum
per capita support, but if the average number per month should
fall below two hundred, the institution was to be accredited
with $4000 regardless of its population. All patients able
to pay were to be charged such a rate monthly as the Board of
Control should fix. The expense of transportation and treat-
ment of any one not able to pay was to be met by the State.

The next legislature changed the name to "sanatorium",
and at the suggestion of the Board of Control raised the
per capita support to $30 a month. To complete the equip-
ment of the institution $50,000 more was appropriated and
$5000 annually was to be set aside and used by the Board of
Control for the collection and dissemination of information
regarding tuberculosis. The Board was also advised to
stimulate the establishment of hospitals or dispensaries in
various counties and large cities for the care of patients
in advanced stages of the disease.

The maximum per capita monthly allowance was increased
to $45 in 1913 but the aggregate per capita allowance remained
The Thirty-fifth General Assembly also authorized the treatment of advanced cases of tuberculosis at the State Sanatorium and provided $5000 for the purpose. By the same act each county was made liable for the support of its own patients and the board of supervisors was in turn empowered to collect from the patients or persons legally bound for their support.

The first instance of the regulation of local treatment of tuberculosis was in 1909 when county hospitals were authorized to maintain a department for that purpose. The board of supervisors may contract with the board of county hospital trustees for the care of indigent tubercular persons.

The Thirty-fourth General Assembly required the one in charge of the funeral of a person dying of tuberculosis to report to the mayor or township clerk the name and residence of the deceased person. The mayor or clerk must then see that the premises are properly disinfected.

Finally, the last legislature authorized county boards of supervisors to undertake the segregation, care, and support of indigent persons afflicted with advanced cases of tuberculosis, and to such an end they are allowed to spend $15 a week on each patient in such an institution as is furnished.
The sum of $5000 in counties with a population of 15,000 and $3000 in counties with a population less than that, may be used to build or secure a suitable place for the treatment of the people contemplated.544

Vital Statistics

In Iowa, as in most of the American Commonwealths, records of births, deaths, marriages, and divorces are in a deplorable condition, due probably as much to the multiplicity of methods used as to the incompetency of them.

The system as found in the Code of 1897 makes it the duty of assessors to report to the clerk of the district court all births and deaths in their respective districts during the year. It was for the clerk of the district court to record this data along with the record of marriages occurring in the county and report annually to the Secretary of the State Board of Health.545

However, in 1904 a new scheme was promulgated546 The State Board of Health was constituted registrar of vital statistics "for the complete and proper registration of births and deaths for legal, sanitary and statistical purposes". Health officers of cities and clerks of townships acted as local registrars, and sub-registrars were appointed by the Board of Health. The person in charge of a funeral was required to file a statement of the death with the local
registrar and obtain a burial or removal permit before interment could take place. Certificates of birth made out by the person attending, the parent, or some other responsible person were filed with the local registrar within ten days. Local registrars in their turn made monthly reports to the State Board of Health.

The compensation of local registrars was at the rate of twenty-five cents for each certificate of birth or death transmitted to the Secretary of the State. Sub-registrars received ten cents for each one filled out by them. In cities of over 10,000 population, however, no compensation aside from his salary was allowed the health officer as local registrar.

Failure to register a birth or death constituted a misdemeanor punishable by a fine of from $5 to $100, imprisonment for six days, or both the fine and imprisonment.

The next legislature repealed all foregoing laws regulating vital statistics and passed a new act. At this time the secretary of the State Board of Health was made State Registrar of Vital Statistics. Deaths were to be certified by the person in charge of the funeral directly to the State Registrar each month, but births were to be reported by the assessor each year to the clerk of the district court, where they were recorded. The State Registrar rather than the Secretary of State was to furnish the necessary report blanks.
Transcripts of the death certificates were to be bound and deposited in the State Historical Building at Des Moines while those of each county were turned over to the clerk of the district court. The clerk of the district court also kept a record of all marriages and divorces in the county and each reported them, together with the birth record, to the State Registrar. To defray expenses $2500 was appropriated and the secretary of the State Board of Health was allowed $25 a month as State Registrar. Except that the minimum fine was increased to $10 the penalty for non-feasance remained unaltered.\textsuperscript{547}

Two amendments were made in 1907 and thus the law remains. Assessors were authorized to report deaths as well as births each year to the clerk of the district court and an annual appropriation of $2000 for expenses was provided, while the extra compensation of the State Registrar was discontinued.\textsuperscript{548}

Hospitals

Aside from establishing hospitals for the care of certain defective classes the public was inactive up to 1906 in providing suitable places for the care of diseased people. The Thirty-first General Assembly passed an act giving cities with a population of 12,500 or over power to maintain a hospital.\textsuperscript{549} This right was extended to cities of over 5000 population a year later.\textsuperscript{550} The question of a tax levy to carry out the purpose of the act must be submitted to a vote.
of the people of the city at election and the tax rate is limited to three mills on the dollar in cities of over 22,000 population and two mills in those between 5000 and 22,000. City bonds may be issued in anticipation of the collection of the tax. Five per cent of the general fund of the cities exercising this right may be annually appropriated for improvements and maintenance. Cities of the second class may become indebted for a city hospital to the extent that the aggregate indebtedness of the city does not exceed two and one-half per cent of the actual value of the property therein. Such hospitals are under the control of a board of three trustees elected for a term of six years, serving without compensation.

In 1907 it was made unlawful to erect, establish, or maintain a maternity hospital "within 200 feet of any church building, university, school or other institution of learning, or public park, or in a building situated within 75 feet of premises owned by another", or anywhere within the State without a written permit from the State Board of Health. A fee of $25 is charged for the permit, which must be renewed from year to year at a cost of $5 for each renewal. Provision is made for the registration of patients, births, deaths, and the adoption and disposal of children in accordance with the articles of adoption, and for inspection by the State or local boards of health. Violation of the provisions of this act
a misdemeanor punishable by a maximum fine of $250, confinement in the county jail for six months, or both and any premises used contrary to these regulations may be declared a nuisance and treated accordingly.  

It remained for the Thirty-third General Assembly to permit and regulate the establishment of county hospitals. The question of voting a tax to establish a county hospital must be submitted at an election if petitioned by two hundred residents of the county, one hundred fifty of whom live in the city where it is to be situated. The rate may not exceed two mills on the dollar nor may the tax levy continue for more than twenty years. A county bond issue for hospital purposes is permissible. In addition to the hospital fund counties were allowed by the original act to appropriate five per cent of the general funds for improvement and maintenance, but this provision was amended in 1913 to the effect that an annual tax sufficient to cover the expenses of improvement and maintenance, but not over one mill on the dollar, should be the method of meeting these disbursements. Such public hospitals are under the control of a board of seven trustees, three of whom are women, serving without compensation. A training school for nurses, a room for the detention and examination of the insane, and facilities for the treatment of tuberculosis are maintained. These hospitals must be held
open to all classes alike and with discrimination against legal practitioners of medicine. The board of trustees fixes the rate of payment for treatment of patients. 553

Pure Food and Drugs

Dairy and Food Commissioner

To enforce the laws regulating the purity of food, the only officer designated in the Code was the Dairy Commissioner, appointed by the Governor on April first of even numbered years. It was his duty to maintain a correct standard among milk testing machines, to test samples of milk sold in cities having over 10,000 inhabitants, to license all milk dealers annually in such cities, to inspect the milk offered by them for sale at any time, to enforce other requirements relating to dairy products, and to report his activities to the Governor or each year by the first of November. For these services the Dairy Commissioner was allowed a salary of $1500 and expenses to the amount of $3000. He could employ a clerk at $75 a month. 554

A system of reports was required from those manufacturing or selling dairy products. 555 In 1903 these reports to the Dairy Commissioner were required to be made within thirty days after receiving the proper blank and a penalty of from $25 to $100 fine or thirty days imprisonment for violation was established. 556
With the creation of the Department of Agriculture in 1900, the Dairy Commissioner became ex officio a member of the State Board of Agriculture. The same legislature authorized the employment of an office deputy at a salary of $1000 a year and an assistant dairy commissioner with the same compensation. The Dairy Commissioner was to appoint the director of the Iowa experiment station and the professor of dairying. The two former officers replaced the clerk. They were allowed actual traveling expenses. Provision was made for two assistant dairy commissioners in 1904 and their salaries, as well as that of the office deputy, were raised to $1200 a year. Three years later the stipend for each was made $1400.

The Thirty-first General Assembly wrought considerable change in the status of the Department. The State Dairy Commissioner became State Food and Dairy Commissioner on account of the more stringent provisions enacted at the same time in regard to food other than dairy products. In addition to his powers and duties as Dairy Commissioner he was charged with the enforcement of the new regulations and received an additional $500 in salary. He was allowed to appoint assistants with powers as milk inspectors who were to be paid $5 a day and traveling expenses while on duty. Provision was again made for clerical help. An official
chemist at a salary of $2000 a year was also provided, to be chosen by the Commissioner. County attorneys were instructed to institute proceedings at the request of the Commissioner or his assistants and should any refuse to act the Governor was permitted to appoint an attorney. The Executive Council was given general supervisory power over the Commissioner. Annually $10,000 was to be appropriated for the purpose of enabling the Commissioner to enforce the provisions of the new act. 530

The Food and Dairy Commissioner, his deputy, and assistants were given "full access to all places of business, factories, buildings, wagons and cars used in the manufacture, sale or transportation within the state of any dairy products or any imitation thereof", and they could examine and inspect any article suspected to be in violation of the law. Anyone hindering such investigation could be fined not exceeding $100 or put in jail for thirty days. The same legislature appropriated $3500 for the equipment of a laboratory to aid in the enforcement of the pure food law. 561

The following legislature (1907) increased the annual appropriation for the enforcement of the pure food laws from $10,000 to $15,000 and added the inspection of paints and oils, concentrated commercial feeding stuffs, and agricultural seeds to the duties of the Food and Dairy Commissioner. 563 His power of enforcement of laws pertaining to pure oils was
broadened in 1911. 563

The only law passed by the Thirty-third General Assembly affecting the Food and Dairy Commissioner was that which included him among appointive State officers who can be removed for certain causes by a majority vote of the Executive Council. 564

In 1911 there was a general rewriting of the law regulating the affairs of this Department but no radical changes were effected. The title of the Commissioner was changed to "State Dairy and Food Commissioner". His salary was raised from $2000 to $2700 a year and the limit of his expense account was increased from $3000 to $4500. The salary of the deputy commissioner was raised from $1400 to $1800 a year and that of the State Chemist from $2000 to $2400. In addition to these officers the Commissioner was allowed to appoint a State Dairy Inspector at a salary of $1600 annually and four assistants, two of whom were to receive $1600 a year and two $1400 a year. 565

The Thirty-fifth General Assembly strengthened the power of the Dairy and Food Commissioner by assigning to him the duty of inspecting and licensing bakeries, candy factories, ice cream factories, canning factories, slaughter houses, and meat markets. 566

Pure Food Laws

The provisions in the Code relative to pure food are
dissenters and miscellaneous. Beginning with a penalty of thirty days imprisonment of $100 fine for selling unwholesome provisions, the law continues to define various other offenses against the public health and to establish a different penalty for each. For adulterating food or liquor that is to be sold a sentence of one year in the county jail or a fine of $300 might be imposed. Mixing, coloring, staining, or powdering any article of food intended for sale with any material injurious to health was forbidden, and if such treatment did not render an article injurious to health, before it could be sold, the purchaser had to be informed of its true nature and the names of the ingredients either by the label or by the seller. The use of glucose and grape sugar without being properly labeled was especially prohibited. Anyone violating these provisions could be punished by a fine of from $10 to $50 for the first offense, a fine of from $25 to $100 or thirty days imprisonment for the second, and for the third offense by a fine of from $500 to $1000 or imprisonment in the penitentiary from one to five years.\(^\text{567}\)

A person selling impure or skimmed milk, skimmed-milk cheese, unless so labeled, or cream below standard was liable for double damages to the one thus fraudulently treated and subject to be fined from $25 to $100. The "addition of water or any other substance or thing to whole milk or
skimmed milk or partially skimmed milk" was declared to be an adulteration, and milk obtained from animals fed upon unhealthy food, or those having disease, sickness, ulcers, abscesses or running sores, or milk taken fifteen days before or five days after parturition was held to be impure and unwholesome. Whole milk was required to contain three pounds of butter fat to one hundred pounds of milk, and standard cream was to possess fifteen percent of butter fat.\textsuperscript{568}

Imitation butter and cheese as defined in the Code is such a substance as is designed to be used in place of butter and cheese made from pure milk or cream from cows, and the manufacture, possession, sale, transportation, or use in public boarding places of such articles was held to be unlawful unless they were properly labeled so as to expose their true nature. For anyone to color imitation butter or cheese or combine any animal fat, vegetable oil, or other substance with butter or cheese was not to be permitted. It was further provided in the Code that lard made from diseased hogs should be designated as such and for violation a fine of from $5 to $100 or thirty days confinement in the county jail could be imposed. Lard made from any materials other than pure fat of healthy swine was to be labeled "Compound lard",}
giving the names and proportions of the ingredients. If this were not done the offender was to be fined for the first offense any amount from $20 to $50, and for each subsequent offense not less than $50 or more than $100.  

Labels on all "hermetically sealed, canned or preserved fruits, vegetables or other articles of food, not including canned or condensed milk or cream" and on all "soaked goods, or goods put up from products dried or cured before canning" were required to bear the name, address, and place of business of the person, firm, or corporation that canned or packed the articles, and in addition soaked goods were to be marked "soaked". Retail dealers could be fined not over $50 for each offense of violation and wholesale dealers or packers not less than $500 or more than $1000.

Two new safeguards of public health were established by the Twenty-seventh General Assembly. The one provided that no person should "manufacture for sale, or knowingly sell or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc, or any other mineral substance, by poisonous colors or flavors, or other ingredients, deleterious or detrimental to health." Upon whosoever should act contrarywise a fine not exceeding $100 nor less than $50 was to be imposed. The other act amended the section in the Code which prohibits the sale, giving away, or offering for sale any swine that have died of a disease, or have been killed
on account of disease, and now it is against the law to buy or deal in them. 571

The Laws of 1903 contain three acts relative to the purity of milk and cream. One forbids any person to manufacture, or purchase for the purpose of converting any impure or adulterated milk or cream into a product of human food, and places cream in the category with milk and skimmed milk as an article capable of adulteration by the "addition of water or any other substance or thing". Another act sets the penalty of a fine of from $25 to $100 against any creameryman who delivers any skimmed milk without it being pasturized at a temperature of at least 185 degrees Fahrenheit. The third penalizes by a fine of from $25 to $100 the misreading or manipulation of milk or cream tests. 572

Also in 1903 the Thirty-first General Assembly defined adulterated food as:

"First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality, strength or purity.

Second. If any substance or substances has or have been substituted wholly or in part for the articles.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be an imitation of, or offered for sale, under the specific name of another article.
Fifth. If it be mixed, colored, powdered or stained, in a manner whereby damage or inferiority is concealed.

Sixth. If it contains any added poisonous ingredient, or any ingredient which may render such article injurious to health, or if it contains saccharine or formaldehyde.

Seventh. If it be labeled or branded so as to deceive, or mislead the purchaser, or purport to be a foreign product when not so.

Eighth. If it consist of the whole or any part of a diseased, filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter.

Candy was held to be adulterated if it contained "terra alba, barytes, talc, chrome yellow, or other mineral substances, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health". Baking powder, mixtures, compounds, combinations, imitations or blends were to be labeled showing the exact character and constituents.

The same law prohibited anew the manufacture or sale of any adulterated foods in the State and enacted a provision requiring labels to be printed in "legible type no smaller than brevier heavy gothic caps", and to contain along with
the name and address of the manufacturer, packer, or dealer.

A full statement of the composition and ingredients of the article. Misbranding was defined as occurring when the label bore a false or misleading statement as to the contents of the article of food, the place of manufacture, or the weight or quantity contained. These provisions, however, were not to apply to goods purchased or received in the State prior to July 1, 1906, until July 1, 1907, and the following legislature (1907) extended the exemption in the case of canned corn still another year.574

In 1907 misbranding was defined more explicitly and the method of labeling made more effective by requiring that "the name and quantity or proportion of each constituent" be displayed. The section on labeling was rewritten so as to preclude evasion.575

In regard to adulteration the Thirty-second General Assembly decreed that vinegar containing any added coloring matter, and an imitation article of food, offered for sale, under the name of another article, "or if it does not conform to the standards established by law" are adulterated. The law proceeded to establish standards of quality for flavoring, almond, anise, celery seed, cassia, cinnamon, clove, ginger, lemon, terpeneless lemon, nutmeg, orange, terpeneless orange, peppermint, rose, savory, spearmint, star anise, sweet basil, sweet marjoram, thyme, tonka, vanilla,
and wintergreen extracts and for cider, wine, malt, sugar, glucose, and distilled vinegar. Standard butter was required to contain eighty per cent by weight of butter fat.576

The Thirty-third General Assembly established a standard for oysters, providing that they must contain no ice and not more than sixteen and two-thirds per cent by weight of free liquid.577

The Thirty-fourth General Assembly defined ice cream as the frozen product of sweet cream and sugar containing twelve per cent by weight of milk fat, not more than one per cent by weight of harmless thickener and three-tenths of one percent of acidity. Fruit and nut ice cream may contain not less than ten per cent by weight of milk fat.578

The law in regard to misbranding and adulteration was rewritten in 1911 but the only change effected was in a proper arrangement of offenses under the two classes. The original act had included instances of misbranding 46 adulterations, and up to this time, the matter had been allowed to remain in such a state of confusion. No new conditions of misbranding or adulteration were imposed.579

The Thirty-fifth General Assembly, however, amended the section defining misbranding, substituting for the provision that a label should contain a correct statement, if any, of
the weight or measure of the contents of the package, the

dictum that no person should sell food in packages unless
the quantity is conspicuously marked on the outside in terms
of weight, measure, or numerical count.580

The appropriation for the enforcement of the pure food
laws was raised in 1911 from $15,000 to $21,000 annually.681
But the most important piece of pure food legislation accom­
plished by the Thirty-fourth General Assembly was regulative
of the quality of milk and cream. The old laws in regard
to the sale of milk, misreading tests, labeling, and the
adulteration of it were repealed and in lieu of them new
provisions were enacted. Milk and cream were defined and
the standard for whole milk was changed from twelve and one­
half per cent of milk solids to the one hundred pounds to
twelve per cent while that for cream was raised from fifteen
to sixteen per cent of milk fat. Skimmed milk was required
to be so labeled. The payment for milk or cream at any test
was made prima facie evidence that such test had been made.
Operators of milk testers, as well as persons engaged in
selling milk, were compelled to obtain a license, after having
passed a satisfactory examination demonstrating their com­
petency. The penalty for violating any of these provisions
remained the same with the exception of the jail sentence:
$25 to $100 fine or thirty days imprisonment.582
Two important acts were passed by the Thirty-fifth General Assembly regulating cold storage and the sanitation of food producing establishments. The former defined cold storage as the keeping of fresh meat, fresh fruit, fish, game, poultry, eggs, butter, and other articles intended for human consumption in a place artificially cooled to a temperature below 40° Fahrenheit for a period exceeding thirty days. All such cold storage and refrigerating warehouses are required to be licensed annually by the State Dairy and Food Commissioner and to be kept in a sanitary condition satisfactory to the Commissioner, on penalty of revocation of the license. They are subject to inspection at any time. The date of the receipt and removal of all articles must be recorded and stamped on the containers; reports of the quantity of food held in storage must be made quarterly or oftener to the Dairy and Food Commissioner; food not for human consumption must be plainly marked; and no diseased or tainted food is allowed to be placed in cold storage. The limit of the storage period is twelve months unless a special extension of time is granted by the Dairy and Food Commissioner. Articles once removed from cold storage may not be restored. Whenever cold storage goods are offered for sale a sign to that effect must be displayed. For the first
offense of violation there is established a fine of not less than $25 or more than $100, and for the second, from $100 to $500 fine, imprisonment for not more than six months, or a sentence of both fine and imprisonment may be imposed.

The second pure food law of the Thirty-fifth General Assembly seeks to establish proper conditions of lighting, draining, plumbing, and ventilating in all bakeries, confectioneries, canneries, packing houses, slaughter houses, dairies, creameries, cheese factories, restaurants, hotels, groceries, meat markets, and other places where food is prepared for sale, manufacture, packing, storing, or distribution. Such food producing establishments must secure an annual license from the State Dairy and Food Commissioner, whose duty it is also to inspect them from time to time with a view to enforcing the regulations. All equipment and surroundings of the food must be kept clean, including vehicles used in transportation. The walls and ceilings in every bakery, confectionery, creamery, cheese factory, hotel, and restaurant kitchen must be made of metal, cement, or other suitable material and the floors of all food producing establishments must be constructed of nonabsorbant material that can be washed. Doors and windows must be screened during fly time. Toilets and lavatories are required in every instance and
all employees who handle the food must wash their hands and arms before beginning. Cuspidors must be provided wherever necessary and they, as well as toilets, must be cleaned daily.

Special regulations are made concerning the sanitation of slaughter houses. Refuse must be removed within twenty-four hours and no swine may be kept within one hundred fifty feet. The building must be maintained in a state of repair, free from filth and offensive odors, and with sufficient drainage and a pure water supply.

Confectionery, dates, figs, dried and fresh fruits, berries, butter, cheese, and bakery products on sale or display must be screened or covered. Sidewalk or street display is prohibited unless the food is protected from flies and dust and the bottom of the container is two feet from the surface of the sidewalk. Street display of meat is forbidden in any case.

For the first violation of this law a fine of from $10 to $25 may be imposed, for the second, a fine of from $25 to $100, and for subsequent offenses, a fine of $200 and confinement in jail from thirty to ninety days.

Pure Drug Laws

The Code of 1897 contains certain provisions regulating
the purity of drugs. Adulteration of any drug or medicine for the purpose of sale so that its efficacy is lessened or its operation changed was to be penalized by a fine of as much as $500 or imprisonment for a year. No material could be used to mix, color, stain, or powder any drug or medicine which would render it injurious to health or affect its potency. If a harmless ingredient of this character was added the drug had to be sold under its true name. Violation of these provisions subjected the offender to a fine of from $10 to $50 the first time, $25 to $100 or imprisonment for thirty days for the second time, and subsequently infringements might result in a fine of from $500 to $1000 and imprisonment in the penitentiary from one to five years. Registered pharmacists are responsible for the purity of the drugs they sell and adulteration by them constitutes a misdemeanor.\(^{585}\)

However, it was not until 1907, a year after the first comprehensive pure food law was passed, that there was anything like a proper regulation of the sale of drugs. The Thirty-second General Assembly defined an adulterated drug as any medicine or preparation "intended to be used for the cure, mitigation or prevention of disease" in man or animal or the destruction of parasites, which does not correspond
in strength, quality, or purity to the standard set by the United States Pharmacopeia or National Formulary, or, if by label on the container, the drug does not profess to be of such standard, then it must be of the strength and purity it does profess to be.\textsuperscript{586}

A drug is deemed misbranded if the label contains any false or misleading device or statement as to the ingredients or the place of manufacture, if the article is an imitation, if part or all of the contents of the original package have been removed and others substituted, or if a statement is not made of the proportion that may be contained of any alcohol, morphine, opium, heroin, chloroform, cannabis indica, chloral hydrate, acetanilide, or any derivative of them. The Thirty-fourth General Assembly qualified the last provision by explaining that it was not meant to apply to drugs recognized by the United States Pharmacopoeia or National Formulary nor to prescriptions of licensed physicians, dentists, and veterinarians.\textsuperscript{587} The sale or possession of any preparation containing wood or denatured alcohol to be used internally, externally, for cosmetic purposes, inhalation, or for perfumes was prohibited. A maximum fine of $100 was the penalty for the violation of the act and the
enforcement was placed in the hands of the Pharmacy Commissioners. To aid in enforcement the Thirty-fourth General Assembly appropriated $250 annually for two years and required the State Chemist to make all necessary analyses.

Sanitation

Sanitation is a municipal problem although the power of regulation is delegated by the State to municipalities and, through the State Board of Health, to local boards of health. By the Code of 1897 cities are given the power to construct sewers for the drainage of the city; to "deepen, widen, straighten, wall, fill, cover, alter or change the channel of any water course"; to prevent injury or annoyance from anything offensive or unhealthy; to destroy tainted or unsound provisions; to regulate slaughter houses, renderies, tallow canneries and soap factories, bone factories, tanneries, and manufactures of fertilizers and chemicals; to regulate and restrain the deposit and removal of all offensive material and substances; to cause lots upon which water becomes stagnant to be filled or drained; to see that drainage is preserved; to license plumbers and scavengers; and to regulate and inspect the plumbing connecting any building with sewers.

The board of health in special charter cities is specifically charged with a number of kindred duties. It may com-
pel sewer connection, regulate the plumbing, drainage, and ventilation of any building, and cause filth and contagion to be removed and unfit premises to be cleaned or the occupants removed until they are. Cities acting under special charter may also establish a public bath house when the board of health declares it to be essential.\footnote{591}

In 1904 cities and towns were given the right to acquire real estate for the location of garbage and sewage disposal plants, dump grounds, and sewer outlets,\footnote{592} and three years later second class cities and towns were empowered to levy a special tax for the construction of sewer outlets and purifying plants.\footnote{593} A bond issue in anticipation of this tax was authorized by the Thirty-third General Assembly.\footnote{594} In 1913 cities of over 80,000 population were given power to levy an annual one mill tax for the location, equipment, and construction of a garbage disposal plant.\footnote{595} At present this act applies, of course, only to Des Moines.

The power of cities to regulate plumbing was extended in 1898 so as to include, along with sewers, the inspection of connections of buildings with water mains and gas pipes.\footnote{596} The Thirty-fifth General Assembly passed an act empowering cities and towns, including commission and special charter cities, "to regulate and license plumbers; to create a board
of examiners to determine the qualifications thereof: to prescribe rules and regulations for the installation of plumbing work and materials: to provide for the inspection of such work, materials and manner of installation: to compel the removal of plumbing installed in violation of the manner prescribed. To enforce the law a maximum penalty of $100 fine, or thirty days imprisonment may be imposed.

A sanitary measure was passed in 1909 which added to the law forbidding dead animals to be thrown into streams, ponds, wells, or cisterns, that night-soil and garbage, as well as dead animals, should not be thrown in such places nor upon any land adjoining, which is subject to overflow.

The Code of 1897 requires that two water closets be maintained in connection with every school house. The Twenty-ninth General Assembly decreed that all manufacturing establishments, workshops and hotels in which five or more persons are employed should be equipped with a sufficient number of water closets, properly screened and ventilated and kept clean. In 1911 the proportion of one such water closet to every twenty employees was established and manufactures were required to provide washing facilities and dressing rooms for employees.
In the law of the Thirty-third General Assembly regulating the operation and maintenance of hotels and lodging houses provision is made for their proper drainage and plumbing according to sanitary principles. If the city has a sewerage system they must be connected with it, and if not, approved cesspools and privies must be provided. All hotels must be kept clean and free from efluvia, gas, or offensive odors.

The same year the Railroad Commissioners were authorized to require additions or changes in the equipment of railroad rolling stock and station houses "for the health and convenience of the public" but not until 1913 were sanitary closets required to be maintained at railway stations. They are subject to inspection by the hotel inspector. A maximum fine of $100 may be imposed on any company which fails to comply.

Public Nuisance

The Code defines a public nuisance, so far as its relation to public health is concerned, as something injurious to health, indecent or offensive to the senses, and essentially interfering with the comfortable enjoyment of life and property. The use of a building for a purpose that occasions offensive smells and other annoyances and thereby becomes injurious to health and comfort; suffering
any offal, filth, or noisome substance to be collected or remain in a place to the prejudice of others; corrupting or rendering impure the water of any river, stream, or pond; manufacturing gunpowder within eighty rods of another valuable building; the maintenance of disorderly houses; and an improperly constructed drain or interference with levees, drains, and water courses are specifically designated as nuisances. Any one convicted of the commission of a nuisance, where no other penalty is provided, may be fined $1000 or less, and the court may order the nuisance to be abated at the expense of the defendant.

Local boards of health are empowered to examine, prevent, remove, or cause of sickness. Cities and towns have authority to abate nuisances and must keep "public highways, streets, avenues, alleys, public squares and commons" within their limits free from nuisances.

The first reference to nuisances in the legislation since 1897 was made by the Twenty-seventh General Assembly when the adulteration of linseed oil was declared to be a public nuisance subject to injunction.

The construction of any ditch, drain, or water course so as to prevent the surface and overflow waters of adjacent lands from entering it was made a nuisance in 1904.
A detailed act prescribing the method of enjoining and abating houses of lewdness, assignation, and prostitution, which are held to be nuisances, was placed upon the statute books by the Thirty-third General Assembly.610

In 1911 a maximum jail sentence of one year was established as an alternative penalty to the $1000 fine for being convicted of maintaining a nuisance.611

The emission of dense smoke in cities having a population exceeding 65,000 inhabitants was declared to be a nuisance by the Thirty-fourth General Assembly, and such cities were given power to abate such a nuisance by fine or imprisonment or by action in the district court, and to regulate smoke inspection and prevention.612 The next legislature, however, caused this law to apply to cities, including commission cities, having a population of 30,000 inhabitants and to cities under special charter with a population of 16,000.613

As has already been observed cities had no power under the law of the Code in regard to nuisances, except to abate them. This situation was remedied by the Thirty-fifth General Assembly. Now, "In addition to any right of abatement of any public or private nuisance, they shall have the right to prohibit the same by ordinance and to punish by fine or imprisonment for the violation thereof."614
That the public may be protected from the danger of fire, cities and towns, for it is obviously a matter resultant upon congested population, have been given power to regulate the construction of buildings. They may by ordinance repair, remove, or destroy any dangerous building; they may make regulations against danger from fire and establish fire limits within which all buildings must have non-combustible out walls and roof; they may control the erection of chimneys, flues, fireplaces, stovepipes, ovens, boilers, heating apparatus, and the use of lights in shops and stables; they may regulate manufactures by providing against danger from fire; they may regulate manufactures by providing against danger from fire; they may regulate or prohibit bonfires and the use of fireworks; they may prevent the deposit of combustible material in unsafe places; they may require the construction of fire escapes and control them; they may provide for the inspection of steam boilers and regulate and inspect the storage places of explosives; and they may prohibit the placing of lumber or wood on any lot within one hundred yards of a dwelling house.

The Code of 1897 also makes provision that a board of
public works in cities with over 30,000 population shall have the power to require the plans of all buildings costing over $5000 to be submitted to it for approval and every person must get a permit from this board to build within the city limits. It also has authority to determine the size, number, and manner of construction of fire escapes, doors, and stairways in theatres, tenement houses, audience rooms, and public buildings used for the gathering of a large number of people.617

In special charter cities the plans of all buildings within the fire limits costing over $2000 must be approved, and permits to build within the city are granted when the specifications for plumbing, drainage, ventilation, and electric wiring have been approved by the board of health, or electrician.618

Two acts were passed by the Thirty-fifth General Assembly affecting the powers of cities and towns in regard to fire protection. One authorized all cities and towns in Iowa to adopt a building code, "providing for the districting of such cities into one or more districts, establishing reasonable rules and regulations for the erection, reconstruction and inspection of buildings of all kinds within their limits and for a fee for such inspection and providing penalties for violation."619 The other law gave all cities and towns the power to require by
ordinance that the buildings within the fire limits be constructed "in whole or in part" of fire proof materials and such municipalities may now remove structures erected contrary to such ordinances at the cost of the owner.\textsuperscript{620}

The Twenty-eighth General Assembly established a fine of from $10 to $50 for the use of gasoline, benzine, naphtha, or other dangerous fluids in dyeworks, panatoriums, or cleaning works located in a residence or lodging house.\textsuperscript{631}

But it was not until 1903 that the State undertook to control fire protection through the regulation of the construction of buildings. In that year a law was passed dividing structures to which the act applied into six classes.\textsuperscript{622} Hotels or lodging houses three or more stories in height, and tenements or boarding houses three or more stories in height, occupied by one or more families, or aggregating twenty persons or more, were to have one ladder fire escape of steel or iron construction for every 2500 superficial feet of area or fractional part thereof covered by the building. The ladder was to be provided with platforms of the same material at each story and within easy access from two or more windows of each story above the first and was to extend from above the roof to within five feet of the ground. If such buildings were occupied by more than
twenty persons it was required that the means of escape be a steel or iron outside stairway of similar construction. Buildings used as opera houses, theatres, or public halls with a seating capacity exceeding three hundred, and public school buildings, seminaries, and colleges more than two stories in height, were to have at least one outside stairway, the latter classification having one to every 2500 superficial feet or area or fraction thereof covered, and as many more such stairways and exits as the mayor or chief of the fire department saw fit to require. Hospitals and asylums of three or more stories in height had to have one outside stairway for every 2500 superficial feet of area or fractional part covered by the building and if there were living or sleeping quarters for more than twenty-five persons at least two such stairways were necessary. Finally the law required that manufactories, warehouses, and buildings of all character three or more stories in height not previously specified were to have one fire escape ladder for every 5000 superficial feet of area covered or fraction thereof, if not more than twenty persons were employed. If more than twenty persons were employed there were to be two such ladders, or one outside stairway, while if more than forty were employed the minimum requirement was two outside stairways, but the mayor or fire chief could demand more.
The enforcement of the law came within the jurisdiction of the fire chief, the mayor, or the board of supervisors according to the nature of the case and sixty days after notification a person could be fined from $50 to $100 and $25 each week succeeding for failure to provide fire escapes as specified.

The very next legislature, however, revised the classification and added to the requirements in some instances. Office buildings were included with hotels and lodging rooms and the location of the escapes in these buildings was to be marked by a red light, while doors leading to them were to be half glass and locked in such a manner as to render access easy. This provision in regard to signal lights and doors was made to apply as well to tenements and boarding houses. No change was made with regard to theatres, opera houses, and public halls. Hospitals and asylums were placed in the class with public schools, seminaries, and colleges but the height limit under which escapes were not required was changed from two to three stories. The option of one outer stairway in place of two fire escape ladders was omitted in the factory class. An additional class was made for strictly fire proof buildings, and one ladder fire escape required for every 6000 superficial feet or fractional part thereof covered by such a building.
In all the buildings thus designated signs indicating the location of fire escapes were required to be posted at all entrances to elevators, stairway landings, and in all rooms.

The Commissioner of the Bureau of Labor Statistics was given concurrent power with the city fire chief, mayor, and chairman of the board of supervisors to enforce the law.

The Thirty-third General Assembly decreed that "entrance and exit doors of all hotels, churches, lodge halls, court houses, assembly halls, theaters, opera houses, colleges and public school houses, and the entrance doors to all class and assembly rooms in all public school buildings, in all cities and incorporated towns, shall open outward." In order to enforce this provision and that requiring the posting of signs as to the location of fire escapes, the Thirty-fourth General Assembly fixed a penalty of from $25 to $100 fine for non-compliance.

The last modification of the fire escape law was in 1913 when boarding houses over three stories high in which sleeping rooms are kept for rent or hire, were included with hotels, office buildings, and lodging rooms.

In 1909 a building law was passed relating specifically to hotels. A hotel was defined as being any building advertised as such in which there are ten or more sleeping
rooms. All hotels over one story in height and not fire proof must have a fire escape rope in each bedroom. Signs showing the way to the escapes and notices of the presence of the ropes must be posted in each hall, stairway, elevator shaft, and in each bedroom above the first floor. Elevator shafts in non-fire proof hotels must be enclosed below the first floor. If there are inner-courts or lightwells in non-fire proof hotels they must possess a trap door or opening through which by means of a rope or ladder persons may escape to the ground floor. All hotels three or more stories high must be provided with a hall on each floor extending from one outer wall to the other and at both ends of this hall there must be a steel or iron fire escape. Either one chemical fire extinguisher to every 2500 feet of space on each floor or a stand pipe one and one-fourth inches in diameter with a hose long enough to reach to any part of the building must be maintained ready for use in the hall on each floor.

The civil engineer of the State Board of Health was made Inspector of Hotels with power to appoint one or more deputies. For this work he receives $1500 salary and the deputy inspectors are allowed $5 a day. All hotels must be inspected annually and reported to the State Board of Health. For the inspection of those having less than
twenty rooms a fee of $4 is charged and for those having over twenty rooms the fee is $8. Inspection may be made oftener than once a year if a verified complaint of three or more patrons is filed. Certificates of inspection are issued by the Inspector, if the hotel is in a satisfactory condition, which must be conspicuously displayed in the hotel. For granting false certificates there is a penalty of a $500 fine, six months in jail, or both the fine and imprisonment. Anyone in charge of a hotel hindering inspection or failing or neglecting to comply with the requirements of the law may be fined $100 or put in jail for thirty days.

Another phase of fire protection is to be found in the organization and control of fire departments. The Code gives cities and towns, including special charter cities, power to organize and maintain a fire department, erect buildings, and provide the necessary apparatus, and in cities having a population of 5000 or more it may be a paid department. However, only in special charter cities was authority granted to levy a special tax for the purpose of creating a fire fund. The maximum was three mills on the dollar.638

The Twenty-seventh General Assembly granted cities of the second class power to levy a one mill tax annually for the
maintenance of a fire department. In 1909 this tax was increased to a maximum of three mills in second class cities under 10,000 population and in those having a population over 10,000 it was made five mills. The same year commission plan cities were allowed to levy annually a special tax not exceeding six mills on the dollar for fire protection.

The Thirty-fifth General Assembly provided for the levy annually for a period of ten years a tax of one and one-half mills on the dollar of the assessed value of property in all cities in the State having a population of over 5000, commission plan cities, and cities acting under special charters, that property and equipment of the fire department might be acquired.

Since 1897 there have been some significant changes in the administration of fire departments. A law passed in 1903, applying only to the city of Des Moines, created a board of three police and fire commissioners to be appointed by the mayor for a term of six years. They were required to take oath and give bond. It was the duty of this board to hold competitive examinations of all applicants for positions on the police or fire forces, with the exception of those who had already served three years successively next preceding the creation of the board.
The appointments though were to be made by the heads of the respective departments. Old soldiers and sailors were to be given preference. The chief of police was to be appointed by the mayor and the fire chief elected by the city council. Members of the police and fire departments could be removed by the board, or, by the chief of the department with the right to appeal to the board. One not a citizen of the United States or who has not been a resident of the city for more than a year preceding, who cannot read and write the English language, who is not of good moral character, or who is addicted to the use of intoxicating liquor is not eligible to serve as policeman or fireman. For violation of the act punishment in the shape of a fine of $100 or imprisonment for thirty days could be imposed.

This law was amended by the Thirty-second General Assembly making it applicable to first class cities having a population of over 20,000 and to special charter cities. The chief of the fire department was included among the officers appointed by the board of police and fire commissioners and became subject to removal by it.

In 1911 an elaborate method for hearings before the board of police and fire commissioners of those members of the police and fire departments who are discharged or suspended by the heads of the respective departments was installed.
In case the funds in any city in which there is a board of police and fire commissioners become insufficient to pay the current salaries to the number of policemen and firemen employed, it was arranged to reduce the number; the mayor designating the newest and most inefficient in the service as the ones to be discharged. 

Under the commission plan of government established in 1907 the civil service commission was given similar powers with reference to the fire department as are possessed by the board of police and fire commissioners in certain other cities. Amendments were made in 1911 but the only change worthy of notice was that the chief of the fire department should be appointed by the civil service commission. 

Indicative of the tendency to centralize administrative authority in the State is an act of the Thirty-fourth General Assembly which created the office of State Fire Marshal. The incumbent must be a citizen of the State and a person familiar with the causes of fires and the methods of preventing them, appointed by the Governor for a term of four years, and with a salary of $2500. He may, with the consent of the Executive Council, appoint his deputy, one or more state inspectors, and other assistants. The salary of the deputy fire marshal was fixed at $1500 a year.
but the compensation of other assistants was left for
the State Fire Marshal to determine. There was appro­
priated $12,500 annually for expenses.

The State Fire Marshal was required to devote his
whole time to the duties of his office and to make annual
reports of his activities to the Governor. It is for him
personally, or through the fire chief, mayor, or township
clerk of a locality to investigate the cause, origin, and
circumstances of every fire in the State within two days
after its occurrence. If a local officer should investigate
a fire he was to report to the State Fire Marshal within a
week. For investigating and reporting fires, the law
stipulated that mayors and fire chiefs, if they received
no compensation as such officers, and township clerks, should
be paid $50 in each instance and allowed ten cents a mile
for traveling expenses. If the State Fire Marshal
seems it necessary to further investigate a fire he may
call witnesses and compel them to testify on penalty of a
maximum fine of $100. It is also within his power to
enter a charge of arson against a person. A record of all
fires showing the name of the owners of the property, the
occupants, sound value, amount of insurance, amount of
insurance collected, loss to the owner, and the facts,
statistics, and circumstances of the fire must be kept
in the office of the State Fire Marshal.
Any building, according to the law, might be inspected after a fire, and, upon the complaint of any person interested, any other building could be inspected to determine if it was especially liable to fire and dangerously situated, if it contained any combustible or explosive matter, or was in an inflammable condition. If so it was required that the dangerous condition should be ordered to be remedied and a fine of from $10 to $50 could be imposed for each day's neglect on the part of the owner or occupant to comply.

Finally it was made the duty of the State Fire Marshal to require teachers in school houses of more than one story in height to conduct monthly fire drills and to instruct the students at least once a quarter in the dangers and causes of fires, from a bulletin on the subject prepared and distributed by the State Fire Marshal. For violation of this law teachers may be fined $10 for each offense.

The Thirty-fifth General Assembly amended the law establishing a State Fire Marshal to the effect that a fine of from $5 to $100 may now be levied against any fire chief, mayor, or clerk of a township who fails or neglects to investigate and report a fine; that when any building is "especially liable to fire, or is so situated as to endanger other buildings or property" it may be caused to be remedied or removed; and to the effect of making the
annual appropriation for expenses $13,500 and raising the salary of the deputy fire marshal $300. Mayors and fire chiefs are now granted compensation for reporting fires even though they receive pay for their services as mayors or fire chiefs, but traveling expenses are no longer allowed except in the case of township clerks.839

The Code of 1897 makes it a penitentiary offense for any one to wilfully destroy or injure any engine, horse carriage, hose, hook and ladder carriage, or other thing used and kept for the extinguishment of fires, and for the removal of fire apparatus without authority a fine of from $5 to $30 is the established penalty. The same punishment holds true in the case of those turning in false fire alarms.840

The Thirty-second General Assembly, however, changed the penalty for the removal of fire apparatus and giving false alarms to a maximum fine of $100 or thirty days in jail.841

Road Rules

The regulation of traffic upon the public highway presents another phase of the proposition of securing the highest degree of safety to the public, and consequently certain road rules have been formulated, some so common as hardly to need mentioning. Especially has the protection of travel on the highways constituted a problem since the advent of the automobile.842
The Code established the standard width of roads to be between forty and sixty feet. Guide boards are supposed to be maintained at cross roads and forks. Railway locomotives must whistle twice before coming within sixty rods of a crossing and the bell must be kept ringing continuously until the road is passed. Whistling may be omitted in towns according to the local ordinance. Cities of over 5000 population may require railroads to protect crossings by means of gates and those having over 7000 inhabitants may demand viaducts to be built over the tracks. All cities and towns may regulate the speed of trains within their limits. Vehicles meeting on public roads must give one-half of the way, each turning to the right. Racing and fast driving is prohibited on penalty of a fine of $100 or thirty days imprisonment.

The Code also stipulated that steam engines traveling on a public road must whistle and stop one hundred yards from any person with horses or stock, and be preceded one hundred yards by a competent person to assist in the case of frightened animals. Bridges and crossings had to be planked before crossing. Violation constituted a misdemeanor and the violator was liable for damages. Three times since 1897 this rule has been amended. First, the Twenty-eighth General Assembly established a maximum penalty of thirty
days imprisonment or $100 fine for violation. Next the Thirtieth General Assembly exempted the county from liability in the case of personal injuries, as well as from damages resulting to the engine on account of failure to plank a bridge before crossing it. Finally, the whole law was rewritten by the Thirty-third General Assembly. Now it is specifically stated that the whistle shall not be blown and that the engine must be stopped at a signal from a person with a restive horse or other animal. Care must be exercised in any case and assistance rendered whenever necessary. Since November, 1910, the planking of bridges and crossings has not been required. The penalty for violation remains the same and nothing was said in regard to the liability of the county for damages in the case of personal injury or harm to the engine.

The first law requiring the registration of motor vehicles and regulating their use upon highways and streets was enacted in 1904 by the Thirtieth General Assembly. Every owner of a motor vehicle was compelled to have it registered by the Secretary of State and to display the number at the rear of the machine. The speed limit was fixed at ten miles an hour in closely built up parts of cities and towns, fifteen miles an hour elsewhere in cities and towns, and twenty miles an hour in the country. Upon being
signalled to do so, a person operating a motor vehicle was required to stop until the one with a restive horse or animal was safely passed. Assistance should be rendered if necessary. Each motor vehicle was to be equipped with effective brakes, a signal bell or horn, and from one hour after sunset to one hour before sunrise, with one or more white lights in front and red one behind. For the first offense in violation a fine of $35 could be imposed, and for subsequent offenses a fine of from $35 to $50 or imprisonment in the county jail was made the penalty.

The first amendment (1907) made to the motor vehicle law was in respect to registration and authorized a fee of $5. Dealers were also required to display a number on their cars and for such a registration a fee of $10 could be charged. In 1909 the fee for registering motor cycles was reduced to $2, and dealers in motor vehicles were required to get a permit and number for each place of business if they should be operating in more than one city. The use by any operator of a motor vehicle with an unassigned number was prohibited. The Thirty-fourth General Assembly rewrote the whole law relating to motor vehicles. The annual registration fees precluded assessment of motor vehicles for taxes and were fixed according to the horse power. Money derived by the State in this manner was to be apportioned among the
townships for road improvement. Two number plates were to be displayed, one at each end of the machine, and attached so as to prevent them from swinging. Fifteen days was set as the limit of time for operating a vehicle under the dealer's number.

The new act made it unlawful for a person under fifteen years of age to operate a motor vehicle. Two white lights were to be carried in front and a red and a white light behind, from a half hour after sundown to a half hour before sunrise. The rear light was to be so situated as to illuminate the number. Besides the regulations in former laws as to care in meeting and passing on the highway, operators were required to slow down in passing street cars which have stopped for passengers, and, in approaching corners and curves to slow down and give a timely signal. Cities and towns were allowed to determine the rate of speed within their limits but it was not to be less than ten miles an hour. Signs were to be maintained designating the limits of the various areas of differing rates of speed. Above twenty-five miles an hour was fixed as a dangerous rate of speed on any road.

A long list of penalties was established in 1911. Violation of the registration requirements, and for one under fifteen years of age to run a motor vehicle is punishable
by a maximum fine of $50. A fine of as much as $100 may be levied against anyone not exercising due care and prudence in driving a machine and for the fourth and subsequent such offenses, or for violation of local speed limitations, the license to operate may be revoked or suspended. Anyone who runs a car or motor cycle after the certificate of registration has been suspended or revoked, or while he is in a state of intoxication, is held guilty of a misdemeanor. Anyone causing injury to a person by a motor vehicle who does not stop and leave his name, address, and the number of his machine with the one injured or with a police officer is guilty of a felony punishable in the first instance by imprisonment for not more than two years, a fine of not over $500, or both, and in the second by a term in the penitentiary of from one to five years, besides having his certificates of registration suspended.

In 1913 motor trucks, fire engines, and patrol wagons were exempted from the regulations of the motor vehicle law and the several incidental amendments were made in regard to registration.

Poison

It has been deemed necessary to pass certain laws relating to poisons in order to protect society from using them wrongfully. Anyone mingling poison with any food,
drink, or medicine with intent to kill shall be put in the penitentiary not more than ten years and fined not over $1,000. The Code of 1897 contained the proviso that only registered pharmacists or physicians might sell or dispense poisons, except such as are contained in proprietary medicines, domestic remedies, concentrated lye, and potash if they are labeled as being poisonous, and that "Arsenic and its preparations, corrosive-sublimate, white precipitate, red precipitate, biniodide of mercury, cyanide of potassium, hydrocyanic acid, strychnia, and other poisonous vegetable alkaloids and their salts, essential oil of bitter almonds, opium and its preparations except paregoric and other preparations of opium containing less than two grains to the ounce, aconite, belladona, calchicum, conium, nux vomica, henbane, eavin, ergot, cotton root, cantharides, creosote, digitalis, and the pharmaceutical preparations, croton oil, chloroform, chloral hydrate, sulphate of zinc, mineral acids, carboic acid and oxalic acid" could be sold only in usual quantities upon the prescription of a physician, unless they were labeled as such and not delivered until the party receiving them should be aware of their character and proper use. A record of the sale of all poison was to be kept five years. The penalty for violation was a fine of from $25 to $100, confinement in jail from thirty to ninety
days or both. 653

However, in 1907, the list of poisons, the sale of which was forbidden unless properly labeled and their use made known to the recipient was revised to include "Acids, hydrochloric, nitric, and sulphuric, arsenic, chloral hydrate, chloroform, ammoniated mercury, atropine, arsenate of copper, aconitine, benzaldehyde, bromide, cyanide of potassium, cobalt, corrosive-sublimate, dionin, ether sulphuric, hyoscine, morphine, kermes mineral, cantharides, cotton root, croton oil, carbolic acid, digitalis, denatured alcohol, ergot, hydrocyanic acid, nux vomica, opium and its preparations, (excepting those containing less than two grains to the ounce), oils of bitter almonds, savin and pennyroyal, oxalic acid, phosphorus, strychnine and its salts, veratrum, and wood alcohol". This prohibition did not apply, however, to the sale of poisons used in filling prescriptions. A record of each sale was still required to be kept for five years, except in the case of wood and denatured alcohol to be used mechanically. The penalty for violation was changed in regard to the prison sentence, making the maximum term thirty days. 654

The Thirty-third General Assembly proceeded to take denatured alcohol from the list and to authorize the sale of it and poison fly paper by persons other than registered
The sale of poisonous insecticides and fumicides, provided they are labeled as being poisonous, by persons not registered pharmacists was legalized in 1911.

In 1902 the sale of cocaine except in a written prescription of a physician was prohibited on penalty of a fine of from $25 to $100 for the first offense, and for subsequent offenses a fine of not more than $300 nor less than $100, or imprisonment not exceeding three months constituted the punishment. The enforcement of the law was placed in the hands of peace officers. The Thirty-second General Assembly amended this law by making it unlawful to sell, exchange, deliver, or have in possession with intent to do so, any coca, cocaine, alpha or beta eucaine, cotton root, ergot, oil of tansy, oil of savin or derivatives of any of them, except that they could be sold to a registered physician or dentist, or in a written prescription.

The next General Assembly made it compulsory to register the sale of the above drugs and they could be sold only to registered physicians, veterinarians, and dentists for medical purposes. All but wholesale dealers in drugs and superintendents of hospitals were required to sign a record of sale. However, the Thirty-fourth General Assembly again rewrote this law with the effect of repealing the act of the Thirty-third General Assembly and leaving the provisions regulating the sale of cocaine and certain other
drugs practically as they were in 1907 under the act of the Thirty-second General Assembly.660

The last law to be noted relating to poisons is that which makes it unlawful for any one to deposit any samples of drugs or medicine on a porch, lawn, or other place where they are liable to be picked up by children.661

Petroleum Inspection

The primary purpose for the inspection of petroleum products is to insure the safety of persons using them. The original object was to prevent the adulteration of kerosene with gasoline.662

In 1897 as many as fourteen inspectors of petroleum products could be appointed by the Governor for a term of two years. Compensation was to be derived from the fees collected, up to the amount of $50 a month, and twenty-five per cent of the fees over that sum could be appropriated by the inspector up to a maximum compensation of $100 a month. The inspectors were under the supervision of the Board of Health and their duty was to inspect all illuminating oil kept for sale, including gasoline, benzine, and naphtha. The required standard was that such oils should not emit a combustible vapor at a temperature of 105° Fahrenheit. After inspection oils were to be branded as being accepted
or rejected according to the result from the test and all gasoline was to be labeled as such. Annual reports to the Secretary of State from each inspector and biennial reports from the Secretary of State to the Governor were required.

Those misbranding or adulterating oil; using it in a dangerous manner; selling or using that which did not come up to the standard, except in railway cars, boats, and public conveyances or where the gas was generated in closed reservoirs outside the building or, in the case of products with specific gravity between 70° and 75°, in Welsbach and street lamps, were held liable for damages for such action. Common carriers were likewise held liable for damages if they should carry or use on public conveyances any petroleum product which would ignite at 300° Fahrenheit, open test.

To insure the proper administration of the law, the inspectors could be fined all the way from $10 to $1,000, be imprisoned in the county jail six months, or both fined and imprisoned.663

In 1898 the appointment of deputy petroleum inspectors was authorized, and all petroleum products lighter than that which requires a temperature of 105° to emit combustible vapor could be used in Welsbach and street lamps. Besides liability for damages, those selling or using oil contrary to the provisions of the law could be fined from $10 to $50.
while misconduct on the part of railroads involved a fine of not less than $50.664

The Twenty-eighth General Assembly enacted a law allowing the use, not only of Welsbach lamps but any other gasoline lamp approved by the State Board of Health.665

The General Assembly of 1903 included apparatus involving the use of gasoline, along with gasoline lamps, as requiring the approval of the State Board of Health. Another act of this legislature presuming to clarify the former provision that petroleum emitting a combustible vapor below 105° Fahrenheit could be used if the gas or vapor from it was generated in a closed reservoir outside the building, only made that exemption the more unintelligible.666

In 1904 the whole law relating to the inspection of petroleum products was rewritten and the office of Chief Inspector created. A possible salary of $150 a month was allowed him, dependent upon the amount of fees collected. The only other new feature added was one requiring any person receiving petroleum products subject to inspection to notify the inspector and to make a monthly report to the Secretary of State.667

The Thirty-fourth General Assembly changed the test for standard illuminating oils so as to include those which
give off a combustible vapor at 100° Fahrenheit, and provided for the labeling of gasoline, benzine, and naphtha according to the gravity test at 60° Fahrenheit; prohibiting the sale of any not so labeled. 668

Since 1906 it has been unlawful to sell gasoline in quantities of from one quart to six gallons in any but red receptacles labeled "gasoline", and kerosene must not be kept in such containers. Gasoline may be used for manufacturing and mechanical purposes, however, from tanks of over ten gallons capacity which are not red. 669

In concluding the discussion of public safety measures, the prohibition of the sale or use of any toy pistols, dynamite caps, blank cartridges for toy pistols, and fire crackers over five inches long and three-fourths of an inch in diameter must be noted. One violating this act incurs a penalty of $100 fine or thirty days imprisonment. 670
Legislation Pertaining to Public Morals

Breach of Peace

An act committed by a person which disturbs the peace is contrary to good moral conduct, and the legislators of Iowa have seen fit to penalize such action.

For fighting one may incur a fine of $100 or thirty days imprisonment. The same penalty prevails in the case of unlawful assembly and rioting to the disturbance of others, and even for exciting a disturbance. Any person engaging in a riot or unlawful assembly may be tried alone. Being riotously conducting themselves, if any property is destroyed or person injured provided it is not done feloniously, the perpetrators expose themselves to a maximum penitentiary sentence of five years, or a fine of not over $500 and confinement in the county jail for a year.

Prize fighting may be indulged in only at the risk of being fined from $100 to $1000, imprisoned in the penitentiary for not over a year, or both, while those who assist in any prize fight may be fined not over $500 or put in jail not longer than one hundred fifty days. Peace officers may require security to keep the peace from those thought to be about to engage in a prize fight.
Racing or fast driving on the public highways, and the use of blasphemous or obscene language are considered breaches of the peace.

Breach of the Sabbath consists of "carrying firearms, dancing, hunting, shooting, horse racing, or in any manner disturbing a worshiping assembly or private family, or in buying or selling property of any kind, or in any labor except that of necessity or charity", and such an offense may be punished by a fine of from $1 to $5.671

The Thirty-second General Assembly made it unlawful to engage in ball games, horse racing, or other sports or entertainments that would desecrate Memorial Day, before three o'clock in the afternoon. Violation of the act is punishable by a fine of from $5 to $100 or imprisonment in the county jail not longer than thirty days.672

Immoral Entertainments

Cities are empowered, by the law in the Code of 1897, to "regulate, license or prohibit circuses, menageries, theaters, theatrical exhibitions, shows and exhibitions of all kinds" except lectures on scientific, historical, or literary subjects. Circuses showing outside of city limits must obtain a license from the county auditor.673

Prize fighting, as has been noted, is prohibited in Iowa and the penalty of a fine of from $500 to $1000, im-
prisonment in the county jail from thirty days to one year, or both the fine and imprisonment is established by the County for the use or granting the use of any building to be used for showing pictures of a prize fight, while anyone assisting in showing such pictures may be fined not less than $50 nor more than $100 or imprisoned not over thirty days for each offense. The Twenty-eighth General Assembly prescribed a maximum penalty of a $300 fine or ninety days in jail to punish persons engaging in boxing contests where admission is charged, those abetting such a performance, and those permitting their property to be used to such an end.

In 1909 a law was passed forbidding immoral plays, exhibitions, shows, or entertainments to be given, advertised, participated in, or abetted and anyone so doing or allowing property to be used for such a purpose was declared guilty of a misdemeanor and subject to a fine not exceeding $1000, imprisonment in jail not over a year, or both.

Since 1911 it has been unlawful to exhibit any deformed, maimed, idiotic, or abnormal person, or human monstrosity, and receive any fee or compensation for it. To do so renders a person liable to a fine of from $10 to $100, confinement in jail from ten to thirty days, or both.
Obscenity

In the Code the sale, publication, and distribution of obscene books, pictures, or songs manifestly tending to corrupt the morals of youth is prohibited on penalty of being confined a year in the penitentiary or fined $1000. A fine of not less than $50 or more than $1000, imprisonment in the county jail not longer than a year, or both was to be imposed upon anyone possessing for sale or distribution any indecent literature, articles of immoral use, or advertisements of them. The same penalty is prescribed for circulating such articles or advertisements through the mails or for a person knowingly conveying them. Newspapers are prohibited from printing or publishing any advertisement of a medicine or instrument purporting to be a cure of venereal disease, and in this case again the above penalty accompanies violation.

To prevent minors from coming into possession, selling or distributing, or even seeing magazines, pamphlets, or story papers mainly composed of police reports and deeds or pictures of crime, immorality, and lust, those who sell or distribute them or engage or permit a minor to do so may be fined from $50 to $500, put in jail six months, or both fined and imprisoned. Magistrates and police judges may issue warrants to search for, seize, and cause to be destroyed any of the immoral literature or articles mentioned.
The display of any obscene or impure decorations, inscriptions, or placards in a saloon, operating by virtue of having complied with the mulct law, is forbidden.

Anyone playing a phonograph record which contains obscene or immoral language shall be fined not exceeding $1000 or imprisoned in the penitentiary not more than a year.

Finally, the Code provides that a person using blasphemous or obscene language in public shall be either fined an amount less than $100, imprisoned not more than thirty days, or both. 678

The first law in relation to obscenity to be passed since 1897 was enacted by the Twenty-eighth General Assembly and provided that one using blasphemous or obscene language in public could be fined or imprisoned but not both. 679

The Thirty-third General Assembly made it a misdemeanor to drink intoxicating liquor or use profane or indecent language on a railway train or street car, and conductors may eject persons who do so. 680

In 1911 the law prohibiting the sale or distribution of obscene literature, pictures, and articles of immoral use was rewritten so as to include post cards of such character. The same legislature provided that the water closets required to be maintained by factories should be kept free from all obscene writing or marking. 681
Unchastity

Practically all of the offenses against chastity are defined and penalized by the Code of 1897 and comparatively few changes or additions have been made since that time.

Being guilty of adultery a person may be punished by imprisonment in the penitentiary not over three years, or by imprisonment in the county jail not longer than one year together with being fined not over $300. It also constitutes a ground for divorce. 682

The penalty for a married person being found guilty of bigamy is either not more than five years in the penitentiary, or one year in the county jail and a fine not exceeding $500, but for an unmarried person to be a party to the crime of bigamy the maximum penitentiary term is three years and the fine with imprisonment in the county jail one year is $300. 683

The Code made the punishment for incest a term in the penitentiary of not less than one year or more than ten, 684 but in 1906 the maximum length of confinement was raised to twenty-five years. 685 First cousins were added by the Thirty-third General Assembly to the consanguinity and affinity list to which the crime of incest applies. 686

Not more than ten years nor less than one is the term in the penitentiary to which a person can be sentenced,
accordance to the Code, for committing sodomy but it was left to the Twenty-ninth General Assembly to define the offense.\footnote{687}

The punishment for obscene and indecent exposure is fixed at a fine not exceeding $200 or imprisonment in the county jail not longer than six months, while the Thirty-second General Assembly provided a maximum penalty of three years imprisonment in the penitentiary, six months in the county jail, or a fine of $500 for committing any lewd act with a child, intending to arouse sexual passion.\footnote{688}

Prostitution may be indulged in only at the risk of being incarcerated in the penitentiary for a term of five years. The Code further designates prostitutes as being vagrants subject to treatment as such, while anyone guilty of enticing away a girl under eighteen years of age, for the purpose of prostitution may be imprisoned in the penitentiary not more than five years, or put in the county jail not more than one year and fined not over $1000.\footnote{689} The Thirty-third General Assembly established the penalty of from one to ten years in the penitentiary for detaining or confining any female against her will for purposes of prostitution.\footnote{690} The act of soliciting another to have carnal knowledge with any female was, by the Thirty-first General Assembly, made
an offense punishable by imprisonment in the penitentiary not exceeding five years, or imprisonment in the county jail not exceeding one year, a fine not exceeding $1000, or by both the fine and jail imprisonment.\footnote{631} In 1913 punishment for the act of solicitation was made applicable to women as well as men.\footnote{632}

Out of the practice of prostitution have developed houses of ill fame. The Code aims to prohibit them by establishing a penitentiary term of from six months to five years for those keeping such an establishment, by making keepers answer to the charge of vagrancy, and subjecting houses of ill fame to being dealt with as nuisances. Cities were empowered to suppress, restrain, and prohibit houses of ill fame, as well as to punish the keepers. The lease of a house being used for prostitution is declared by the Code to be void and may be terminated, but if a landlord knowingly leases his property for such a purpose he becomes liable to a fine of $300 or imprisonment in jail for six months.\footnote{633}

Likewise, under the Code anyone enticing or inveigling a virtuous or reformed woman to a house of ill fame can be sentenced to the penitentiary from one to ten years while anyone resorting to or living in such a place runs the risk of serving a five year term in the penitentiary.\footnote{634}
It was in 1909 that a special method of abatement of the nuisance of houses of prostitution was established. The act provides that the county attorney or any citizen may bring action for a perpetual injunction which, if sustained, involves the assessment and collection of a $300 tax. For violation of such an injunction a person is held guilty of contempt and subject to a fine of from $300 to $1,000, imprisonment in jail from three to six months, or both the fine and imprisonment. As soon as the existence of such a nuisance is established an order of abatement directing the sale of the fixtures and furniture must be entered. This property may be released from such confiscation, however, on receipt of a bond from the owner.

The same year keepers of houses of ill fame were made liable to be imprisoned in the penitentiary from one to five years for permitting unmarried women under eighteen to live, board, stop, or room at such places.

Differing somewhat in their nature, being offenses against persons rather than chastity, but none the less immoral or unchaste on that account, are rape and seduction. For committing rape a person may be confined in the penitentiary for life and for an attempt to do so the maximum punishment is twenty years. While it is not considered as rape, the same penalty prevails if the female is insane or
or an imbecile. Seduction is punishable by a penitentiary term of not over five years, or imprisonment in the county jail not more than a year together with a fine not exceeding $1000, but marriage constitutes a bar to prosecution.697

Narcotics

Paradoxical as it may seem, at the beginning of the period under discussion, and indeed it is the present status quo of the liquor problem in Iowa, the statutes of the State both prohibited absolutely the manufacture and sale of intoxicating beverages and provided for a tax of the illegal sale and manufacture of the same. The situation has been characterized as "an instance of political acrobatism that is without a parallel in history."698

The Code of 1897 provides the penalty of a fine of from $50 to $100 for the first offense of manufacturing or selling liquor and for subsequent violations the fine is from $300 to $500 or imprisonment not exceeding six months. Whoever erects or uses a building for the sale of liquor is declared to be guilty of a nuisance and subject to be fined from $300 to $1000, while the building as a nuisance may be abated in a manner similar to the one provided in the case of houses
of ill fame. For the second offense of maintaining
a nuisance in the same county the penalty is confinement
in the county jail not less than three months nor more than
one year. In the Code is also found authority to issue
search warrants for the seizure of liquor believed to be
kept and sold illegally, to try the case, and to destroy the
liquor and the vessels containing it if the case against the
offender is proved.

Fines and costs constitute a lien on any property or
sureties, except a homestead, possessed by an offender.
Contracts for the illegal sale of liquor are void. An
owner upon whose property any violation of the liquor law is
committed by a tenant may terminate the lease within thirty
days. Finding liquor in the possession of one not authorized
to sell it or in unusual quantities in a private dwelling,
or the display of a United States revenue stamp is presumptive
evidence of violation of the law. Peace officers are entrusted
with the enforcement of liquor regulations to so interpret
them as to prevent evasion.

However, provision is made in the Code that registered
pharmacists, citizens of the United States and Iowa, having
conducted a pharmacy six months in the locality where they
expect to sell intoxicating liquor, have not violated the
laws in the two years preceding, do not keep a hotel, eating house, saloon, restaurant, or place of public amusement, are not addicted to the use of intoxicating liquor, and desire to do a lawful business, may petition and secure a permit to sell intoxicating liquor for medical purposes upon giving bond and taking oath to abide by the law. Such pharmacists must keep a record of all purchases and sales and were required to have those purchasing liquor sign a statement as to its use, the residence of the purchaser, whether he or she was of age, and did not use intoxicating liquor as a beverage. Permit holders are given the right to ship liquor to registered pharmacists and manufacturers of proprietary medicines. Illegal sales by a permit holder are punishable in the same manner as in the instance of any other person and operate to the revocation of the permit as well as the offender's certificate of registration as a pharmacist, should the commissioners of pharmacy deem such action advisable. No more than two registered pharmacists may be employed by a permit holder to sell intoxicating liquor.

The law forbids common carriers to transport intoxicating liquor on penalty of a $100 fine, without a certificate from the clerk of the court showing that the consignee is a permit holder, and false statements on the part of any person as to
the contents of a vessel or box containing liquor made in an endeavor to get it shipped, may be likewise punished by a fine of $100. No packages containing liquor may be carried unless they are properly labeled as such.

Such is the law in the Code prohibitory to the manufacture and sale of liquor. But that body of statutes also contains a mulct tax law which authorizes the illegal sale and manufacture of intoxicating liquor upon the payment of a fine and upon the consent of a certain number of voters. In cities of 5000 or more inhabitants the payment of a $600 tax annually, or more at the discretion of the municipality, by all persons engaged in the sale of intoxicating liquors as a beverage or by the owner of the property where such business is carried on, constitutes a bar to proceedings under the prohibitory law of the Code in case there should be filed with the county auditor a written statement of consent signed by a majority of the voters residing in such a city who voted at the last general election, and in case the person paying the tax should file a resolution of consent from the council, should not be a local official, should not maintain his saloon within three hundred feet of a church or school house or one-half mile of a fair, should give bond for the faithful observance of the mulct tax, should maintain the place of sale
in a single room with but a front entrance, the bar in view of the street and the room free from chairs, benches, and obscene pictures, should conduct the business in an orderly manner, permit no gambling nor amusements in connection, employ no female, exclude all minors, drunks, and intoxicated persons, and open not earlier than five in the morning and close not later than ten in the evening. The same provision holds true in towns of less than 5000 inhabitants except that here the statement of consent must be signed by sixty-five percent of the voters residing within the county but outside of the corporate limits of cities having a population of 5000 or over. The tax constitutes "a perpetual lien upon all property both personal and real, used in or connected with the business." The revenue derived from this tax is paid into the county treasury, one-half going to the general county fund and one-half to the municipality or township where the tax is collected. It is especially stipulated, however, that nothing in the law is to be construed as "to mean that the business of the sale of intoxicating liquors is in any way legalized, nor as a license".

Consent to manufacture liquor can be granted according to the Code only in cities and towns which have in a similar manner granted permits to sell. However, such manufacturing establishments must not be within three hundred feet of any
school, college, or place of worship, nor is drinking or retailing permissible therein.700

Liquor regulations as found in the Code apply to special charter cities as well as those under the general incorporation law, although this was not true of the provisions of the original mulct law.701

Anyone giving or selling intoxicating liquor to an Indian in Iowa shall be fined not exceeding $200, or be imprisoned in the county jail not exceeding one year, or both. Intoxicating liquor must not be sold within three miles of the agricultural college or farm, except "for sacramental, mechanical, medical or culinary purposes" on penalty of a fine not exceeding $50, imprisonment for not over thirty days, or both. Also the sale of it at fairs may be prevented, and selling it within a mile of military encampments is a misdemeanor.702

The fine for becoming intoxicated is between $5 and $25, but it may be remitted upon the person giving information of whom, when, and where he obtained the liquor which produced the intoxication. Selling or giving intoxicating liquor to a minor, inebriate, or intoxicated person is prohibited and one guilty of it may be fined as high as $100. Any citizen of the county may file information of the existence of an establishment doing such a business and one-half of the
fine collected may be his reward while the other half is turned into the school fund. Anyone who, by the manufacture, sale, or giving away of intoxicating liquor, causes the intoxication of a person is declared to be liable to pay for the care of that person and $1 a day in addition for every day he is kept on account of such intoxication. A wife, parent, child, guardian, employer, or other person injured may take action and recover damages from the one who sells or gives intoxicating liquors to another, contrary to law. 703

The use or sale of liquor in a club room is punishable by a fine of from $100 to $500 or imprisonment in jail from thirty days to six months. 704

The sale of drugged liquors is deemed an offense against the public health and can be practiced only at the risk of being fined as much as $500 or imprisoned for two years in the penitentiary. 705

Since the Code of 1897 there have been no fundamental changes in the regulation of the liquor traffic in Iowa. The system of mulct tax -- neither prohibition nor license -- has been retained. However, every legislature since 1897, with the exception of the Twenty-seventh General Assembly, has had a hand in making some modification.

The Twenty-eighth General Assembly began by placing the
ban on the solicitation of orders for intoxicating liquor along with the manufacture and sale of it. Also the procuring of liquor for a minor, inebriate, or intoxicated person was made just as much of an offense as the selling or giving of it, while the penalty was specifically made applicable to each separate offense. A permit holder was made responsible for the acts of his partner. By concurrent resolution of the same General Assembly the board of regents of the State University and the boards of trustees of the other State educational institutions were requested to adopt and enforce rules against the use of intoxicating liquor. 706

In 1903 laws making only technical changes were passed in relation to the abatement of a liquor nuisance, to the listing of places where liquor is sold and the assessment of the mulct tax, and to the surety on bonds of parties keeping intoxicating liquors for sale. 707

A "bootlegger" was defined by the Thirtieth General Assembly as one who shall "keep or carry around on his person, or in a vehicle, or leave in a place for another to secure, any intoxicating liquor ... with intent to sell or dispose of the same by gift or otherwise, in violation of law", and the penalty of being enjoined for such conduct was established. 708
The same legislature also improved the manner of bringing and prosecuting injunction actions for the suppression of the illegal sale of intoxicating liquors, and required that the county auditor keep a special "Mulct Tax Account". An application for a permit to sell liquor was required to be published not "for three consecutive weeks" but "once each week" for three consecutive weeks. 708

The legislature of 1906 amended the process for the collection of delinquent mulct taxes, included cemeteries among the places within three hundred feet of which saloons must not be maintained, and limited the validity of a petition of consent to a period of five years. 710

The penalty for the sale of intoxicating liquor to minors, drunkards, and intoxicated persons was changed from a fine of $100 to one of not less than $25 or more than $200 in 1907. The sale of liquor within a mile of a permanent military post or reservation established by the United States was prohibited and the punishment of a maximum fine of $50, a term in the county jail not longer than thirty days, or both the fine and imprisonment was provided for each offense in violation. Furthermore, the Thirty-second General Assembly made the mulct tax applicable to those persons who engage in the business of storing intoxicating liquors and collecting
the purchase for the owner from those to whom the liquors have been conditionally sold or from those not authorized by law to sell them.\textsuperscript{711}

The passage of the Moon Law was one of the important pieces of work accomplished by the Thirty-third General Assembly. This act limits the number of persons to whom consent to retail liquor as a beverage may be granted to one for every one thousand inhabitants, but in towns of less than 1000 population one person may still be permitted to operate. However, in cities and towns where there is an excess of the number of saloons, resolutions of consent need not be withdrawn nor denied of renewal except to such persons as sell intoxicating liquor in violation of the law, and persons convicted of violating the liquor laws may not again be permitted to sell within the space of five years.\textsuperscript{712}

Another significant law enacted in 1903 relating to the sale of intoxicating liquors was that which prohibited any but qualified electors of the locality from retailing liquor. Persons, firms, associations, or corporations engaged in the manufacture of intoxicating liquors, or officers, members, stockholders, agents, or employees of those manufacturers were also excluded from any connection whatsoever with the retail business.\textsuperscript{713}

Two other liquor laws were passed by the Thirty-third
General Assembly. One rewrote and made some technical changes in the manner of disposing of the mulct tax and the other prescribed a blank requisition form to be filled out and signed in ink by each person purchasing liquor of a pharmacist with a permit to sell.714

However, the Thirty-fourth General Assembly made it permissible for permit holders to fill out the application blanks themselves although the applicant must still sign in person. This legislature also increased the penalty for the second and subsequent offenses against the law prohibiting the manufacture and sale of liquor by making the maximum jail sentence one year instead of six months. The other penalties in this regard remained the same.715

Since 1911 wholesale drug companies with a registered pharmacist in their employ who holds a permit may sell liquor to any registered pharmacist doing a general business in the State and to licensed physicians. For shipment the liquor may be enclosed in the same box or package as other drugs but the bill of lading must state the amount and kind of liquor in the shipment.716

In an act regulating mines and mining intoxicated persons and intoxicants were excluded from in and around all mines.717

Finally the Thirty-fourth General Assembly directed the
county attorney of each county to secure quarterly and file with the county auditor for public inspection a list of the names of persons holding Federal liquor licenses, except those operating under the mulct law and permit holding pharmacists. The possession of a Federal liquor license by any others is deemed prima facie evidence of the violation of the liquor laws of the State. 718

Aside from giving the county attorney power to require peace officers to make special investigations of alleged infractions and report in writing, and the prohibition of bringing intoxicants into certain State institutions, three liquor laws of importance were placed upon the statute books by the last legislature. 719 One reduced the hours during which saloons may remain open from between five A. M. and ten P. M. to between seven A. M. and nine P. M. Another was the much mooted "Five Mile Bill" which prohibits the sale of intoxicating liquors within five miles of any normal school, college, or university under the State Board of Education. The law does not, however, affect the manufacture of beer nor does it go into effect until the petitions of consent granted prior to the enactment of the law expire. As a matter of fact circumstances are such that the law applies only to Iowa City where the petitions of consent expire in 1916.
The third liquor law passed by the Thirty-fifth General Assembly was a modification of the Moon Law in its application to special charter cities. It provides that resolutions of consent must be withdrawn by July 1, 1913, from one-third of the number of saloons in excess of the ratio of one to every one thousand inhabitants, from one-half of the remaining in excess by July 1, 1914, and by July 1, 1915 the whole excess must be extinguished.

Tobacco

The only regulation of the sale of tobacco to be found in the Code of 1897 is that which prohibits the sale or giving to any minor under sixteen years of age tobacco of any form without the written order of his parent or guardian. The penalty imposed is a fine of from $5 to $100.

However, in 1913, a law was placed among the statutes of the State which empowers the principal of a county high-school to prohibit the use of tobacco in any form by any student under his jurisdiction. The school board is given the same control over pupils in the grade schools. The method of enforcement is through the punishment of suspension or expulsion of the offender from school.

Cigarettes

The situation in regard to manufacture and sale of cigarettes is somewhat similar to that of intoxicating liquors.
The manufacture, sale, or giving away of cigarettes or cigarette papers is prohibited in the Code and whosoever is guilty of so doing is liable to a fine of from $25 to $50 for the first offense, and for subsequent offenses a fine of not more than $500, or imprisonment not exceeding six months is the penalty. Moreover a mulct tax of $300 a year, in addition to all other taxes and penalties, to be collected and distributed the same as the liquor mulct tax, but not constituting a bar to prosecution as does the payment of the liquor tax, is supposed to be assessed against every person or firm manufacturing, selling, or giving away cigarettes.

In 1909 the issuance of a search warrant and the seizure and destruction of cigarettes and cigarette papers was authorized upon information being filed on oath by any reputable citizen, and the discovery of cigarettes or cigarette papers in any public place was designated as prima facie evidence of the violation of the law, whereupon the $300 mulct tax is to be levied and collected. The same legislature made it unlawful for any person under twenty-one years of age "to smoke or use a cigarette or cigarettes on the premises of another, or on any public road, street, alley or park or other lands used for public purposes or in any public place of business or amusement, except when in company of his parent or guardian." Anyone guilty of such an act is liable to
be fined not exceeding $10 or imprisoned in the county jail not exceeding three days, but the sentence may be suspended if the person will give evidence leading to the arrest of the one from whom the cigarettes or cigarette papers were obtained. 723

Opium

The operation of an opium smoking establishment or the use of opium or its preparations in such a place is declared to be a misdemeanor by the Code and punishable by a fine not exceeding $500, by imprisonment not longer than six months, or by both. Furthermore opium joints are deemed to be nuisances subject to abatement, and cities and towns have power to suppress, restrain, and prohibit them, and to punish the keepers and persons resorting thereto. In 1913 the bringing of opium into certain State institutions was prohibited along with intoxicating liquors. 724

Vitiating Influences

Here and there in the Code and in the session Laws are found provisions which aim to ameliorate certain institutions and conditions that tend to contaminate and vitiate the youth. Minors are not allowed in any "billiard hall, beer saloon or nine or ten pin alley" and anyone permitting them to remain in such places is supposed to be fined from $5 to $100 or put in jail not over thirty days. Neither is it permissible to
sell or give a "pistol, revolver or toy pistol" to any minor, and the fine in this case is from $25 to $100 while the maximum term of imprisonment is thirty days. 725

The Thirtieth General Assembly decreed that "no bills, posters or other matter used to advertise the sales of intoxicating liquors or tobacco shall be distributed posted painted or maintained within four hundred feet of premises occupied by a public school or used for school purposes". The maximum fine or imprisonment was fixed at $100 or thirty days. 726

In 1907 cities and towns were empowered "to regulate, define, tax, license or prohibit public dance halls, skating rinks, fortunetellers, palmists, and clairvoyants", to regulate the construction and location of bill boards, and to license and tax the owners or persons maintaining them. 727

Finally, secret societies and fraternities have been prohibited in public schools since 1909. The enforcement of the law is in the hands of the directors who have power to suspend, expel, or exclude from graduation or participation in school honors any pupil who violates the rules laid down. Furthermore, it is a misdemeanor for anyone outside of school to solicit a pupil while at school to join any society or fraternity organized outside of the school, and the penalty for so doing is a fine of not less than $2 nor more than $10.
or imprisonment not longer than ten days if the fine is not paid. 728

Gambling

Lotteries are prohibited by the State Constitution and the Code of 1897 further provides a maximum penalty of thirty days in jail, a fine of $100, or both for making a lottery, advertising the sale of tickets, or the possession of lottery tickets. 769

The keeping of gambling houses is penalized in the Code by a fine of not less than $50 nor more than $300, or by imprisonment in the county jail not more than one year, or both. Authority is also given to search suspected places and destroy any gambling device. Gambling houses are deemed to be nuisances and may be abated, cities and towns may suppress gambling games and devices, destroy gaming instruments, and punish gambling, and gambling at fairs may be suppressed and none of it allowed in mulct saloons. 730

Gambling and betting is declared to be a misdemeanor and gambling contracts are void, while anyone selling pools, permitting it to be done on his property, or any stake holder may be fined as high as $1000, imprisoned for a year, or both. Dealing in options and the operation of "bucket shops" is prohibited on penalty of a fine of from $100 to $500, im-
prisonment from thirty days to a year, or both the
fine and imprisonment. 731

The Twenty-eighth General Assembly gave cities power to
suppress, restrain and prohibit gambling houses and punish
the keepers and frequenters thereof. 732

In 1911 it was made unlawful for anyone to possess a
roulette wheel, klondyke table, poker table, faro, or keno
layout except for the purpose of destruction, and provision
was made for the seizure and destruction of such instruments. 733

Cruelty to Animals

If any person tortures, torments, starves, mutilates,
over drives, cruelly beats or cruelly kills, fails to provide
shelter, abandons, or works any animal when it is unfit,
"he shall be imprisoned in the county jail not exceeding
thirty days, or be fined not exceeding one hundred dollars."
Railroads when transporting live stock must not confine it in
cars longer than twenty-eight consecutive hours without
unloading for rest, food, and water for a period of five
hours, unless there is an accidental delay of the train or
unless there is room in the car for rest, food, and water.
For violation a fine of from $100 to $500 may be exacted.
Keeping or using a place for, or abetting or assisting in
any bull, bear, dog, or cock fight, or a fight between any
creatures, constitutes a misdemeanor, as does also the confinement of any animal without food and water.734

The Thirtieth General Assembly made it unlawful to dock horses' tails in Iowa, and anyone doing so may be fined as much as $100 or imprisoned as many as thirty days.735

In 1907 the section relating to cruelty to animals as found in the Code of 1897 was rewritten and the provision added that "whether the acts or omissions herein contemplated be committed either maliciously, willfully or negligently" the punishment shall remain the same.736
NOTES AND REFERENCES
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Introduction

1. Laws of Iowa, 1898, pp. 62-76.
2. Laws of Iowa, 1900, p. 99.
5. In 1904, $250 annually was appropriated to defray the expenses of persons who should be secured by the Board of Control to read papers at these quarterly conferences concerning the objects and work of one or more of the institutions. — Laws of Iowa, 1904, p. 110.
7. Laws of Iowa, pp. 26, 27.
8. Laws of Iowa, 1913, pp. 21, 22.

Dependents

10. Code of 1897, Section 2252.
11. Code of 1897, Section 2218.
12 Code of 1897, Section 2250.
13 Code of 1897, Section 2217.
14 Code of 1897, Section 2218.
15 Code of 1897, Section 2231.
16 Code of 1897, Section 2219.
17 Code of 1897, Section 2230.
18 Code of 1897, Sections 2223, 2223.
19 Code of 1897, Section 2224.
20 Code of 1897, Sections 2226, 2227.
21 Code of 1897, Section 2225.
22 Code of 1897, Section 2229.
23 Code of 1897, Section 2228.
24 Code of 1897, Section 2230.
25 Code of 1897, Section 2247.
26 Code of 1897, Section 2232.
27 Code of 1897, Section 2241.
Osceola, Crawford, Emmet, and Ida Counties are the only ones in the State which do not maintain a county home. — *Iowa Documents, 1913, Vol. II, Report of the Board of Control of State Institutions*, pp. 556, 558.

29 Code of 1897, Section 2344.
30 Code of 1897, Section 2335.
31 Code of 1897, Section 2331.
32 Code of 1897, Section 2344.
33 Code of 1897, Section 2345.
34 Code of 1897, Section 2346.
35 Code of 1897, Sections 2338, 2339, 2340.
36 Code of 1897, Section 2348.
37 Code of 1897, Section 2349.
38 Code of 1897, Sections 733, 957; *Laws of Iowa, 1909*, p. 54.

While the wording of the act would imply that "All laws governing cities of the first and second class" are applicable to all commission plan cities regardless of population, it would seem reasonable that the classification according to population
would apply in this case and that therefore only commission cities having over 15,000 inhabitants would be allowed to establish an infirmary.

39 Code of 1897, Section 740.
40 Laws of Iowa, 1900, p. 13.
41 Laws of Iowa, 1909, pp. 38, 39.
42 Laws of Iowa, 1909, p. 131.
43 Laws of Iowa, 1909, p. 29.
44 Laws of Iowa, 1913, p. 144.
46 Probation officers came into being with the establishment of juvenile courts, which are primarily for the purpose of dealing with delinquent children. However, these officials have been found available in the administration of other laws somewhat akin, the one relating to contributory dependency being an instance in point.
47 Laws of Iowa, 1909, p. 15.
48 Laws of Iowa, 1909, p. 17.
49 Laws of Iowa, 1911, p. 7.
A one mill tax may be voted in a county for the erection of a soldiers' monument or memorial hall. -- Code of 1897, Sections 435, 436.
In 1913 the number of interments was reduced to thirty. —

\textit{Laws of Iowa}, 1913, p. 39.
The Code of 1897 left the salary of the superintendent to be fixed by the board of trustees, and he had been receiving $100 a month previously.
To meet the expense of inspection, part of an annual appropriation of $2000, primarily for the purpose of inspecting private and county insane asylums, is used, supplanting the appropriation of $1000 made in 1902, especially for the inspection of homes for friendless children. — Laws of Iowa, 1906, p. 97.
107 Laws of Iowa, 1898, p. 44.
108 Laws of Iowa, 1913, p. 256.
109 Laws of Iowa, 1898, p. 48.
110 Laws of Iowa, 1902, pp. 74, 75.
111 Laws of Iowa, 1911, p. 156.
112 Laws of Iowa, 1913, pp. 336, 337.
114 Laws of Iowa, 1906, p. 95.
115 Laws of Iowa, 1909, p. 79.
116 Code of 1897, Sections 2723-2727.
117 Laws of Iowa, 1898, p. 48.
118 Laws of Iowa, 1902, p. 75.
119 Laws of Iowa, 1906, p. 96.
120 Laws of Iowa, 1909, p. 173.


123  *Laws of Iowa*, 1909, p. 79.

124  *Laws of Iowa*, 1913, p. 255.

125  *Code of 1897*, Sections 2693–2701.

126  One incident of that change which applies particularly to this institution, ought, however, to be noted. The superintendent is required to notify the Board of Control immediately if there is any question as to the propriety of a commitment or the detention of any person received, and the Board thereupon must investigate and take action. — *Laws of Iowa*, 1898, p. 69.

127  *Laws of Iowa*, 1898, p. 47.

128  *Laws of Iowa*, 1903, p. 73.


130  *Code of 1897*, Sections 2253–2310.

131  *Laws of Iowa*, 1898, pp. 65, 66.

132  *Code of 1897*, Sections 3219, 3222, 3225, 3228.
that this act applied only in cases where the local authorities had deemed commitment advisable and in no way abrogated the clause in the Code giving the commissioners of insanity the power to determine in the first instance the residence of a person and to authorize the sheriff to remove him if it were found to be outside of the State. — Code of 1897, Section 2283.
144 **Laws of Iowa, 1906, pp. 64, 65.**

145 If the commissioners of insanity of one county should find that an insane person had, or probably had, legal settlement in another county, they were obliged to notify the auditor of that county, who would then make inquiry and advise the superintendent of the Hospital and the commissioners filing the information of his decision. — **Code of 1897, Section 2270.**

146 **Laws of Iowa, 1907, p. 122.**

147 **Laws of Iowa, 1904, p. 85.** Whenever it is necessary to make any transfers under the provisions of this act the same process is followed as in the case of locating non-resident insane patients. — See pages 61, 62.

148 The italics are the writer's.

149 **Laws of Iowa, 1913, p. 205.**

150 **Laws of Iowa, 1898, p. 36.** This act, approved twelve days after the one creating the State Board of Control, vested the power of fixing allowances in the several boards of trustees, and inasmuch as both laws went into effect simultaneously it would appear that the inconsistency was simply an oversight. However, it was not rectified until four years later in the **Laws of Iowa, 1902, p. 113.**
The laws which establish penalties for aiding inmates to escape from Hospitals for the insane are considered in connection with penitentiaries, p. 105.

Superior courts were given concurrent jurisdiction in 1909. — Laws of Iowa, 1909, p. 18. See also page 75.

With the opening of the Hospital for Inebriates at Knoxville, January 18, 1906, the Board of Control ordered all female inebriates to be committed to the department for inebriates at the Mount Pleasant State Hospital, to be known
as the Hospital for Female Inebriates at Mount Pleasant, and closed the departments in the other State insane hospitals. — Report of the Board of Control, p. 2 in Iowa Documents, 1907, Vol. II.

162 Code of 1897, Sections 3219, 3222-3228.


164 Laws of Iowa, 1907, p. 123.

165 Laws of Iowa, 1908, pp. 66-68, 136.

166 Laws of Iowa, 1909, p. 132.

167 The act in 1898 creating the State Board of Control permits a contingent fund of $250 to rest in the hands of the managing officer of any institution under its jurisdiction. — Laws of Iowa, 1898, p. 73.

168 Laws of Iowa, 1911, p. 98.

169 Laws of Iowa, 1913, pp. 207, 208.

170 Ordinarily the expense of parole and return of patients is borne by the State.

171 Ordinarily the expense of parole and return of
171 Laws of Iowa, 1913, pp. 206, 207.
172 Laws of Iowa, 1913, p. 257.
173 Laws of Iowa, 1913, p. 21.
174 Laws of Iowa, 1911, pp. 144, 145.

A summary of the decision of the court may be found in The Register and Leader (Des Moines), Vol. LXV, No. 359, June 25, 1914.

Delinquents

176 Henderson's An Introduction to the Study of Dependent, Defective and Delinquent Classes, p. 8.
177 Code of 1897, Sections 475, 293, 69, 5641.
178 Laws of Iowa, 1909, pp. 5, 6.
179 Laws of Iowa, 1913, pp. 34, 35.
180 Code of 1897, Sections 5092-5094, 4906, 5096.
181 Laws of Iowa, 1903, p. 111.
182 Code of 1897, Sections 5637, 5640, 5643, 5645-5649.
Poor persons committed to jail until a fine is paid may be liberated after thirty days upon giving to the county treasurer a promissory note for the amount of the fine and a schedule of their property. — Code of 1897, Section 5533.

The law now requires, then, that one or more police matrons be appointed in Davenport, Des Moines, Dubuque, and Sioux City, where the population exceeds 35,000, and in Glenwood, Muscatine and Wapello where special charters are in operation. Their appointment is optional in Cedar Rapids, Clinton, Council Bluffs, and Waterloo where the population is over 25,000.
Laws of Iowa, 1911, pp. 200, 201.

Code of 1897, Sections 5709, 5711, 5675, 5702, 5707, 5708, 5683, 5718.

Code of 1897, Sections 5661-5666, 5692, 5687, 5700, 5716, 5717.

Code of 1897, Sections 5716, 5691, 5712, 5692, 5694.

Code of 1897, Sections 5661, 5697.

Laws of Iowa, 1898, pp. 64, 68.

Laws of Iowa, 1900, pp. 77, 78. On account of inadequate facilities, insufficient financial support, and faulty provisions in the law itself, the Iowa Industrial Reformatory for Females was never opened.

Laws of Iowa, 1904, p. 125.

Laws of Iowa, 1898, p. 62.

Laws of Iowa, 1907, p. 193.

Laws of Iowa, 1907, pp. 194-197.

Laws of Iowa, 1911, p. 205.

Laws of Iowa, 1898, p. 63.

Laws of Iowa, 1900, p. 95.
207. **Laws of Iowa, 1902, p. 112.**

208. **Laws of Iowa, 1904, pp. 127, 128.**

209. **Laws of Iowa, 1906, p. 132.**

210. **Laws of Iowa, 1907, p. 198.**

211. **Code of 1897, Sections 5678-5680.**

212. **Laws of Iowa, 1900, p. 79.** This appropriation was of course never utilized.

213. **Report of the Board of Control, pp. 28, 29, in Iowa Documents, 1913, Vol. II.**

214. **Laws of Iowa, 1913, p. 322.**

215. The commitments were directed by the Executive Council (Code of 1897, Section 5676) and later when the State was divided into two districts under the regime of the Board of Control, each penitentiary received criminals from its own territory, although the Board possessed the power of transferring any prisoners at any time. -- **Laws of Iowa, 1898, p. 69.** The Executive Council, and since the Board of Control is vested with the same powers, it may also designate classes as well as individuals who shall be confined in one penitentiary or the other. -- O'Brien vs. Barr, 83 Iowa, 51.
216 Laws of Iowa, 1907, pp. 193, 194, 197.

217 Laws of Iowa, 1900, p. 78. It is to be remembered that these provisions have never been in force.

218 Code of 1897, Section 5676.

219 Code of 1897, Sections 5703-5705, 5682.

220 Laws of Iowa, 1902, p. 111.

221 Laws of Iowa, 1904, p. 211.

222 Laws of Iowa, 1907, p. 194.

223 Laws of Iowa, 1911, p. 199.

224 Laws of Iowa, 1913, p. 320.

225 The contracting out of labor at the penitentiaries was prohibited in 1876 (Laws of Iowa, 1876, p. 33) but allowed at Fort Madison again in 1880. — Laws of Iowa, 1880, pp. 140, 141.

226 Code of 1897, Sections 5707, 5708.

227 Laws of Iowa, 1898, pp. 74, 75.

228 Report of the Board of Control, p. 186, in Iowa Documents, 1900, Vol. VI. It was for sixteen years and expires December 31, 1914. — Report of the Board of Control, p. 31 in Iowa Documents, 1913, Vol. II.
Other contracts have been and are still in force whereby prisoners in the penitentiary at Fort Madison are employed. The manufacture of farming tools and chairs have been the two most enduring industries.

This law did not, however, affect the existing contract with the Anamosa Cooperative Company, and in 1909 the legislature authorized the "employment of not to exceed fifty inmates of the reformatory in the making of butter tubs." — Laws of Iowa, 1909, p. 175.
239  Laws of Iowa, 1904, p. 127.
240  Laws of Iowa, 1913, p. 323.
241  Laws of Iowa, 1900, p. 78.
242  Laws of Iowa, 1898, p. 69.
243  Report of the Board of Control, p. 187, in Iowa Documents, 1900, Vol. VI.
244  Code of 1897, Sections 4891-4896.
245  Laws of Iowa, 1902, pp. 107, 112.
246  Laws of Iowa, 1900, p. 92.
247  Laws of Iowa, 1913, p. 311.
248  Code of 1897, Sections 4891-4896.
249  Laws of Iowa, 1904, p. 122.
250  Laws of Iowa, 1913, pp. 311, 312. The law of 1904 applied only to the penitentiary, the reformatory, and industrial schools while that of 1913 included workhouses and hospitals of the State.
251  Constitution of Iowa, Article IV, Section 16.
252  Laws of Iowa, 1900, p. 78.

253  Laws of Iowa, 1907, pp. 195-197.


255  Code of 1897, Sections 5626-5628.

256  Laws of Iowa, 1907, p. 196.

257  Laws of Iowa, 1911, p. 200.


259  Such rules are found in the Code of 1897, Sections 5216-5239.

260  There are seven such courts in Iowa located in Council Bluffs, Cedar Rapids, Grinnell, Keokuk, Oelwein, Perry, and Shenandoah. -- Iowa Official Register, 1913-1914, pp. 235, 236.


262  Laws of Iowa, 1909, p. 18.

263  Dubuque, Linn, Polk, Pottawattamie, Scott, and Woodbury Counties have over 50,000 population. -- Iowa Official Register, 1913-1914, pp. 710-713.
The superior court at Cedar Rapids is the only one to which this provision is applicable.


Laws of Iowa, 1911, p. 6.

Code of 1897, Section 2702.

Laws of Iowa, 1913, p. 254.

Code of 1897, Sections 2703, 2704.

Code of 1897, Section 2705.

Laws of Iowa, 1900, p. 76.

Laws of Iowa, 1900, p. 76.

Code of 1897, Section 2707.

Code of 1897, Sections 2708, 2709.

Laws of Iowa, 1898, p. 47.

Report of the Board of Control, p. 109, in Iowa Documents, 1900, Vol. VI.
280  *Laws of Iowa*, 1900, p. 76.

281  *Laws of Iowa*, 1902, p. 74.

282  *Laws of Iowa*, 1900, p. 76.

283  *Laws of Iowa*, 1906, p. 94.


286  *Laws of Iowa*, 1911, 155, 156.

287  *Laws of Iowa*, 1900, p. 75. This power was vested in the Board of Control by the Twenty-eighth General Assembly.

288  *Code of 1897*, Section 2704.

289  The laws against enticing away a child placed by law in a home or institution, considered in the discussion of contributory dependency, (pp. 19, 20) apply to children placed out by the Industrial School.

290  *Laws of Iowa*, 1906, pp. 93, 94.

291  *Laws of Iowa*, 1911, p. 152.

292  *Code of 1897*, Section 2710.
The section was amended to read "the board of control of state institutions" instead of "the board of trustees" in 1900. -- Laws of Iowa, 1900, p. 76.

This law is considered in connection with penitentiaries, p. 105.
308 Laws of Iowa, 1913, pp. 254, 255.
309 Laws of Iowa, 1898, p. 44.
310 Laws of Iowa, 1900, p. 77.
311 Laws of Iowa, 1906, p. 96.
312 Code of 1897, Section 734.
313 Code of 1897, Section 5119.
314 Laws of Iowa, 1911, p. 198.
315 Laws of Iowa, 1913, p. 319.
316 Code of 1897, Sections 5120-5133.
317 Code of 1897, Section 5142.
318 Code of 1897, Sections 5134-5136, 5138, 5141. Pensions
319 Code of 1897, Section 1309.
320 Code of 1897, Sections 4009, 4010.
322 Laws of Iowa, 1909, pp. 50-53.
323 Laws of Iowa, 1911, p. 36.
In order to correspond with the legislative period the Commissioner's appointment was changed from even to odd-numbered years in 1906. His biennial report is made in even-numbered years. — Laws of Iowa, 1906, p. 71.


342  *Laws of Iowa*, 1904, p. 93.


345  *Code of 1897*, Section 2470.

346  *Laws of Iowa*, 1902, p. 61.


349  *Code of 1897*, Sections 2471, 2472, 2474.


351  *Laws of Iowa*, 1902, p. 61.


353  *Laws of Iowa*, 1913, p. 216.

354  *Code of 1897*, Sections 2475, 2473.

356  **Laws of Iowa, 1904, p. 125.**

357  **Laws of Iowa, 1906, p. 72.**

358  **Laws of Iowa, 1907, p. 129.**

359  **Laws of Iowa, 1907, p. 26.**

360  **March 27, 1907.**

361  **Laws of Iowa, 1907, pp. 128, 129.**

362  **Code of 1897, Section 3162.**

363  **Code of 1897, Section 3191.**

364  **Code of 1897, Section 4011.**

365  **Laws of Iowa, 1904, p. 117.**

366  **Code of 1897, Section 3996.**

367  **Code of 1897, Section 2490.**

368  **Laws of Iowa, 1900, p. 61.**

369  **Code of 1897, Section 2490.**

370  **Code of 1897, Section 2490.**

371  **Laws of Iowa, 1900, p. 61.**

372  **Laws of Iowa, 1913, p. 287.**
The law was declared constitutional by the Supreme Court of Iowa, May 12, 1914.

373 Tribunals of voluntary arbitration in each county were authorized in 1886, but being found of no practical value, the statute providing for them was omitted by the commission which framed the Code of 1897. — Downey's History of Labor Legislation in Iowa, pp. 191, 192.

374 Laws of Iowa, 1913, pp. 303-305.

375 If the employees are not organized it is necessary that a majority of those affected, but not more than twenty, should sign the application for the appointment of a board of arbitration.

376 Downey's History of Labor Legislation in Iowa, p. 105.

377 Laws of Iowa, 1904, p. 92.

378 Laws of Iowa, 1909, p. 141.

379 Laws of Iowa, 1913, p. 217.

380 Laws of Iowa, 1902, p. 62.

381 Laws of Iowa, 1913, p. 217.
Another act mentioned in the inspection of factories, gave the Commissioner power to notify those in charge of a factory of neglect in respect to fire escapes but he was powerless to enforce compliance. — Laws of Iowa, 1902, p. 62.
397  *Laws of Iowa*, 1911, p. 105.


399  *Laws of Iowa*, 1911, p. 106.

400  *Code of 1897*, Section 2482.

401  *Laws of Iowa*, 1902, p. 63.


403  *Laws of Iowa*, 1906, p. 73.


405  *Code of 1897*, Section 2483.


407  *Code of 1897*, Sections 2482, 516.


411  *Code of 1897*, Section 2485.

413 Laws of Iowa, 1913, pp. 220, 221.

414 Code of 1897, Section 2486.

415 Code of 1897, Section 2487.


417 Laws of Iowa, 1913, pp. 218, 219.

418 Code of 1897, Section 2489.

419 Laws of Iowa, 1911, pp. 111, 113-116.

420 Laws of Iowa, 1913, p. 219.

421 Code of 1897, Section 2489.

422 Laws of Iowa, 1911, pp. 113, 114.

423 Laws of Iowa, 1913, pp. 218, 220.

424 Laws of Iowa, 1911, p. 111.


426 Downey's History of Labor Legislation in Iowa, p. 50.

427 Laws of Iowa, 1902, p. 63.

428 Laws of Iowa, 1911, p. 118.

429 Laws of Iowa, 1911, p. 115.
430  **Laws of Iowa**, 1907, pp. 129, 130.

431  **Laws of Iowa**, 1900, pp. 61, 62.

432  **Laws of Iowa**, 1909, p. 141.

433  **Laws of Iowa**, 1911, p. 118.

434  **Laws of Iowa**, 1911, p. 117.

435  **Laws of Iowa**, 1902, p. 63.

436  **Code of 1897**, Section 2489.

437  **Laws of Iowa**, 1911, pp. 114, 118.

438  **Laws of Iowa**, 1911, pp. 115, 117.

439  **Code of 1897**, Section 2491.

440  **Laws of Iowa**, 1911, pp. 117, 118.

441  **Laws of Iowa**, 1911, p. 116.

442  **Code of 1897**, Section 2491.

443  **Laws of Iowa**, 1911, pp. 119, 120.

444  **Laws of Iowa**, 1913, pp. 221, 222.


446  **Laws of Iowa**, 1911, p. 119.
A regulation affecting railways but not applying except incidentally to their employees states that trains must stop between eight hundred and two hundred feet before crossing another railway if no station house is there. — Code of 1897, Sections 2073, 2103.

The law was passed in 1892 thus giving six years in which to comply.

Code of 1897, Sections 2079-2083.

Laws of Iowa, 1898, p. 33.

The time limit for companies to equip their cars with automatic couplers had never applied to power brakes.

Laws of Iowa, 1907, p. 107.

Laws of Iowa, 1907, pp. 112, 113.


Laws of Iowa, 1911, pp. 92, 93.

Laws of Iowa, 1913, p. 190.

Some powers and duties of the Board, such as the inspection of equipment and bridges and the promotion of "the security, convenience, and accommodation of the public" have a bearing upon the safety of the public and employees and to that extent may be regarded as social rather than economic.
457 Laws of Iowa, 1907, p. 113.

458 Downey's History of Labor Legislation in Iowa, p. 89.

459 Laws of Iowa, 1913, p. 160.

460 Code of 1897, Section 768.

461 Laws of Iowa, 1907, p. 29.

462 Laws of Iowa, 1909, p. 41.

463 Laws of Iowa, 1911, p. 28.

464 Code of 1897, Sections 2511-2514.

465 Laws of Iowa, 1900, p. 63.

466 Laws of Iowa, 1909, p. 143.

467 Laws of Iowa, 1911, p. 125.

468 Code of 1897, Section 2071.

469 Laws of Iowa, 1898, p. 33.

470 Code of 1897, Section 2083.

471 Laws of Iowa, 1907, p. 182.

473  **Laws of Iowa, 1909, pp. 117, 118.**

474  **Laws of Iowa, 1906, p. 47.**

475  **Laws of Iowa, 1913, pp. 154-172.**

476  **Laws of Iowa, 1911, pp. 230, 231.**

477  **Hawkins vs. Garst.** A summary of the opinion of the court may be found in *The Register and Leader* (Des Moines), Vol. LXV, No. 357, June 23, 1914.

478  **Code of 1897, Section 2488.**

479  **Laws of Iowa, 1898, p. 38.**

480  **Laws of Iowa, 1911, pp. 112, 113.**

481  **Laws of Iowa, 1911, p. 115.**

482  **Laws of Iowa, 1913, p. 219.**

483  **Code of 1897, Sections 2493-2496.**

484  **Laws of Iowa, 1898, pp. 38, 39.**

485  **Laws of Iowa, 1911, pp. 118, 119.**

486  **Code of 1897, Section 4999.**

487  **Laws of Iowa, 1903, pp. 107, 108.**
488 Laws of Iowa, 1911, p. 187.

489 Laws of Iowa, 1902, p. 108.

490 Laws of Iowa, 1913, p. 314.

491 Code of 1897, Section 2489.

492 Laws of Iowa, 1902, p. 108.

493 Downey's History of Labor Legislation in Iowa, p. 117.

494 Laws of Iowa, 1906, pp. 71-73.

496 Laws of Iowa, 1909, p. 141.

496 Laws of Iowa, 1902, pp. 78-80.

497 Laws of Iowa, 1904, p. 113.

498 Laws of Iowa, 1907, p. 152.


500 Laws of Iowa, 1913, p. 272.

501 Laws of Iowa, 1913, p. 271.

502 Laws of Iowa, 1913, pp. 273, 274.
Public Health

503  Code of 1897, Sections 2564, 2574, 2575.

504  Laws of Iowa, 1900, pp. 66, 67.

505  Laws of Iowa, 1902, p. 68.

506  Laws of Iowa, 1902, p. 155.


509  Laws of Iowa, 1911, p. 135.

510  The jurisdiction of the State Board of Health now includes the Embalmers' Department (Laws of Iowa, 1907, p. 140), Nurses' Department (Laws of Iowa, 1907, p. 137), Antitoxin Department (Laws of Iowa, 1911, p. 138), Bacteriological Department (Laws of Iowa, 1904, p. 105), Medical Examiners' Department (Code of 1897, Section 2576), Optometry Department (Laws of Iowa, 1909, p. 159), and Vital Statistics Department (Laws of Iowa, 1904, p. 103). Other tributary functions that have devolved upon the State Board of Health are the regulation of the inspection of petroleum products (Laws of Iowa, 1898, p. 34; 1904, p. 94), testing gasoline lamps (Laws of Iowa, 1900, p. 63), disposal of bodies for
anatomical purposes (Laws of Iowa, 1900, p. 92), regulation of maternity hospitals (Laws of Iowa, 1907, p. 135), supervision of hotel inspection (Laws of Iowa, 1909, p. 163), review of the regulations of the State Veterinary Surgeon in regard to the spread of infectious diseases among domestic animals (Code of 1897, Section 2530), and the distribution of literature pertaining to sanitation and hygiene (Code of 1897, Section 2585).

511 Laws of Iowa, 1913, pp. 232-234.


513 Code of 1897, Sections 2568, 2570-2573.

514 Code of 1897, Sections 1025-1046.

515 Laws of Iowa, 1900, p. 67.

516 Laws of Iowa, 1902, p. 103.

517 Laws of Iowa, 1904, p. 79.

518 Laws of Iowa, 1909, pp. 152, 153.

519 Laws of Iowa, 1911, p. 136.

520 Code of 1897, Sections 2573, 4977.
521 Code of 1897, Section 4978; Laws of Iowa, 1904, pp. 102, 103.

522 Code of 1897, Sections 2570, 1040-1042.

523 Laws of Iowa, 1902, pp. 68, 69.

524 Laws of Iowa, 1902, pp. 66, 67.

525 Laws of Iowa, 1906, p. 79.

526 Laws of Iowa, 1909, p. 152.

527 Laws of Iowa, 1911, p. 134.

528 Laws of Iowa, 1913, pp. 236, 237.

529 Code of 1897, Sections 1038, 2588.

530 Report of the State Board of Health, pp. 272, 273, in Iowa Documents, 1907, Vol. II.

531 Laws of Iowa, 1913, p. 209.

532 Code of 1897, Sections 5012-5020, 4979. Any diseased hop roots or cuttings may be seized and destroyed while anyone bringing such into the State may be fined from $10 to $100 or be imprisoned from five to twenty days. — Code of 1897, Sections 5023, 5023.
Code of 1897, Sections 2529-2538.

Laws of Iowa, 1898, p. 40.

Laws of Iowa, 1907, pp. 132, 133.

Laws of Iowa, 1906, pp. 120, 121.

Laws of Iowa, 1904, p. 150.

Laws of Iowa, 1903, pp. 84-86.

Laws of Iowa, 1907, p. 147.

Laws of Iowa, 1913, p. 258.

Laws of Iowa, 1913, pp. 258, 259.

Laws of Iowa, 1909, pp. 27, 28.

Laws of Iowa, 1911, p. 134.

Laws of Iowa, 1913, pp. 38, 39.

Code of 1897, Sections 2566, 2567.

Laws of Iowa, 1904, pp. 103, 104.

Laws of Iowa, 1906, pp. 77, 78.

Laws of Iowa, 1907, p. 134.

Laws of Iowa, 1906, pp. 16-18.
Formerly the Board of Health had jurisdiction over the purity of linseed oil. — Laws of Iowa, 1898, p. 134.
563 Laws of Iowa, 1911, pp. 123, 125.
564 Laws of Iowa, 1909, p. 72.
565 Laws of Iowa, 1911, pp. 129, 127.
566 Laws of Iowa, 1913, pp. 228, 229.
567 Code of 1897, Sections 4981, 4982, 4984, 4986-4988.
568 Code of 1897, Sections 4989, 4990, 4991, 4992.
569 Code of 1897, Sections 2516-2518, 4991, 4992.
570 Code of 1897, Sections 4994-4996.
571 Laws of Iowa, 1898, p. 60.
572 Laws of Iowa, 1906, pp. 118, 119, 121.
574 Laws of Iowa, 1906, pp. 116-118; Laws of Iowa, 1907, p. 183.
575 Laws of Iowa, 1907, pp. 178, 179.
576 Laws of Iowa, 1907, pp. 179-181.
577  **Laws of Iowa, 1909, p. 201.**

578  **Laws of Iowa, 1911, p. 192.**

579  **Laws of Iowa, 1911, pp. 190, 191.**

580  **Laws of Iowa, 1913, p. 314.**

581  **Laws of Iowa, 1911, p. 191.**

582  **Laws of Iowa, 1911, pp. 128, 129.**

583  **Laws of Iowa, 1913, pp. 222-224.**

584  **Laws of Iowa, 1913, pp. 226-229.**

585  **Code of 1897, Sections 4983, 4985, 4986, 4988, 2593.**

586  **Laws of Iowa, 1907, pp. 176-178.**

587  **Laws of Iowa, 1911, p. 192.**

588  **Laws of Iowa, 1911, p. 193.**

589  See page 193.

590  **Code of 1897, Sections 794, 738, 791, 965, 881, 797, 960, 696, 1028, 698-700, 952, 737, 1031.**
591 Code of 1897, Sections 1030-1033, 1037, 957.

592 Laws of Iowa, 1904, p. 28.

593 Laws of Iowa, 1907, p. 31.

594 Laws of Iowa, 1903, pp. 42, 43.

595 Laws of Iowa, 1913, p. 83.

596 Laws of Iowa, 1898, p. 21.

597 Laws of Iowa, 1913, p. 51.

598 See page 199.


600 Code of 1897, Section 2784.


602 Laws of Iowa, 1911, p. 187.

603 Laws of Iowa, 1903, p. 162.

604 Laws of Iowa, 1909, p. 119.

605 Laws of Iowa, 1913, p. 199.

606 Code of 1897, Sections 4302, 5078-5085, 1948. This penalty applies to all nuisances named above.

607 Code of 1897, Sections 2569, 1032-1034, 896, 952, 753.
The power of cities to abate nuisances did not include the power to punish them. — Nevada vs. Hutchins, 59 Iowa, 506.

Laws of Iowa, 1898, p. 134.

Laws of Iowa, 1904, p. 65.

This law was rewritten by the Thirty-fifth General Assembly, but merely for the purpose of eliminating certain ambiguities. — Laws of Iowa, 1913, p. 179.


Laws of Iowa, 1911, p. 198.

Laws of Iowa, 1911, p. 27.

Laws of Iowa, 1913, pp. 43, 44.

Under the original act it will be noted that Des Moines was the only city affected and the special provision in regard to special charter cities in the present law was obviously made to include Muscatine.

Laws of Iowa, 1913, p. 51.

Public Safety

At first thought it would appear that protection against floods would go hand in hand with a discussion of
fire protection. But while the county board of supervisors has had the authority to maintain levees in the county and thus protect the land from inundation, the first act which would in any way affect human life even incidentally, and therefore, present a social aspect, was passed in 1904, and gave all cities in the State power to protect lots, lands, and property within their limits by improving the water courses and constructing levees. — Laws of Iowa, 1904, pp. 24-26.

In 1909 this power was extended to towns as well. — Laws of Iowa, 1909, p. 43.

The laws in Iowa relating to flood protection would be classed as economic rather than social legislation.

616 Code of 1897, Sections 710-715, 952.

617 Code of 1897, Sections 874, 875.

618 Code of 1897, Section 1052.

619 Laws of Iowa, 1913, p. 54. The italics are the author's.

620 Laws of Iowa, 1913, p. 55. Formerly under Section 711 of the Code the only possible requirement was that the outer walls should be made of non-combustible material and the roof of fire proof construction. Neither could the cost of removal be charged to the owner.
Cities having a population of over 60,000 is the way the law reads.
Laws of Iowa, 1911, pp. 38, 39. Formerly he had been elected by the city council. -- Laws of Iowa, 1907, p. 43.

Laws of Iowa, 1911, pp. 140-144.

Laws of Iowa, 1913, pp. 245, 246. -- The italics are the author's.

Code of 1897, Sections 2466-2468.

Laws of Iowa, 1907, p. 127.

Aside from the regulation of traffic upon highways the repair of roads, bridges, and sidewalks and the laying of mains, pipes, and wires are related to public safety. -- Code of 1897, Sections 757, 780, 781, 875, 1557.

The Thirty-third General Assembly made it a misdemeanor to place or leave glass in a road or street so as to interfere with safe travel.-- Laws of Iowa, 1909, pp. 193, 194.

Code of 1897, Sections 1483, 1561, 2072, 769, 770, 1569, 5039.

Code of 1897, Section 1571.

Laws of Iowa, 1900, p. 38.

Laws of Iowa, 1904, p. 44.
647  **Laws of Iowa, 1909, p. 93.**

648  **Laws of Iowa, 1904, pp. 44-46.**

649  **Laws of Iowa, 1907, p. 73.**

650  **Laws of Iowa, 1909, p. 94.**

651  **Laws of Iowa, 1911, pp. 69-76.**

652  **Laws of Iowa, 1913, pp. 125-129.**

653  **Code of 1897, Sections 4773, 2588, 2593.**

654  **Laws of Iowa, 1907, p. 144.**

655  **Laws of Iowa, 1909, pp. 155, 156.**

656  **Laws of Iowa, 1911, p. 138.**

657  **Laws of Iowa, 1902, pp. 69, 70.**

658  **Laws of Iowa, 1907, p. 145.**

659  **Laws of Iowa, 1909, p. 157.**

660  **Laws of Iowa, 1911, p. 139.**

661  **Laws of Iowa, 1907, pp. 182, 183.**

662  **Report of the State Board of Health, p. 249, in Iowa Documents, 1884, Vol. V.**

663  **Code of 1897, Sections 2503-2510.**
Public Morals

671  **Code of 1897**, Sections 5029-5040.

672  **Laws of Iowa**, 1907, pp. 184, 185.

673  **Code of 1897**, Sections 703, 1349.

674  **Code of 1897**, Sections 5036, 4973-4975.

675  **Laws of Iowa**, 1900, p. 94.

676  **Laws of Iowa**, 1909, p. 139.


678  **Code of 1897**, Sections 4951-4956, 2448, 4958, 5034.
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<td>679</td>
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<td>682</td>
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<td>689</td>
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<td>690</td>
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<td>692</td>
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<td>693</td>
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Code of 1897, Sections 4942, 4943.


Laws of Iowa, 1909, p. 198.

Code of 1897, Sections 4756, 4769, 4758, 4762, 4763.


Code of 1897, Sections 2382-2401, 2405-2416, 2419-2431.

Code of 1897, Sections 2432-2461.

Code of 1897, Sections 1013, 2448; Clark vs. Riddle, 70 Northwestern, 207.

Code of 1897, Sections 5001, 2673, 1664, 3188.

Code of 1897, Sections 2402, 2403, 2417, 2418.

Code of 1897, Section 2404.

Code of 1897, Section 4980.

Laws of Iowa, 1900, pp. 59, 60, 164.

Laws of Iowa, 1902, pp. 60, 61.
708  Laws of Iowa, 1904, p. 92.
709  Laws of Iowa, 1904, pp. 91, 92, 3.
710  Laws of Iowa, 1906, pp. 70, 71.
711  Laws of Iowa, 1907, pp. 125-127.
712  Laws of Iowa, 1909, p. 139.
713  Laws of Iowa, 1909, p. 140.
715  Laws of Iowa, 1911, pp. 101, 102.
716  Laws of Iowa, 1911, pp. 103, 103.
717  Laws of Iowa, 1911, p. 118.
718  Laws of Iowa, 1911, p. 104.
719  Laws of Iowa, 1913, pp. 213-215, 311.
720  Code of 1897, Section 5005.
721  Laws of Iowa, 1913, p. 261.
722  Code of 1897, Sections 5006, 5007.
Cities and towns are empowered also to regulate, tax, or prohibit billiard saloons, billiard and pool tables, bowling alleys, and shooting galleries.