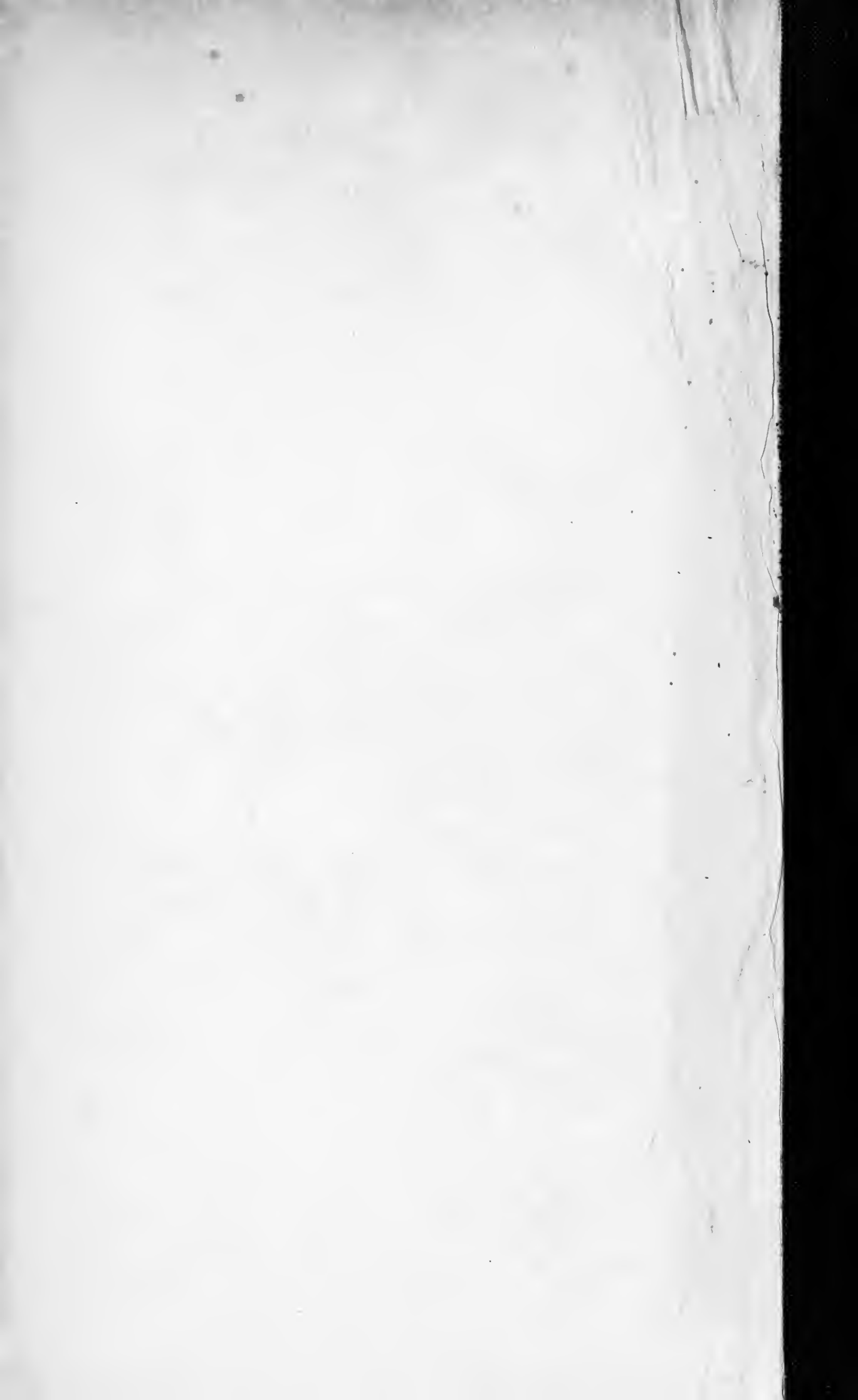
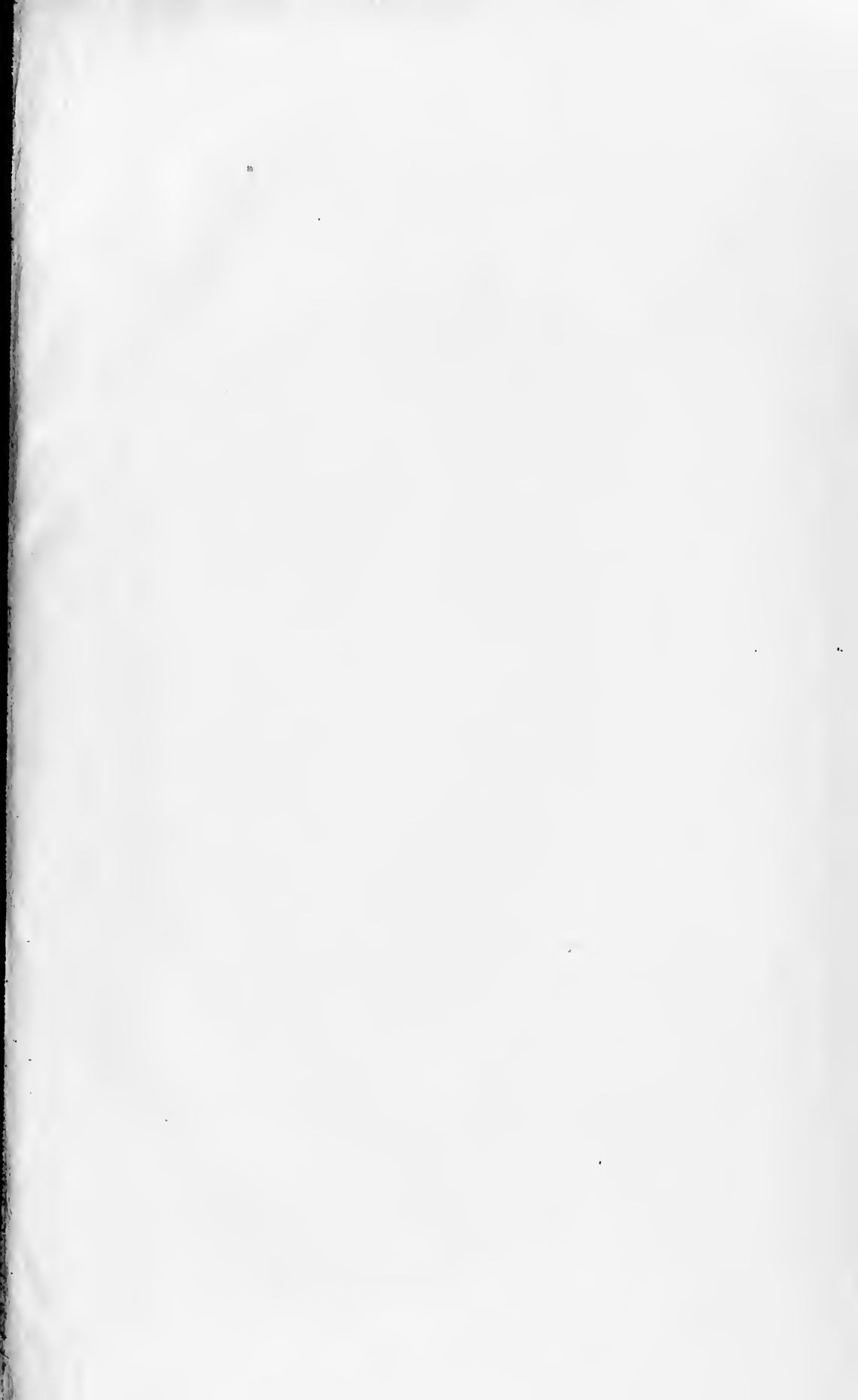
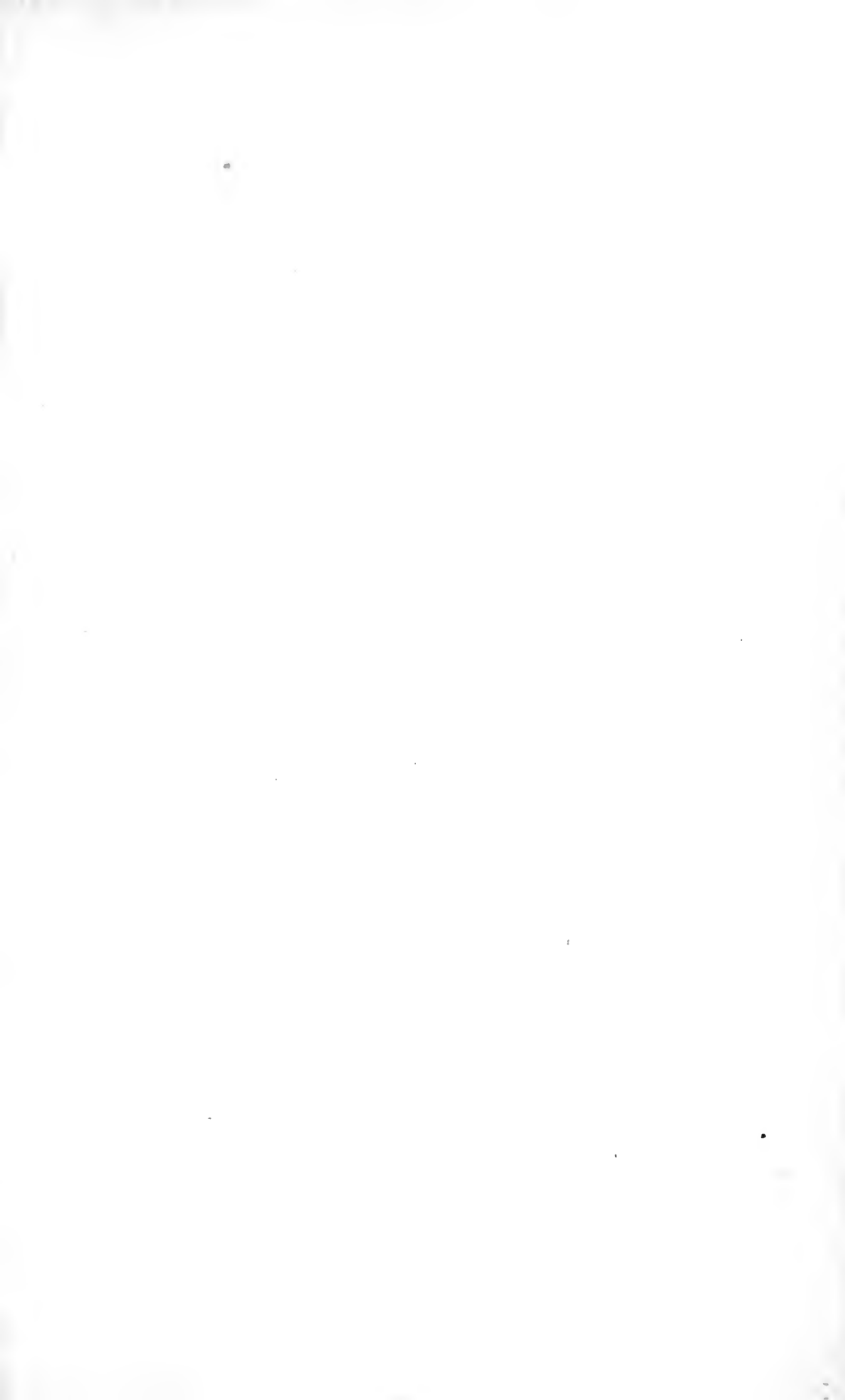


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**THE IOWA JOURNAL OF HISTORY  
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EDITOR  
BENJAMIN F. SHAMBAUGH

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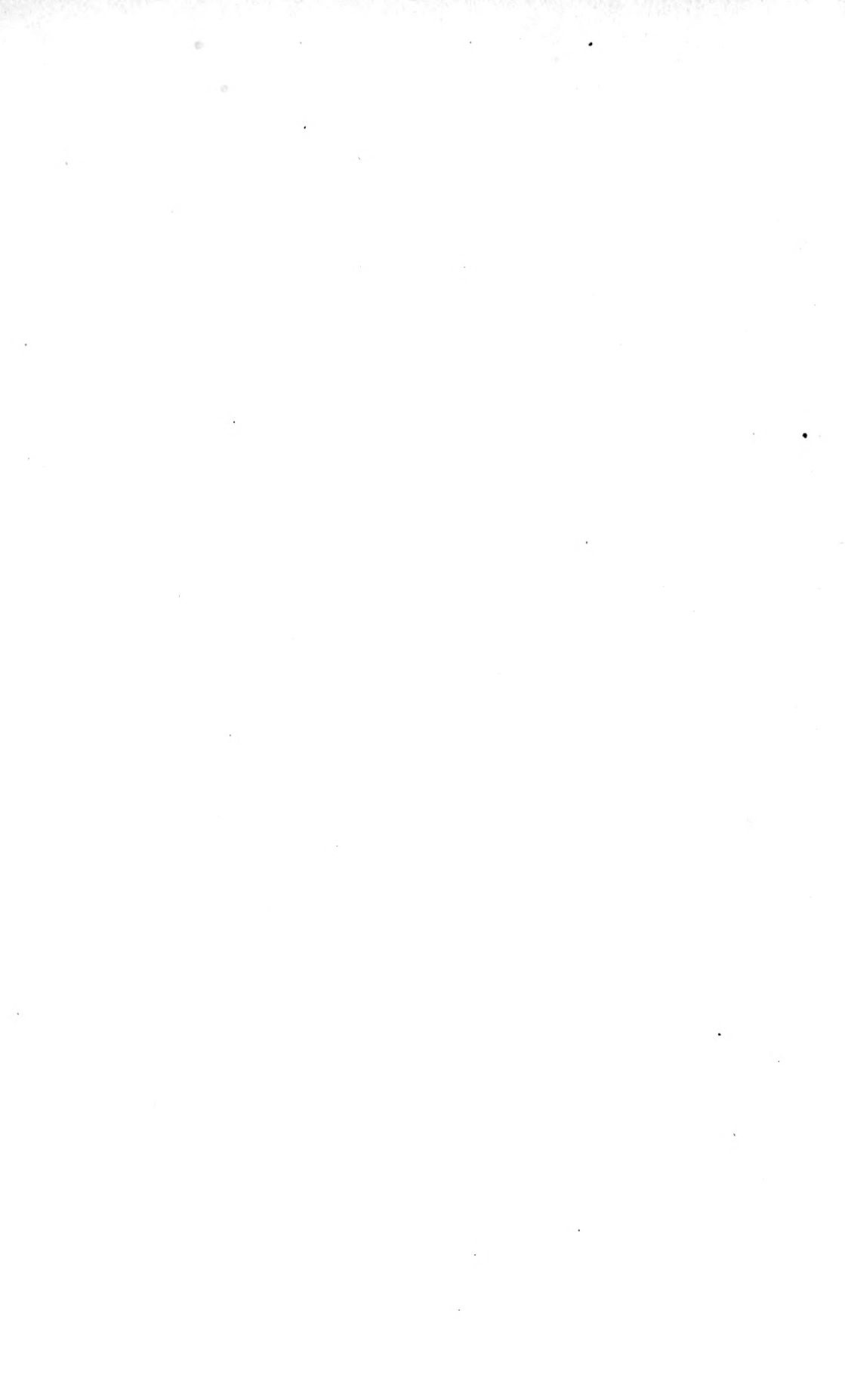
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**THE IOWA JOURNAL OF HISTORY AND POLITICS**  
**JANUARY NINETEEN HUNDRED TWENTY-ONE**  
**VOLUME NINETEEN NUMBER ONE**

VOL. XIX—1



## PROVIDING FOR A STATE CONSTITUTIONAL CONVENTION

Since the people of Iowa at the general election in 1920 voted in favor of a convention to revise the fundamental law of the State, it becomes the duty of the General Assembly in 1921 to make proper provision in a convention act for the assembling of a constitutional convention. A discussion of what may properly be embodied in such an act, the usages in other States, and the historical precedents in Iowa, is therefore of timely interest.

### WHAT MAY PROPERLY BE EMBODIED IN A CONVENTION ACT

When the revision of a State Constitution is deemed desirable, interest at once centers in the procedure preliminary to the meeting of the constitutional convention. In Iowa, constitutional provisions concerning revision of the fundamental law are found in Article X, Section 3, which reads:

At the general election to be held in the year one thousand eight hundred and seventy, and in each tenth year thereafter, and also at such times as the General Assembly may, by law, provide, the question, "Shall there be a Convention to revise the Constitution, and amend the same?" shall be decided by the electors qualified to vote for members of the General Assembly; and in case a majority of the electors so qualified, voting at such election, for and against such proposition, shall decide in favor of a Convention for such purpose, the General Assembly, at its next session, shall provide by law for the election of delegates to such Convention.

From these simple provisions it is clear that the duty of providing for the constitutional convention is imposed upon the legislature which is confronted with the practical ques-

tion of what may properly be embodied in a convention act under the constitutional clause which empowers the General Assembly to "provide by law for the election of delegates".

In the discussion of this question, distinctions in the structure and functions of legislative assemblies and constitutional conventions are important. Both may be classed as law-making bodies. The legislature is intrusted with the enactment of statute law; while the convention undertakes the task of framing or revising the fundamental law of the State. Both the convention and the legislature are responsible to the electorate, although with somewhat different degrees of directness: both are selected by the electorate to perform their particular functions. The legislature is bound absolutely by the provisions of the existing Constitution; while the convention, ordinarily bound by the Constitution, may exercise constituent power, subject to ratification by the electorate.<sup>1</sup> Again, it appears that the modern legislature is usually composed of an upper and a lower house; while the convention is universally composed of a single chamber. Finally, the members of the constitutional convention are, in the absence of constitutional provisions, qualified by legislative act; likewise the time, place,

<sup>1</sup> Judge John A. Jameson in an exhaustive study of constitutional conventions, took the position that a convention is completely bound by restrictions placed upon it in the legislative act. He did this because he thought it necessary that the convention be subordinate to the existing government. But, as Mr. Walter Fairleigh Dodd points out, "even he hesitated to push this doctrine to its extreme limits; for example, he thought that a convention might disregard a legislative requirement that its work be not submitted to the people, and also took the position that the legislative limitations upon a convention 'must be in harmony with the principles of the convention system, or, rather, not inconsistent with the exercise by the convention, to some extent, of its essential and characteristic functions.'"—Dodd's *The Revision and Amendment of State Constitutions*, p. 73; Jameson's *Constitutional Conventions*, p. 364.



and manner of the assembling of the convention are usually statutory.<sup>2</sup>

In the Constitution of Iowa there is no provision which aims to restrain the convention in any way. While the phrase to "provide by law for the election of delegates" would seem to imply the minimum of legislative action, this simple provision necessarily includes the power to define the number and qualifications of delegates and their proper apportionment. Indeed, the most careful consideration should be given to this matter by the legislature in framing a convention act. The *number* of delegates should be such as to provide a convention small enough to assure efficient action and large enough to permit of an adequate representation of State opinion; the *qualifications* of delegates should be such as to obtain the advantage of experience coupled with an intimate knowledge of the requirements of the State; and the *apportionment* of delegates should be so arranged that the convention will contain persons having more than local interests.

Likewise it is essential that proper regulations concerning the nomination and election of delegates be embodied in the convention act. In so far as possible the existing State laws should be utilized; but a careful examination of their applicability will be necessary, and perhaps some changes provided to assure to the convention the safeguards that its high importance demands.

Thus, the time, place, and possibly the manner in which the convention shall convene should be provided with careful attention to the seasonableness of the call, the place in which the convention shall at first assemble, and suggestions concerning preliminary organization and procedure.

Again, it is not to be overlooked that adequate appropriations — both for the proper remuneration of the delegates

<sup>2</sup> Jameson's *Constitutional Conventions*, pp. 356, 357.

and for meeting the expenses incidental to the functioning of a constitutional convention—should be arranged, coupled with an indication of such method of certification as would seem expedient to protect the expenditure of public funds.

In brief, a convention act should provide for all matters that require definite settlement before the delegates convene, and should be of such breadth as to insure in all respects an unhampered convention.<sup>3</sup> Otherwise, the purpose of holding such a convention would be defeated.

With the same purpose in view, the legislature may properly insert in its convention act clauses that tend to facilitate convention procedure; but in doing this it should impose no undue restraint upon independent action. In the convention acts of the last decade such provisions as the following are found: “The Governor shall call the convention to order at its opening session and shall preside over it until a temporary or permanent presiding officer shall have been chosen by the delegates”;<sup>4</sup> the delegates “shall proceed to organize themselves in Convention, by choosing a president and such other officers . . . as they may deem expedient”;<sup>5</sup> the “journal and proceedings of the said convention shall be filed and kept in the office of secretary of state”;<sup>6</sup> and the “doors of the convention shall be kept open to the public during all of its sessions.”<sup>7</sup>

Furthermore, the legislature sometimes assumes to confer upon the convention powers of a positive nature. Thus, the convention “and its committees, shall have the same power to compel the attendance of witnesses, or the production of papers, books, records and public documents, as is

<sup>3</sup> Jameson's *Constitutional Conventions*, p. 275.

<sup>4</sup> Illinois convention act (approved June 21, 1919), Sec. 7.

<sup>5</sup> Massachusetts convention act (approved April 3, 1916), Sec. 6.

<sup>6</sup> Ohio convention act (approved June 6, 1911), Sec. 18.

<sup>7</sup> Michigan convention act (approved June 27, 1907), Sec. 7.

now exercised by the General Assembly, and its committees";<sup>8</sup> it "shall have authority to determine its own rules of proceeding, and to punish its members for disorderly conduct, to elect such officers as it may deem necessary for the proper and convenient transaction of the business of the convention, and to prescribe their duties";<sup>9</sup> or it is authorized to "make provisions for the publication of its proceedings or any part thereof; and for the securing of a copyright of any such publication for the state".<sup>10</sup> Sometimes express authority for the performance of its functions is found in a clause stating that the convention "may take into consideration the propriety and expediency of revising the present Constitution of the Commonwealth, or making alterations or amendments thereof."<sup>11</sup>

Such restrictions as those above enumerated would seem to have no other purpose than that of facilitating the work of the convention. In so far as this principle is observed, there is little danger of friction. Mr. Walter F. Dodd ably expresses this conclusion in these words:

Legislative acts are usually necessary for the assembly of conventions, but this dependence of conventions upon legislatures has as yet caused few conflicts. The good sense of the people has ordinarily caused both legislatures and conventions to restrict themselves to their proper spheres. The general obedience of conventions to the legislative acts under which they were called has been due to the fact that legislative acts have usually required only those things which the convention would have done without legislative requirement; cases of conflict arise only when a legislature

<sup>8</sup> Illinois convention act (approved June 21, 1919), Sec. 12.

<sup>9</sup> Ohio convention act (approved June 6, 1911), Sec. 4.

<sup>10</sup> Nebraska convention act (approved March 24, 1919), Sec. 14.

<sup>11</sup> Massachusetts convention act (approved April 3, 1916), Sec. 6.

In Massachusetts there was no constitutional provision for calling a convention. There are at present twelve States that have no express provision covering this matter; but conventions have been held in eight of them without serious difficulty.—Hoar's *Constitutional Conventions*, p. 41.

attempts to restrict a convention in such a manner as to interfere with its proper functions, and such cases have not been numerous.<sup>12</sup>

Sometimes, however, legislatures have incorporated in convention acts provisions that give rise to confusion and delay — although it would seem that such objectionable requirements have been due more to over-zealousness in behalf of the general welfare than to any intention of extending their proper authority. In this connection attention may be called to three such questionable provisions. The first of these has to do with the nature and the necessity of a fidelity oath to bind the convention delegates in the performance of their duties; the second deals with limitations as to the length of the convention session, coupled with a refusal of remuneration after a specified time; and the third concerns detailed requirements as to submitting the findings to the people for approval.

*The Convention Oath.* — The Constitutions of Colorado, Illinois, and Montana contain express provisions to the effect that delegates to a constitutional convention shall take an oath to support both the State and the Federal Constitution. Where such a provision is found in the fundamental law, there can be little doubt of its propriety — at least it appears that its propriety has not been disputed.<sup>13</sup> Judge Jameson asserts that of the convention proceedings accessible to him, about one-half indicate that an oath has been administered to the delegates.<sup>14</sup> The question, however, does not seem to be so much concerning the propriety of an oath, as the proper oath to be administered.<sup>15</sup>

In the Iowa convention of 1857 a pointed discussion took

<sup>12</sup> Dodd's *The Revision and Amendment of State Constitutions*, p. 91.

<sup>13</sup> Hoar's *Constitutional Conventions*, p. 189.

<sup>14</sup> Jameson's *Constitutional Conventions*, p. 280.

<sup>15</sup> Hoar's *Constitutional Conventions*, p. 188.

place upon this very question. The convention act approved on January 24, 1855, contained no provision in the matter; and the delegates themselves had difficulty in coming to an agreement. As first presented the resolution pertaining to this question provided that the "members elect, of this Convention, be and they are hereby required, severally, to take an oath to support the Constitution of the United States, and to faithfully discharge their duties as delegates to this Convention." An amendment proposing that the words "and the Constitution of the State of Iowa" be inserted after the words "United States", precipitated a heated but rather academic debate. One member asserted that inasmuch as his intention towards the existing State Constitution was "to alter it, break it down, tear it to pieces, and build it up again", he could see no reason why he should swear to support it. The debate, covering almost two pages of the record, resulted in the adoption of the original resolution.<sup>16</sup> Although legislative supremacy was not in this instance at issue, the discussion is indicative of the attitude of the delegates toward such requirements.

Judge Jameson mentions the North Carolina conventions of 1835 and 1875, as well as the Illinois conventions of 1862 and 1869, as important examples relating to this question. The acts under which these conventions assembled definitely prescribed the oath to be taken. In both of the North Carolina conventions the oath was objected to, but was subsequently administered — even though important restrictions were formally placed upon the conventions by the legislature and no delegate was permitted to take his seat until bound by oath. The members of the Illinois convention of 1862, however, refused to take the oath required by the con-

<sup>16</sup> *The Debates of the Constitutional Convention of the State of Iowa, 1857*, Vol. I, pp. 8, 9.

The member who made the statement quoted in the text was Mr. J. C. Hall of Des Moines County.

vention act, and the members of the convention of 1869 took it only in a modified form.<sup>17</sup>

The Virginia convention of 1901-1902 refused by a vote of fifty-six to thirty-eight to take the oath laid down in the existing Constitution, because it not only required the support of both the United States and the State Constitutions, but also bound the "officers of this State" to accept and to recognize "the civil and political equality of all men before the law."<sup>18</sup> The argument that the delegates were not "officers" within the meaning of the Constitution of 1870 formed a convenient ground for evasion, inasmuch as the principal purpose of the convention was to effectively disfranchise the negro.<sup>19</sup>

The Alabama convention of 1901 was likewise restricted by legislative act both as to functions and to oath. Declaring support of the Constitution of the United States and fidelity to the duties of a delegate, the required oath was taken by the members, but inasmuch as it made no reference to the legislative act, the restrictive provisions therein contained were not fully observed. The controversy led to the positive assertion in the new Constitution that "nothing herein contained shall be construed as restricting the jurisdiction and power of the convention, when duly assembled in pursuance of this section, to establish such ordinances and to do and perform such things as to the convention may

<sup>17</sup> Jameson's *Constitutional Conventions*, pp. 283, 284.

In at least the South Carolina convention of 1835, Judge Jameson indicates that the "Act rested not alone on the authority of the legislature, but on that of the people to whom it had been submitted." This view seems to be the one that finally persuaded the members to take the oath.

<sup>18</sup> McKinley's *Two New Southern Constitutions* in the *Political Science Quarterly*, Vol. XVIII, pp. 506, 507.

The article referred to gives interesting data concerning the Alabama and Virginia conventions that convened in 1901.

<sup>19</sup> Dodd's *The Revision and Amendment of State Constitutions*, p. 81.

seem necessary or proper for the purpose of altering, revising, or amending the existing Constitution."<sup>20</sup>

The Louisiana act under which the convention of 1913 convened contained elaborate restrictions upon the powers of the convention through an oath which concluded with the words: "I will observe and obey the limitations of authority contained in the act under which this convention is assembled". In this instance, the act was previously submitted to the electorate. Since, however, both the provisions for the election of delegates and the question as to the desirability of a convention were embodied in the same statute and submitted at the same time, it can hardly be said that such an act emanated from the people.<sup>21</sup>

In convention acts of the last decade, oaths are not usually prescribed — unless required by higher authority than legislative enactment. The Illinois Constitution of 1870 requires delegates to a convention to "take an oath to support the constitution of the United States and the State of Illinois, and to faithfully discharge their duties as members of the convention."<sup>22</sup> In Michigan, Missouri, and New York the State Constitutions — otherwise complete as to provisions for convening a convention — fail to mention the oath.<sup>23</sup> Of some fifteen States that have passed convention

<sup>20</sup> Dodd's *The Revision and Amendment of State Constitutions*, p. 82; *Constitution of Alabama*, 1901, Art. VIII, Sec. 286, in Kettleborough's *The State Constitutions*, p. 51; *Journal of the Proceedings of the Constitutional Convention* (Alabama), 1901, p. 5; McKinley's *Two New Southern Constitutions* in the *Political Science Quarterly*, Vol. XVIII, p. 507.

<sup>21</sup> Dodd's *The Revision and Amendment of State Constitutions*, pp. 75-77; *Official Journal of the Proceedings of the Constitutional Convention of the State of Louisiana*, 1913, p. 4.

<sup>22</sup> *Constitution of Illinois*, 1870, Art. XIV, Sec. 1, in Kettleborough's *The State Constitutions*, p. 406.

<sup>23</sup> *Constitution of Missouri*, 1875, Art. XV, Sec. 3, in Kettleborough's *The State Constitutions*, p. 813; *Constitution of New York*, 1894, Art. XIV, Sec. 2, in Kettleborough's *The State Constitutions*, pp. 1001, 1002; *Constitution of Michigan*, 1908, Art. XVII, Sec. 4, in Kettleborough's *The State Constitutions*, p. 708.

acts since 1900, few have required an oath to bind the delegates. It would seem that in the absence of a higher sanction a specified oath has no proper place in the convention.

*Length of Convention Session: Compensation of Delegates.*—In several convention acts of recent date is to be found an attempt to restrict the length of the convention session, supplemented by a further provision that at the end of a certain time remuneration of the delegates shall cease. The act providing for the Alabama convention of 1901 declared that members should draw pay for not to exceed fifty working days. Upon the expiration of this period the task of the convention was hardly half completed. The members, however, decided to remain in session until the work was finished and to draw pay at the rate authorized by the legislature for the first fifty days.<sup>24</sup> The convention that met in New York in 1894, finding itself in a similar situation, continued its session, but without compensation.<sup>25</sup> In Louisiana the convention act of 1913 stipulated "that no compensation shall be allowed to delegates after fifteen (15) days to which the convention is hereby limited." The convention met on November tenth and obediently adjourned on the twenty-second. In this case it should be noted that the convention act had been submitted to a vote of the people.<sup>26</sup> In the case of New Mexico and

In spite of no mention of the oath in the constitutional requirements for a convention, both the New York act of 1915 and the Michigan act of 1907 mention the administering of "the constitutional oath of office" to the delegates.—Michigan convention act (approved June 27, 1907), Sec. 6; New York convention act (approved March 17, 1915), Sec. 2.

<sup>24</sup> McKinley's *Two New Southern Constitutions* in the *Political Science Quarterly*, Vol. XVIII, pp. 509, 510.

<sup>25</sup> Dodd's *The Revision and Amendment of State Constitutions*, p. 82.

<sup>26</sup> Louisiana convention act (approved September 12, 1913), Sec. 6; *Election Proclamation*, November 7, 1913, in the *Official Journal of the Constitutional Convention of the State of Louisiana*, 1913, pp. 6-9; *Official Journal of the Constitutional Convention of the State of Louisiana*, title page.



Arizona it appears that in the enabling act which permitted the people to elect delegates to draft a Constitution, Congress provided protection against possible dilatory conventions. The sum of \$100,000 was appropriated with the provision that any expense incurred in excess of that amount should be paid by the "State" and that the delegates should receive compensation for the period they were actually in session "but not for more than sixty days in all."<sup>27</sup> The Michigan convention act of 1907 declared that "no per diem shall be paid for any services rendered after January thirty-first, nineteen hundred eight." Here the convention met on October 22, 1907, and completed its work on March 3, 1908.<sup>28</sup>

It would seem that such restricting provisions are, for the most part, unnecessary. Where a State Constitution provides that no money shall be paid from the treasury otherwise than through legislative act, legislative restrictions in the convention act may prove to be annoying.<sup>29</sup> Practically all convention acts of the last two decades have fixed the compensation of the convention delegates and made adequate provision for certification and payment. Sufficient safeguard is found in such phrases as, "The delegates of the convention shall be entitled to the same compensation and mileage for their services as is allowed by law to members of the general assembly for one year";<sup>30</sup> "The members of the Constitutional Convention shall receive the same pay and mileage as members of the Legislature receive for a regular Session";<sup>31</sup> or the convention

<sup>27</sup> Enabling act for Arizona and New Mexico (approved June 20, 1910), Secs. 2, 17, 20, 35, in *United States Statutes at Large*, Vol. XXXVI, pp. 558, 568, 569, 578, 579.

<sup>28</sup> Michigan convention act (approved June 27, 1907), Sec. 6.

<sup>29</sup> Dodd's *The Revision and Amendment of State Constitutions*, pp. 103, 104.

<sup>30</sup> Ohio convention act (approved June 6, 1911), Sec. 20.

<sup>31</sup> Nebraska convention act (approved March 24, 1919), Sec. 19.

“shall establish the compensation of its officers and members, which shall not exceed seven hundred and fifty dollars for each member of the Convention as such.”<sup>32</sup>

*Time and Manner of Submitting the Constitution.*— Among the most annoying restraints placed upon conventions by legislatures is the provision requiring that the proposed Constitution shall be submitted at a prescribed time and in a particular manner. A recent controversy on this subject took place in the Virginia convention which assembled in 1901. The convention act required the submission of the work of the convention to the people, although the Constitution of 1870, under which the convention was called, was silent on the subject.<sup>33</sup> Debate arose concerning the propriety of disregarding the injunction. “The consciences of the members were burdened not only by the general custom in earlier Virginia conventions and by the solemn promises of the last Democratic state convention, but also by the precise terms of the act of the legislature calling the convention.”<sup>34</sup>

After much debate the convention took a recess, and the delegates returned to constituent mass-meetings for popular expression as to the proper course of action. On May 22, 1902, the convention reconvened, and a few days later voted in favor of the promulgation of the Constitution through proclamation. Regarding this action it has been said that “The law of the legislature was more easily set aside, in the opinion of the majority of the convention, than the party pledge; and some of those who to the last favored submission, on the grounds of the pledge, admitted the

<sup>32</sup> Massachusetts convention act (approved April 3, 1916), Sec. 7.

<sup>33</sup> Dodd's *The Revision and Amendment of State Constitutions*, p. 86.

<sup>34</sup> McKinley's *Two New Southern Constitutions* in the *Political Science Quarterly*, Vol. XVIII, pp. 507, 508.

right of the convention to act independently of the enabling acts of the legislature.”<sup>35</sup>

The broader question might be raised—in Iowa, for example—as to whether in the absence of constitutional provisions a legislature may, in its convention act, require that the findings of the convention be submitted to the people. There appears to be little authority for such action on the part of the legislature. To accept the proposition that the legislature may dictate how the work of the convention is to be submitted, would be to impair seriously the efforts of that body as an independent organ of the electorate.<sup>36</sup>

In this connection the Michigan case of *Carton v. Secretary of State* is of special interest.<sup>37</sup> The Constitution of 1850 under which the constitutional convention of 1907 was called, contained provisions on amendment and revision very similar to those found in Article X, Sections 1, 2, and 3 of the present Constitution of Iowa. Both documents give the legislature authority to provide by law for the election of delegates, and neither contains any express provision that the work of the convention shall be submitted to the people, although both instruments specifically provide that amendments originating through legislative action shall be subject to popular ratification.

The Michigan convention act of 1907 stipulated that “The revised constitution shall be submitted by the convention to the people for adoption or rejection as a whole, on the first Monday in April, nineteen hundred eight.” Since, however, the convention did not complete its work until February 21st, the convention deemed it expedient to extend the time of submission to the following November. George A.

<sup>35</sup> McKinley's *Two New Southern Constitutions in the Political Science Quarterly*, Vol. XVIII, pp. 507-509.

<sup>36</sup> Dodd's *The Revision and Amendment of State Constitutions*, pp. 87, 88.

<sup>37</sup> *Carton v. Secretary of State*, 151 Michigan 337.

Prescott, the Secretary of State, refusing to act under the order of the convention, a mandamus was sought to compel compliance. The question at issue was: "Which body [the legislature or the convention] has the power and is charged with the duty to prescribe the time and manner for submitting to the electors?"

After reviewing the precedents in the constitutional history of Michigan and pointing out that the convention act of 1907 was "the first attempt on the part of the legislature to fix the time and manner of submission" of a State Constitution, Chief Justice Grant in his opinion observed:

The sole power conferred upon the legislature, in regard to changes in the Constitution, is confined to three things: (1) To submit to the people single amendments. Section 1, article 20. (2) To submit to the electors the question whether they desire a general revision of the Constitution. Section 2, article 20. (3) If the electors so desire, to "provide by law for the election of such delegates to such convention." Section 2, article 20.

By necessary implication, the legislature is prohibited from any control over the method of revising the Constitution. The convention is an independent and sovereign body whose sole power and duty are to prepare and submit to the people a revision of the Constitution, or a new Constitution to take the place of the old one. It is elected by the people, answerable to the people, and its work must be submitted to the people through their electors for approval or disapproval . . . . I find no language in the Constitution from which any implication can arise that this power was vested in the legislature.<sup>38</sup>

From a study of the case it seems that the question whether or not the Constitution must be submitted to a vote of the electors was never for a moment in doubt. The statement by Chief Justice Grant that the work of the convention "must be submitted to the people" was simply the expression of an accepted fact. To anyone who is inter-

<sup>38</sup> *Carton v. Secretary of State*, 151 Michigan 337, at 340, 341, 343.

ested in this aspect of the convention problem the opinion of Chief Justice Grant and the opinions of Justices Blair and Carpenter, who agreed with the Chief Justice in granting the writ, are worth careful reading.

There is little danger that a convention in Iowa would refuse to submit its work to the people. In the early period of our country's history, the promulgation of Constitutions without ratification by the people was common enough to be termed frequent. Since 1890, however, only six such documents appear to have been promulgated without ratification by a vote of the people; and when it is noted that these came from conventions in Mississippi, South Carolina, Delaware, Louisiana (twice), and Virginia, it would seem that such practice has been decidedly sectional, and may, in view of the known attempts to disfranchise the negro, be treated as exceptions.<sup>39</sup> In fact, conventions in the South have many times taken to themselves greater powers than similar bodies in the North — especially in regard to this matter of convention promulgation of fundamental law. During the Virginia controversy a convention was at the same time in session in Connecticut; but, though the defeat of its new Constitution seemed imminent (a foreboding later fulfilled at the polls), not a hint concerning promulgation by the convention was entertained.<sup>40</sup>

Seventeen State Constitutions require that no new fundamental law shall go into effect unless ratified by the electorate.<sup>41</sup> Since the year 1900, some fifteen States have held

<sup>39</sup> Dodd's *The Revision and Amendment of State Constitutions*, p. 68.

The Constitution framed by the Kentucky convention of 1891 was altered by the convention without submission to a popular vote, after the new document had been ratified by the people.—Dodd's *The Revision and Amendment of State Constitutions*, p. 86; Dealey's *Growth of American State Constitutions*, pp. 144, 145; Cleveland's *Organized Democracy*, p. 278.

<sup>40</sup> McKinley's *Two New Southern Constitutions* in the *Political Science Quarterly*, Vol. XVIII, p. 510.

<sup>41</sup> Dodd's *The Revision and Amendment of State Constitutions*, p. 69.

conventions, and it appears that in all except Virginia in 1901 and Louisiana in 1913 the findings of the conventions were submitted to a vote of the people. In the case of only two States, Delaware and Mississippi, can it be said that the practice of long years seems to sanction constitutional change through proclamation. "Submission of a constitution to the people", writes Mr. Dodd, "may be and is the more proper policy, but it would seem to be a matter within the discretion of the convention itself, unless submission is required by the existing constitution."<sup>42</sup> There can be little doubt that in view of the political temperament of the people and the constitutional precedents in this State, an Iowa convention would have no thought other than to refer its work to the electorate. Thus, it would seem that the proper procedure for the General Assembly would be to leave the time and manner of submission entirely to the convention.

*Summary.* — From this discussion of what may properly be embodied in a convention act, one seems justified in drawing the conclusion that constitutional conventions exercise constituent power, subject to the ratification of the people. In actual practice they are limited by both the Federal and the State Constitutions, and, in the absence of a defined sphere, are subject to such limitations as are implied from their functions — that is, as "a regular organ for the expression of state will with reference to the state's fundamental law."<sup>43</sup> Thus a convention act may properly contain (1) provisions essential to the nomination and election of delegates; (2) provisions facilitating procedure, but which in no way unduly hamper the convention; (3) provisions conferring discretionary power in matters pertaining to organization, records, and ratification by the electorate;

<sup>42</sup> Dodd's *The Revision and Amendment of State Constitutions*, pp. 70, 92.

<sup>43</sup> Dodd's *The Revision and Amendment of State Constitutions*, p. 72.

and (4) provisions for the remuneration of the delegates and the expenses incident to the convention.

## CONVENTION ACTS OF RECENT YEARS

Between the years 1900 and 1920 the States have shown considerable activity in the matter of constitutional revision. Conventions have been held in Alabama and Virginia in 1901; Connecticut in 1902; Oklahoma and Michigan in 1907; Arizona and New Mexico in 1910; Ohio in 1912; New Hampshire in 1902, 1912, and 1918 (the latter convention adjourned until after the war and planned to reconvene in 1919); Louisiana in 1913; New York in 1915; Massachusetts in 1917; Arkansas in 1917; Nebraska in 1919; and Illinois in 1920. In addition, the legislatures of Indiana and Connecticut, in 1911 and 1907 respectively, proposed Constitutions.<sup>44</sup>

As a whole the work of these constitutional conventions has been successful: new Constitutions were adopted in Alabama, Virginia, Oklahoma, Michigan, Arizona, New Mexico, and Louisiana — although in New York, Connecticut, and Arkansas the work of the conventions was rejected. The work of the Indiana legislature in drafting a Constitution in 1911 was never submitted, owing to a legal injunction; and the Connecticut proposal of 1907 was rejected by the people. In Ohio and Massachusetts, and in New Hampshire in 1902 and 1912, amendments were submitted rather than complete revisions of the fundamental law. The Nebraska convention of 1919 submitted forty-one amendments to the electorate; while the Illinois convention has not yet completed its work. The Virginia and Louisiana conventions did not submit their findings to the people, but adopted and promulgated new Constitutions upon their own

<sup>44</sup> Dealey's *Growth of American State Constitutions*, pp. 89-115, gives an excellent summary of constitutional activities between 1886 and 1914. See also *Constitutional Convention Bulletins* (Illinois), 1920, p. 36.

authority. In view of this activity, legislative acts from which to draw comparative data as to modern methods of providing for a constitutional convention are abundantly available; and it is the purpose to present in this paper such usages in the several States as may serve to indicate general practices in recent times.<sup>45</sup>

*Number and Apportionment of Delegates.* — The number of delegates composing constitutional conventions in recent years may be said, generally, to approximate 100; but one finds such extremes as 413 in New Hampshire and 52 in Arizona.<sup>46</sup> A fair per cent show such figures as 96, 102, 119; while several record an even 100. These numbers seem to suggest, first, a desire to provide a flexible body thoroughly representative of the State; and second, an endeavor to recognize as far as possible existing political divisions. The first of these considerations is a matter of judgment based on a knowledge of State conditions, particularly the number and distribution of the population, the character and extent of the revision or amendment contemplated, and contemporary usage under similar conditions; the second involves the question of apportionment — the number of delegates being determined, in part, by the number of State divisions from which they are to be elected.

As to the political units from which delegates are to be chosen, convention acts have quite uniformly designated either the State senatorial or the State representative districts. If the senatorial division is selected, it seems usual to provide for the election of two or more candidates from

<sup>45</sup> *State Constitutional Developments since 1900 in Constitutional Convention Bulletins* (Illinois), 1920, p. 36.

<sup>46</sup> Updyke's *New Hampshire Constitutional Convention in The American Political Science Review*, Vol. VII, p. 134; Enabling act for Arizona and New Mexico (approved June 20, 1910), Sec. 19, in *United States Statutes at Large*, Vol. XXXVI, p. 568.



each district; while in utilizing the smaller representative division, it is generally required that each district shall choose delegates equal to the number of representatives to which such district is entitled in the State legislature. It would seem that the senatorial district as a basis for apportionment is in general the more satisfactory. Within certain limits the larger district will provide men of higher qualifications in point of interest and acquaintance, thereby tending to assure candidates of wide experience coupled with a knowledge of both State and local needs. The convention act sometimes emphasizes this point with a provision that the "Delegates shall possess the same qualifications as State senators",<sup>47</sup> or with greater laxity it may simply provide that the delegate be a "male citizen of this state above the age of twenty-one years, who is a resident of the district in which he is chosen."<sup>48</sup> The choice of the senatorial district will also generally permit, as has been indicated, the selection of two or more delegates from each district. This latter advantage tends to destroy the strict partisan alignment that might result from a convention of the same composition as the State legislature<sup>49</sup> — a condition to be avoided, if possible, since State parties, divided as they often are on transient issues, have little place in a convention whose function is to write fundamental and lasting regulations.

*Time and Place of Meeting.* — As to the time at which the convention is to convene it is necessary to consider carefully the seasonableness of the call — that is, to provide for the assembling of the members at such a time as will most nearly suit the convenience of the delegates. With this end

<sup>47</sup> Illinois convention act (approved June 21, 1919), Sec. 2.

<sup>48</sup> Michigan convention act (approved June 27, 1907), Sec. 5.

<sup>49</sup> Dealey's *Growth of American State Constitutions*, p. 144.

in view the late fall or winter is frequently stipulated, particularly in agricultural States. The provisions generally allow an interval of from thirty to sixty days between the election of delegates and the assembling of the convention, and a period varying greatly from one month to a year between the approval of the convention act and the election of delegates. It is evident, however, that local conditions will considerably influence these provisions. Moreover, the time should be so arranged as to avoid conflict with the session of the State legislature; for aside from the fact that some members of the legislature will be almost certain to have seats in the convention, practically every convention act provides that the place of meeting shall be in the Hall of the House of Representatives. Moreover, it is sometimes provided, in order to assure adequate preparation for the delegates, that the "Secretary of State shall take such steps as may be necessary to prepare the hall of the Representatives for the meeting of the convention";<sup>50</sup> or the "board of state auditors, previous to the meeting of the convention, shall prepare the hall of representatives and the senate chamber and the rooms connected therewith, for the use and occupation of the convention during its session."<sup>51</sup> In some instances there is no mention of such preliminary preparation, the matter evidently being left to the authorities ordinarily responsible for such arrangements.

*Purpose and Procedure.*— Nearly every recent convention act contains a clear declaration of the purpose for which the convention is called, procedure for calling the meeting to order, and the manner of selecting its officers, along with some indication of the rules of procedure to be followed. Concerning the first of these provisions, usage

<sup>50</sup> Illinois convention act (approved June 21, 1919), Sec. 1.

<sup>51</sup> Michigan convention act (approved June 27, 1907), Sec. 7.

shows little variation: "to revise, alter or amend the Constitution of the State of Illinois";<sup>52</sup> to "take into consideration the propriety and expediency of revising the present Constitution of the Commonwealth, or making alterations or amendments thereof";<sup>53</sup> or "for the purpose of making a general revision of the constitution of the state of Michigan."<sup>54</sup>

The regulations concerning the call to order are equally uniform, differing principally in regard to the official to whom the task is intrusted. The Governor, the Chief Justice, the Secretary of State, or the oldest delegate present may be designated for this duty; or the act may simply stipulate that the convention "shall organize by the election of one of their own number as president and one as president pro tem."<sup>55</sup> Occasionally a convention act contains the further requirement "that the Secretary of State shall attend the opening of the said convention and call the roll of delegates";<sup>56</sup> or he shall "call the roll thereof according to the returns on file in his office, which shall be certified to the convention by him, to administer the constitutional oath of office to the members, and to preside at all meetings thereof until a president has been elected and has taken his seat."<sup>57</sup>

Closely related to the preliminary organization of the convention is the selection of officers. This is uniformly left to the convention itself; but mention of the matter is usually made in some such phrase as to "organize by electing a president and all other necessary officers";<sup>58</sup> or "the

<sup>52</sup> Illinois convention act (approved June 21, 1919), Sec. 1.

<sup>53</sup> Massachusetts convention act (approved April 3, 1916), Sec. 6.

<sup>54</sup> Michigan convention act (approved June 27, 1907), Sec. 1.

<sup>55</sup> Michigan convention act (approved June 27, 1907), Sec. 6.

<sup>56</sup> Louisiana convention act (approved September 12, 1913), Sec. 5.

<sup>57</sup> Michigan convention act (approved June 27, 1907), Sec. 6.

<sup>58</sup> Indiana convention act (approved February 1, 1917), Sec. 13.

delegates shall elect one of their own number as president of the convention, and they shall have the power to appoint a secretary and such employes as may be deemed necessary";<sup>59</sup> or there may be a still more elaborate provision, as in the Michigan act of 1907 which directs that the convention "shall also choose such secretaries, sergeants-at-arms, clerks, and official stenographer, who shall choose his assistants, messengers and other attendants as they may deem necessary for the proper transaction of business."<sup>60</sup>

A single phrase is usually deemed sufficient to provide that the convention shall have full authority to determine its own rules of procedure; but frequently more detailed regulations are embodied in the convention act, such as the requirement that a majority shall constitute a quorum, that the journal and proceedings shall be filed in the office of the Secretary of State, or that such proceedings shall be kept and printed daily. In the same category one finds permissive clauses to the effect that the convention shall be the sole judge of the election and qualifications of its members, that it may compel the attendance of witnesses, or punish its members for disorderly conduct. But more generally such provisions are left to the convention itself as part of the discretionary power proper to any assembly of a representative character.

*Ratification by the Electorate.* — Among the most important provisions of a convention act are those relating to the ratification of the proposed Constitution by the people. It has already been pointed out in this paper that a constitutional convention is a constituent assembly, and as such can not be bound absolutely by legislative requirements. Any regulation imposed by the convention act can have, there-

<sup>59</sup> Illinois convention act (approved June 21, 1919), Sec. 7.

<sup>60</sup> Michigan convention act (approved June 27, 1907), Sec. 6.

fore, only a facilitating influence. The moment a stipulation is made that restricts the convention in its proper work, it ceases thereby to facilitate, and so defeats the purpose for which it was provided. While practically all convention acts contain some liberal injunction concerning the ultimate disposition to be made of the work of the convention, it is safe to say that the usual practice is to leave the time, place, and manner of submission of the newly drafted Constitution to the determination of the convention itself. Often the process of ratification is embodied in some such phrase as "The Convention shall fix and prescribe the time and form and manner of submitting to the electors of the state any proposal to revise, amend or change the Constitution",<sup>61</sup> or, as the Massachusetts act of 1916 provided, "Any such revision, alterations or amendments, when made and adopted by the said Convention, shall be submitted to the people for their ratification and adoption, in such manner as the Convention shall direct".<sup>62</sup> Sometimes, however, regulations of a general nature are included, requiring, perhaps, that "the election at which said submission shall be made, shall be held and conducted the same as elections for members of the house of representatives, so far as practicable, and the vote for and against such proposed revision, alterations or amendments . . . shall be entered on the tally sheet, counted, certified, transmitted and canvassed and the result thereof declared in the manner prescribed by law . . . for the election of members of the house of representatives so far as applicable";<sup>63</sup> or, to give assurance that every phase of the process will receive adequate protection, a provision is inserted stating that "all laws in force governing elections and not inconsistent with the pro-

<sup>61</sup> Nebraska convention act (approved March 24, 1919), Sec. 16.

<sup>62</sup> Massachusetts convention act (approved April 3, 1916), Sec. 6.

<sup>63</sup> Ohio convention act (approved June 6, 1911), Sec. 5.

visions of this Act, or with powers exercised under the terms hereof, shall apply to and govern elections held under the terms of this Act."<sup>64</sup>

It would seem that since the convention usually would have no desire other than to utilize to the fullest possible extent the existing election machinery in submitting its work to the voters, such provisions in the convention act are entirely proper as indicating to both the convention and to the electorate the procedure that should be regularly followed to secure the best results. If, however, in the absence of constitutional provisions, restrictions as to the time of submission, or a detailed method as to how the convention's findings were to be presented, or a kindred requirement that might be difficult or impossible to meet, should be placed in the act, unnecessary friction might result.

*Preliminary Preparation: Collection of Information and Research.* — At this point mention may be made of a question which, while not strictly a matter of procedure, has much to do with the ease and efficiency with which the convention may carry on and complete its work. It is of the utmost importance that information and materials relating to the subject-matter of modern Constitutions be made accessible and available for the immediate use of the delegates when they convene. Frequently the convention acts recognize this necessity by providing that "it shall be the duty of every State, County and municipal officer in the State to transmit without delay, any information at his command which the Convention by resolution or otherwise, may require of him";<sup>65</sup> and a penalty for disobedience is sometimes provided. Such a provision is doubtless both desirable and effective, and may properly appear in the

<sup>64</sup> Illinois convention act (approved June 21, 1919), Sec. 10.

<sup>65</sup> Nebraska convention act (approved March 24, 1919), Sec. 20.

convention act; but unaided, it would fail to place at the disposal of the convention, without great loss of time, the particular data requisite for an intelligent handling of the important problems involved in a revision of the fundamental law. The Nebraska act of 1919 frankly recognized this condition by providing that "for the purpose of aiding the Convention in the discharge of its duties, the supreme court of the State of Nebraska, shall, within thirty days after this act takes effect, appoint a preliminary survey Committee to consist of five members. The committee so appointed shall compile and tabulate information relative to State Constitutions of the different States or of other constitutional governments and such other information as the said Committee shall deem pertinent to the problems to be dealt with by the Constitutional Convention."<sup>66</sup> Traveling expenses and other charges incurred in the performance of duties, and an additional remuneration of \$1200 were provided for each member of the committee.<sup>67</sup> Other States have adopted similar arrangements either through special statute or through the provisions of the convention act itself. The convention of Michigan in 1907-1908, of Ohio in 1912, of New Hampshire in 1902 and 1918, of New York in 1915, of Massachusetts in 1917-1919, and of Illinois in 1920, all enjoyed the advantages of extensive preparation made previous to their assembly.<sup>68</sup>

Sometimes, to do this important preliminary work, a special board has been created; in other cases an existing agency of the State has been utilized. The Indiana convention act of 1917 (although never put into effect) directed that "the bureau of legislative and administrative

<sup>66</sup> Nebraska convention act (approved March 24, 1919), Sec. 21.

<sup>67</sup> Nebraska convention act (approved March 24, 1919), Sec. 22.

<sup>68</sup> *Work in Preparation for the Constitutional Convention in Constitutional Convention Bulletins* (Illinois), 1920, p. 9.

information shall collect, compile and prepare such information and data as it may deem useful to the delegates and the public, including digests of constitutional provisions of other states and an annotation of the present constitution", and further stipulated that the "Indiana historical commission shall furnish for the use of each member a copy of the volume entitled 'Constitution Making in Indiana' printed by the commission if the same shall be available."<sup>69</sup> In Illinois, this work, in accordance with statute law, was intrusted to the Legislative Reference Bureau, and a very complete and adequate set of bulletins was provided for the use of the convention.<sup>70</sup> It would seem that the best results from both the standpoint of economy and of service would be obtained by placing such work in the hands of a well organized and experienced State agency — some body thoroughly familiar with the methods of research and equipped to do the work. Extensive library facilities, highly trained researchers, and sufficient time for thorough study of the problems seem to be the principal requirements.

*Nomination of Delegates.* — The provisions that usually receive detailed attention in convention acts are, of course, those which deal with the nomination and election of delegates. This is a question with which the convention has nothing to do. The entire procedure is provided either in the general election laws of the State or in special provisions contained in the convention act. As has been indicated, the existing election machinery is, as far as possible, usually employed; but modifications, especially in methods of nomination, may be found necessary.

Since the advent of the primary, the States have com-

<sup>69</sup> Indiana convention act (approved February 1, 1917), Sec. 17.

<sup>70</sup> *Constitutional Convention Bulletins* (Illinois), 1920, Introduction.



monly used, at least in a modified form, that method in selecting candidates for constitutional conventions. In Illinois in 1919 a blanket clause was placed in the convention act to the effect that "all provisions of law in force at such time, and applying to the nomination of candidates for the office of State senator, shall to the extent that they are not in conflict with the terms of this Act, apply to the primary election herein provided for."<sup>71</sup> This was supplemented with general provisions providing for the filling of vacancies, independent nominations, qualifications of voters, registration, and protection against fraudulent voting, each usually in accordance with the stipulations of existing laws. Some convention acts, however, have gone into much greater detail.

The more recent provisions frequently start with a statement that "candidates for members of the Constitutional Convention shall be nominated by nominating petitions";<sup>72</sup> and sometimes a phrase "without party or political designation" is added.<sup>73</sup> The next requirements usually embrace the directions that all petitions shall be in writing; that they shall be signed by "not less than two per cent of the qualified electors of said county";<sup>74</sup> or "signed by not less than five per cent (5%) of the qualified electors of the representative district", but "in no case shall the number of signers . . . be less than one hundred";<sup>75</sup> that they shall, when properly signed, be addressed to some designated officer (usually to the County Clerk, or his equivalent, in districts that include a single county, or to the Secretary of State if the district includes more than

<sup>71</sup> Illinois convention act (approved June 21, 1919), Sec. 3.

<sup>72</sup> Nebraska convention act (approved March 24, 1919), Sec. 3.

<sup>73</sup> Massachusetts convention act (approved April 3, 1916), Sec. 3.

<sup>74</sup> Ohio convention act (approved June 6, 1911), Sec. 7.

<sup>75</sup> Nebraska convention act (approved March 24, 1919), Sec. 3.

one); and that such petition shall be filed on or before a certain day. The petitions themselves are sometimes specified in detail; and any special declaration or provision that may be required is carefully set forth. In some acts, however, the matter is disposed of by a general provision that the "nominations of candidates for members of the convention may be made by nomination papers, as now provided by law for members of the House of Representatives, and that all qualified electors, whether their party affiliation is registered or not, may sign such papers."<sup>76</sup> In all these requirements it is evident that each State has its own peculiar problems which must be decided in accordance with local conditions, and through an intimate knowledge of the election laws.

As a general rule the more recent convention acts that designate nomination by petition make provision for the subsequent primary. Sometimes, however, a primary is provided by inserting a provision in substance as follows: "If in any representative district, the number of persons nominated by nominating petitions, equals or exceeds three times the number to be elected delegates to the Constitutional Convention from such district, a non-partisan primary shall be held in such district on the third Tuesday after the first Monday in September."<sup>77</sup> It seems that such a requirement has the value of providing that only in those districts where a large number of candidates file petitions (in the above instance, three times the number to be elected), will a primary be held; otherwise, the petitioners' names will appear on the election ballot. It would appear that such a regulation offers the advantages (1) of materially reducing the expense of nomination, (2) of avoiding the discouragement of attempting to secure a popular ex-

<sup>76</sup> Louisiana convention act (approved September 12, 1913), Sec. 8.

<sup>77</sup> Nebraska convention act (approved March 24, 1919), Sec. 9.

pression when there is a number of candidates equal or only slightly in excess of the positions to be filled, and (3) of discouraging, through the threat of a primary, a promiscuous filing of petitions. The process of the primary itself is usually arranged by a general provision that it shall be "held under the general primary election law";<sup>78</sup> or there is a more elaborate direction to the effect that "the primary and other elections provided for in this Act shall be held at the places fixed by law for the holding of general elections and shall be conducted by the officials, judges and clerks charged with the duty of conducting general elections."<sup>79</sup>

*Election of Delegates.*—The regulations governing the election of delegates seem subject to the same general considerations that appear to govern the primary, that is, there is evidenced an attempt to conform with the existing election laws. In almost every instance a proclamation giving notice of the election is provided, and the proper person to issue such proclamation is designated. Sometimes this provision is a general statement to the effect that it shall be made by the "same persons and in the same manner, as in general elections";<sup>80</sup> or, more definitely, "the Governor shall make proclamation, giving notice of the election to be held under this act, at least twenty (20) days before the date of the said election."<sup>81</sup>

The qualifications of the electorate are usually contained in a general provision to the effect that, "Every person who, at the time of the holding of any primary or other election provided for in this Act, is a qualified elector under

<sup>78</sup> Louisiana convention act (approved September 12, 1913), Sec. 8.

<sup>79</sup> Illinois convention act (approved June 21, 1919), Sec. 10.

<sup>80</sup> Nebraska convention act (approved March 24, 1919), Sec. 2.

<sup>81</sup> Louisiana convention act (approved September 12, 1913), Sec. 7.

the Constitution and laws of this State, shall be entitled to vote in such election."<sup>82</sup> Registration, fraudulent voting, and the tabulation, returns, and canvass of the ballots are also generally embraced in phrases designating in effect that "the election shall in all respects be conducted, the returns thereof made and the result thereof certified as is provided by law in the election of representatives to the Legislature, except as otherwise provided herein."<sup>83</sup> Vacancies in the convention are generally filled as provided by law in the case of a similar situation in the General Assembly; and contested elections, when mentioned at all, are generally left to the convention itself. The day upon which the election is to be held is, of course, designated; and it is commonly placed in the fall of the year—in September, October, or November. For the reason that so important a task as selecting delegates to a constitutional convention should be, as far as possible, unhampered by the multitude of candidates and issues presented at the regular elections, special elections are frequently provided.

In an endeavor to exclude partisan influence or the undue advantage resulting from a favorable position on the election ballot, some States, notably Ohio, Indiana, and Nebraska, have in their convention acts gone into detail concerning the preparation of the ballots. The following Nebraska provisions are typical of the regulations enacted: "The whole number of ballots to be printed for the County shall be divided by the number of candidates for members of the Constitutional Convention. The quotient so obtained, shall be the number of ballots in each series of ballots to be printed. The names of candidates shall be arranged in alphabetical order and the first series of ballots printed. Then the first name shall be placed last and the

<sup>82</sup> Illinois convention act (approved June 21, 1919), Sec. 10.

<sup>83</sup> Nebraska convention act (approved March 24, 1919), Sec. 2.

next series printed, and the process shall be repeated in the same manner until each name shall have been first. These ballots shall then be combined in tablets with no two of the same order of names together, except where there is but one candidate.”<sup>84</sup> Other States, however, relying upon the laws already in force, insert a clause to the effect that “such election shall be conducted in conformity with the laws then in force relating to elections for State senators, to the extent that such laws are applicable.”<sup>85</sup>

*Appropriations for Expenses of Convention and Compensation of Delegates.*—All convention acts provide in some manner adequate appropriations to defray the necessary expenses of the convention; but usage differs widely as to details. The Nebraska convention act of 1919 provided that delegates should receive “the same pay and mileage as members of the Legislature receive for a regular Session”;<sup>86</sup> the Illinois act of the same year required that “each delegate shall receive for his services the sum of two thousand dollars, payable at any time after the convention is organized. The delegates shall be entitled to the same mileage as is paid to the members of the General Assembly, to be computed by the Auditor of Public Accounts. The delegates shall receive no other allowance or emoluments whatever, except the sum of fifty dollars to each delegate, which shall be in full for postage, stationery, newspapers, and all other incidental expenses and perquisites.”<sup>87</sup> In the same act the salary of the secretary of the convention was placed at \$15.00 a day.<sup>88</sup> In Massachusetts in 1916 a still different course was followed by stipulating that the

<sup>84</sup> Nebraska convention act (approved March 24, 1919), Sec. 18.

<sup>85</sup> Illinois convention act (approved June 21, 1919), Sec. 4.

<sup>86</sup> Nebraska convention act (approved March 24, 1919), Sec. 19.

<sup>87</sup> Illinois convention act (approved June 21, 1919), Sec. 6.

<sup>88</sup> Illinois convention act (approved June 21, 1919), Sec. 7.

convention itself "shall establish the compensation of its officers and members, which shall not exceed seven hundred and fifty dollars for each member of the Convention as such";<sup>89</sup> while the Michigan act of 1907 required that "the compensation of the delegates of said convention shall be ten dollars per day during the session of the convention, and ten cents per mile for every mile traveled by the nearest practicable route in going to and returning from the place of holding the convention". It would seem, in spite of the wide differences as herein noted, that the provision most common to the convention acts of recent years makes the pay and mileage of delegates the equal of that received by members of the General Assembly for a regular legislative session.

The payment of such compensation or expenses incidental to the functions of the convention is generally protected by either providing that it shall be paid "in the same manner as is provided by law for the payment of similar claims in the legislature";<sup>90</sup> or by prescribing that particular preparation be made for certification by some specified officer. In this particular in the Ohio act it was provided that "no warrant shall issue on the state treasurer for such compensation, or for money for uses of the convention, except on order of the convention and certificate of the presiding officer thereof";<sup>91</sup> and the Illinois legislation provides with equal clarity that "the sum of five hundred thousand dollars (\$500,000), or so much thereof as may be necessary, is hereby appropriated for the payment of salaries and other expenses properly incident to the constitutional convention. The Auditor of Public Accounts is hereby authorized and directed to draw warrants on the

<sup>89</sup> Massachusetts convention act (approved April 3, 1916), Sec. 7.

<sup>90</sup> Michigan convention act (approved June 27, 1907), Sec. 6.

<sup>91</sup> Ohio convention act (approved June 6, 1911), Sec. 20.

State Treasurer for the foregoing amount or any part thereof, upon the presentation of itemized vouchers certified to as correct by the president of the constitutional convention or the acting president of the convention.”<sup>92</sup>

## CONVENTION ACTS IN IOWA

Iowa is not without experience in preparing for and holding constitutional conventions: four convention acts have been placed upon the statute books and three constitutional conventions have been held in this State. Moreover, the documentary sources of information relative to the several conventions and constitutions have been published by The State Historical Society of Iowa in Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 131-287; and more recently the pages containing these documents have been bound separately under the title of *Some Documentary Material Relating to the History of the Constitutions of Iowa*. A narrative account of the four convention acts, the three conventions, and the three Constitutions may be found in Shambaugh's *History of the Constitutions of Iowa*.

The first legislation in Iowa relative to a constitutional convention was embodied in “An Act to provide for the expression of the opinion of the people of the Territory of Iowa as to taking preparatory steps for their admission into the Union.”<sup>93</sup> Approved by the Governor on July 31, 1840, this legislation provided only for a vote of the electors on the question of calling such a convention. The returns of the election, which was held in August, 1840, showed a large majority against the proposition.<sup>94</sup>

<sup>92</sup> Illinois convention act (approved June 21, 1919), Sec. 13.

<sup>93</sup> *An Act to provide for the expression of the opinion of the people of the Territory of Iowa as to taking preparatory steps for their admission into the Union* (approved July 31, 1840), reprinted in Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, p. 135.

<sup>94</sup> Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 136, 137.

*Convention Act of 1842.*—Two years later the Legislative Assembly passed another act which, besides enabling the people to vote on the propriety of a constitutional convention, contained provisions regulating the election of delegates and the holding of such convention in the event of a favorable vote on the convention proposition.<sup>95</sup> Thus the act of 1842 was properly a convention act, containing provisions usual to such legislation. It provided for a convention consisting of eighty-two delegates to be elected from the organized counties of the Territory. A maximum of eleven delegates each was to be chosen from the counties of Lee and Van Buren, and a minimum of one delegate each from the counties of Jones and Delaware. The manner of issuing the proclamation for the election, which was to be held on the second Tuesday in October following the approval of the convention by the people, and all proceedings connected therewith were to be “in accordance with the provisions of the law, providing for the election of the members of the Council and House of Representatives in this Territory, so far as the same may be applicable.”<sup>96</sup>

Delegates chosen under the convention act of 1842 were to meet at Iowa City on the first Monday in November. It was provided that the Secretary of the Territory should secure a “suitable room for the meetings of the Convention”, and that he should “provide the same with furniture, stationery, and all other things necessary”<sup>97</sup> for the comfort and convenience of the delegates. The act clearly states the process to be followed in submitting the Constitution to a vote of the people after its adoption by the convention. Following such adoption by the convention the new document was to “be published in all the newspapers

<sup>95</sup> Iowa convention act (approved February 16, 1842), Secs. 1-3, 4-14.

<sup>96</sup> Iowa convention act (approved February 16, 1842), Secs. 4, 5.

<sup>97</sup> Iowa convention act (approved February 16, 1842), Secs. 7, 13.



printed in this Territory;" and "at the next general election . . . . the electors . . . . who are qualified to vote for members of the Legislature . . . . shall be and they are hereby authorized, to vote 'For the Constitution,' or 'Against the Constitution.'"<sup>98</sup>

The vote in 1842 again showed marked opposition to a constitutional convention, as each of the seventeen counties participating in the election returned a majority against it. Indeed, it was not until 1844 that the people of Iowa through a favorable expression at the polls, sanctioned the calling of a constitutional convention.<sup>99</sup>

*Convention Act of 1844.*—The convention act of 1844 was very similar to the one of 1842, notwithstanding several differences in detail. As voted upon by the electors the act provided for the election of seventy delegates. The largest representation was allotted to Lee, Des Moines, and Van Buren counties which were to elect eight delegates each; while Wapello, Davis, Keokuk, and Mahaska were to elect one each.<sup>100</sup> Subsequently, however, the original act was amended so as to provide that the convention should consist of seventy-three members and that "the counties of Davis, Wapello, and Mahaska shall each be entitled to two members".<sup>101</sup> The election of the delegates was to be conducted "in accordance with the provisions of the law providing for the election of members of the Council and the House of Representatives in this Territory, as far as the same may be applicable";<sup>102</sup> and the delegates so chosen were in-

<sup>98</sup> Iowa convention act (approved February 16, 1842), Sec. 8.

<sup>99</sup> Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 141-143, 147-149.

<sup>100</sup> Iowa convention act (approved February 12, 1844), Sec. 5.

<sup>101</sup> Amendment to Iowa convention act (approved June 19, 1844), Sec. 1, reprinted in Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, p. 149.

<sup>102</sup> Iowa convention act (approved February 12, 1844), Sec. 4.

structed to meet at Iowa City on the first Monday in October following their election "and proceed to form a constitution and state government for the Territory of Iowa."<sup>103</sup> The Secretary of the Territory was to make suitable preparation for the meeting and to provide all things necessary for "the comfort and convenience of the Convention."<sup>104</sup>

Provisions for popular ratification of the Constitution drafted by the convention were substantially the same as those of the convention act of 1842. Thus, publication of the new fundamental law in all newspapers of the Territory was required; and at the township elections in the April following the session of the convention the electors qualified to vote for members of the legislature were authorized to vote for or against the proposed Constitution.<sup>105</sup> One provision not found in the legislation of 1842 appears in the act of 1844: "the members of said Convention shall be entitled to such compensation as the Convention may direct, not exceeding three dollars per diem, and three dollars for every twenty miles travel to and from the place of holding said Convention."<sup>106</sup>

When the Constitution as drafted by the convention of 1844 was submitted to Congress that body passed an act to admit Iowa to statehood with several qualifying conditions, one of which provided for the curtailment of the boundaries of the new State on the north and west; and so great was the dissatisfaction caused by this provision that a majority of the people voted against the adoption of the new Constitution when it was submitted to them for ratification. In view of this fact the Governor in his message to the Legislative Assembly on May 5, 1845, stated that the rejection of

<sup>103</sup> Iowa convention act (approved February 12, 1844), Sec. 7.

<sup>104</sup> Iowa convention act (approved February 12, 1844), Sec. 12.

<sup>105</sup> Iowa convention act (approved February 12, 1844), Sec. 8.

<sup>106</sup> Iowa convention act (approved February 12, 1844), Sec. 13.

the Constitution by the people imposed upon the Assembly "the necessity of further legislation preparatory to presenting anew to Congress, our claims to admission into the Union"—that is to say, in his opinion a new convention act, a new convention, and a new Constitution were necessary.<sup>107</sup>

There were, however, many who favored a resubmission of the rejected Constitution. And so, an act to resubmit this instrument to the people was passed over the Governor's veto and declared to be a law on June 10, 1845.<sup>108</sup> It contained the provision "That the ratification of the Constitution, as aforesaid, shall not be construed as an acceptance of the boundaries fixed by Congress in the late act of admission, and the admission shall not be deemed complete until whatever condition may be imposed by Congress, shall be ratified by the people."<sup>109</sup> The August election of 1845 resulted in another defeat for the Constitution as drafted by the convention of 1844. In his message of December 3, 1845, the Governor deplored the result of the August election; and, while asserting it to be "the recorded judgment of the people", he promised "hearty co-operation" in any steps that might be taken towards the incorporation of Iowa into the Union.<sup>110</sup>

*Convention Act of 1846.*—The third convention act, which

<sup>107</sup> *An extract from the Governor's Message of May 5th, 1845, reprinted in Shambaugh's Documentary Material Relating to the History of Iowa, Vol. I, pp. 177-179.*

<sup>108</sup> *Shambaugh's Documentary Material Relating to the History of Iowa, Vol. I, p. 182.*

<sup>109</sup> *An Act to submit to the people the draft of a Constitution formed by the late Convention (declared a law June 10, 1845), Sec. 8, reprinted in Shambaugh's Documentary Material Relating to the History of Iowa, Vol. I, pp. 181, 182.*

<sup>110</sup> *An extract from the Governor's Message of December 3rd, 1845, reprinted in Shambaugh's Documentary Material Relating to the History of Iowa, Vol. I, pp. 182, 183.*

appears in the statute books above the date of January 17, 1846, states quite definitely in its title that it was "to provide for the election of Delegates to a Convention to form a Constitution and State Government."<sup>111</sup> According to its provisions the proposed convention was to consist of thirty-two delegates, elected one from each county, except that Des Moines, Lee, and Van Buren were to have three each; Jefferson and Henry were given two each; and Dubuque, Delaware, Buchanan, Fayette, and Black Hawk were to be collectively represented by two.<sup>112</sup> The delegates elected were to convene at Iowa City on the first Monday in May, 1846, and "proceed to form a Constitution, and State Government for the future State of Iowa."<sup>113</sup> The Secretary of the Territory was, as usual, intrusted with the necessary preparations for the meeting. The method of election of delegates was provided in the customary requirement that it should be "in accordance with the provisions of the law providing for the election of members of the Council and House of Representatives in this Territory, so far as the same may be applicable."<sup>114</sup> Members of the convention were to receive three dollars per day and three dollars for every twenty miles traveled to and from the place of meeting, and the money was "to be paid in the way and manner as may hereafter be provided for by the Legislative Assembly of the Territory or State of Iowa."<sup>115</sup>

Upon the adoption of a Constitution by the convention, it was required that the document be published; and at the next general election the qualified electors were authorized to vote for or against the new document.<sup>116</sup> Upon ratifica-

<sup>111</sup> Iowa convention act (approved January 17, 1846).

<sup>112</sup> Iowa convention act (approved January 17, 1846), Sec. 2.

<sup>113</sup> Iowa convention act (approved January 17, 1846), Sec. 4.

<sup>114</sup> Iowa convention act (approved January 17, 1846), Secs. 1, 9.

<sup>115</sup> Iowa convention act (approved January 17, 1846), Sec. 10.

<sup>116</sup> Iowa convention act (approved January 17, 1846), Sec. 5.

tion the new Constitution was to be presented to the Congress of the United States as a step preliminary to the admission of Iowa into the Union.<sup>117</sup> The Constitution drafted in accordance with the provisions of this act was approved by the people on August 3, 1846, by a safe majority; and subsequent acceptance by Congress permitted the admission of Iowa to statehood on December 28, 1846.<sup>118</sup>

*Convention Act of 1855.*—Hardly had the new State government been organized before agitation was begun having for its object the amendment or revision of the Constitution so recently adopted. A clause prohibiting the organization of any corporation whose function was to exercise “the privileges of banking”<sup>119</sup> had been inserted in the Constitution to protect the State against the evils of paper money that had proved so serious in the banking operations of the time. In practice, however, this inhibition denied the benefits of properly controlled banks without curtailing the evils, since neighboring States easily circulated their depreciated paper money in Iowa. In accordance with what appeared to be wide dissatisfaction concerning this provision, the Fifth General Assembly in 1855 passed an act providing—subject to popular approval—for the “revision or amendment of the Constitution of this State.”<sup>120</sup> The procedure as set forth in this fourth convention act was based on the Constitution of 1846, Article XI of which contained the following provisions:

If at any time, the General Assembly shall think it necessary to

<sup>117</sup> Iowa convention act (approved January 17, 1846), Sec. 8.

<sup>118</sup> Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 185, 186.

<sup>119</sup> *Constitution of Iowa*, 1846, Art. IX, Sec. 1, reprinted in Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, p. 205.

<sup>120</sup> Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, pp. 217–221.

revise or amend this constitution, they shall provide by law for a vote of the people for or against a convention, at the next ensuing election for members of the General Assembly, in case a majority of the people vote in favor of a convention, said General Assembly shall provide for an election of Delegates to a convention, to be held within six months after the vote of the people in favor thereof.<sup>121</sup>

In accordance with the provision to "provide for an election of Delegates" the convention act of January 24, 1855, stipulated that the number and apportionment of delegates to be elected should "correspond to the number of Senators in the General Assembly, according to the apportionment at the time of the election of said delegates, and each senatorial district shall constitute a district for the election of delegate."<sup>122</sup> The election was to "be conducted, and the returns made according to the provisions of the Code, regulating general elections."<sup>123</sup> Delegates were to have the same qualifications as State senators. The convention was to meet at Iowa City in "the then Capitol of the State, on the third Monday in January, A. D. 1857, for the purpose of revising or amending the constitution of the State."<sup>124</sup> Due preparations for the convention were to be made by the Secretary of State.<sup>125</sup> In case of vacancies in the convention, the Governor was directed to issue writs of election in the manner prescribed for similar action in case of vacancies in the General Assembly.<sup>126</sup> Each delegate was to

<sup>121</sup> *Constitution of Iowa*, 1846, Art. XI, Sec. 1, reprinted in Shambaugh's *Documentary Material Relating to the History of Iowa*, Vol. I, p. 207.

<sup>122</sup> Iowa convention act (approved January 24, 1855), Sec. 5. Thirty-six delegates were elected to the Convention.—Shambaugh's *History of the Constitutions of Iowa*, p. 335.

<sup>123</sup> Iowa convention act (approved January 24, 1855), Sec. 4.

<sup>124</sup> Iowa convention act (approved January 24, 1855), Sec. 6.

<sup>125</sup> Iowa convention act (approved January 24, 1855), Sec. 12.

<sup>126</sup> Iowa convention act (approved January 24, 1855), Sec. 7.

receive three dollars "for each day's attendance" and three dollars for every twenty miles traveled in attending the convention.<sup>127</sup>

The convention was given the power to appoint its own officers, to fix their compensation, and to provide for necessary printing. It was directed to keep a journal of its proceedings, and upon completion, to file such journal in the office of the Secretary of State.<sup>128</sup> A further provision required that the revised or amended Constitution should be submitted to a vote of the people — the convention to fix both time and manner of submission with the qualification that "all elections contemplated in this Act, shall be conducted, as nearly as practicable, in the same manner as provided by law for the regulation of general elections in this State."<sup>129</sup>

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<sup>127</sup> Iowa convention act (approved January 24, 1855), Sec. 8.

<sup>128</sup> Iowa convention act (approved January 24, 1855), Sec. 9.

<sup>129</sup> Iowa convention act (approved January 24, 1855), Secs. 10, 11.

## HISTORY OF TAXATION IN IOWA 1910-1920

In his *History of Taxation in Iowa*<sup>1</sup> the writer brought the narrative to 1910 and also added a somewhat detailed comparative study of tax reform in other States, particularly from the standpoint of fiscal administration. The purpose of this paper is to bring the historical study down to date, concluding with only a brief reference to those developments in other States which appear to have a direct bearing upon pending tax problems in Iowa.

The *History of Taxation in Iowa*, which, among other things, suggested a flat tax on moneys and credits as a partial substitute for the personal property tax and centralized fiscal administration in the form of a county assessor and tax commission system, was placed on the desks of each member of the Thirty-fourth General Assembly.<sup>2</sup> Much interest was taken in the subject of tax reform. Bills were introduced providing for a tax commission, a flat tax on moneys and credits, a revision of the collateral inheritance tax law, and numerous minor changes that can not be presented in this brief review.

Senate File 156, introduced by Senator H. W. Spaulding, provided for a permanent State tax commission with real administrative power and authority based upon the best experience of the more progressive States.<sup>3</sup> On March 11th,

<sup>1</sup> Published in two volumes by The State Historical Society of Iowa, Iowa City, Iowa, 1911.

<sup>2</sup> A concurrent resolution was adopted by the General Assembly requesting that The State Historical Society of Iowa supply "each member of the House and Senate" with a copy of the work.—*Journal of the House of Representatives*, 1911, p. 180; *Journal of the Senate*, 1911, p. 155.

<sup>3</sup> *Journal of the Senate*, 1911, p. 290.



this bill with minor amendments was recommended for passage by the Committee on Ways and Means; but having an appropriation attached, it was referred to the Committee on Appropriations.<sup>4</sup> The Committee on Appropriations reported a substitute bill which reduced the appropriation from \$30,000 to \$25,000; but in other respects the measure was improved and perhaps strengthened.<sup>5</sup> The fact that strong measures of this character could be reported for passage by the two leading committees indicated real sentiment in favor of tax reform in the upper house of the General Assembly. On March 29th the report of the Committee on Appropriations proposing the substitute measure was adopted;<sup>6</sup> but after receiving some minor amendments, the bill was finally defeated as the result of quiet rather than noisy opposition.<sup>7</sup> Debates were brief, and even the daily papers were unusually silent about so important a matter.<sup>8</sup>

In the meantime Senate File 137, introduced by Senator A. C. Savage,<sup>9</sup> was being considered by the Committee on Ways and Means. It was reported out by the committee on April 1st,<sup>10</sup> was amended by having the appropriation reduced from \$15,000 to \$10,000, and in that form passed the Senate on April 10th with only three negative votes.<sup>11</sup> It passed the House two days later, though with a greater opposition indicated by thirty-three negative votes.<sup>12</sup> The

<sup>4</sup> *Journal of the Senate*, 1911, pp. 764, 765.

<sup>5</sup> *Journal of the Senate*, 1911, pp. 1003-1009.

<sup>6</sup> *Journal of the Senate*, 1911, p. 1132.

<sup>7</sup> *Journal of the Senate*, 1911, pp. 1138, 1139.

<sup>8</sup> Only brief formal references were made to a State tax commission. Considerable publicity however was given to the flat tax on moneys and credits.

<sup>9</sup> *Journal of the Senate*, 1911, p. 232.

<sup>10</sup> *Journal of the Senate*, 1911, p. 1243.

<sup>11</sup> *Journal of the Senate*, 1911, p. 1555.

<sup>12</sup> *Journal of the House of Representatives*, 1911, p. 1907.

fact that the House was more hostile to tax reform than the Senate is apparent also from the fate of the permanent tax commission bill introduced by Representative Ralph Sherman<sup>13</sup> as a companion measure to the Spaulding bill already discussed. After receiving very little real support and encountering determined opposition, particularly from rural members, the bill was withdrawn by its author.<sup>14</sup>

The tax commission provided for in the Savage bill as enacted into law was temporary in character. It was to be composed of five members appointed by the Governor, not more than three of whom should belong to the same political party. The appropriation, as noted above, was fixed at \$10,000 and the powers and duties of the commission were thus defined:

It shall be the duty of said commission to examine into tax assessment, tax levy and tax collection laws of the state of Iowa, and of other states, and use such means and make such investigations as it shall deem best to secure information, for the purpose of ascertaining whether the present laws of the state of Iowa regulating the assessment, levying and collection of taxes may not be improved, and to report its findings together with such recommendation as it may deem desirable, to the governor not later than October 1, 1912, together with bills intended to carry its recommendations, and a detailed statement of the expenses of the commission as provided herein. The report and recommendations of the commission shall be transmitted by the governor to both branches of the general assembly of 1913, and copies of said report and recommendations shall be printed by the state printer and bound by the state binder in such quantity as the executive council may determine and a copy sent by the governor to each member of the general assembly by December 1, 1912.<sup>15</sup>

The most important substantive change in the tax laws

<sup>13</sup> *Journal of the House of Representatives*, 1911, p. 317.

<sup>14</sup> *Journal of the House of Representatives*, 1911, p. 1457.

<sup>15</sup> *Laws of Iowa*, 1911, Ch. 204.

of Iowa made by the Thirty-fourth General Assembly relates to the taxation of moneys and credits, bank stock, and moneyed capital in competition with banks. The demand for a modification of the personal property tax along this line had crystallized and could no longer be resisted. Bills were introduced by the Committee on Ways and Means in both the House<sup>16</sup> and the Senate.<sup>17</sup> As amended in the Senate, the bill — which was in fact a substitute measure — consisted of two distinct parts: first, a flat tax of five mills on the dollar of actual valuation of moneys and credits, the same to be in lieu of all other taxes upon this class of personal property; and second, the assessment of the shares of stock of national, State, and savings banks, and of loan and trust companies, and of moneyed capital in competition with banks at twenty per cent of the actual value.<sup>18</sup> The twenty per cent provision as contrasted with a general taxable valuation of twenty-five per cent was inserted as a concession to banks on the theory that bank stock had been assessed relatively higher than other classes of personal property.

In fact an earnest effort was made to obtain even greater concessions to the shares of stock of banks, loan and trust companies, and moneyed capital in competition with banks. Some members in each house of the General Assembly held that stock of this character belonged in the same class as moneys and credits and should be taxed at the flat rate of five mills on the dollar of actual valuation. The amendment which was presented by Senator James A. Smith and adopted, specifically excluded the “shares of stock of national, state and savings banks and loan and trust companies, and moneyed capital as hereinafter defined” from

<sup>16</sup> *Journal of the House of Representatives*, 1911, p. 1085.

<sup>17</sup> *Journal of the Senate*, 1911, p. 766.

<sup>18</sup> *Journal of the Senate*, 1911, pp. 1036-1038.

the operation of the five mill tax on moneys and credits. In a separate section of the amendment it was distinctly provided that "said shares of stock and moneyed capital shall be assessed upon the basis of twenty per cent, of the actual value ascertained as herein provided, which twenty per cent. of the actual value shall be taken and considered as the taxable value and taxed as other property in such taxing district."<sup>19</sup>

The twenty per cent, however, was not satisfactory to those members who believed that bank stock would still be taxed relatively higher than other classes of property. Senator Le Monte Cowles presented an amendment providing that bank stock should be taxed "upon the uniform basis throughout the state of twelve and one-half ( $12\frac{1}{2}$ ) mills in the dollar of actual valuation";<sup>20</sup> but this amendment was defeated after a spirited debate, receiving, however, a substantial minority vote.<sup>21</sup> In the House, Mr. William F. Stipe sought to accomplish the same purpose by offering an amendment to assess bank stock at fifteen instead of twenty per cent of its actual value which in the case of special charter cities meant sixty per cent and not eighty per cent of the assessed value.<sup>22</sup> The amendment, however, was lost and the bill providing for a flat tax of five mills on the actual valuation of moneys and credits and a twenty per cent assessment for the shares of stock of national, State, and savings banks, loan and trust companies, and moneyed capital in competition with banks passed the House by an almost unanimous vote on March 29th.<sup>23</sup> It had already passed the Senate with only five negative

<sup>19</sup> *Journal of the Senate*, 1911, p. 1038.

<sup>20</sup> *Journal of the Senate*, 1911, p. 1039.

<sup>21</sup> *Journal of the Senate*, 1911, p. 1061.

<sup>22</sup> *Journal of the House of Representatives*, 1911, p. 1312.

<sup>23</sup> *Journal of the House of Representatives*, 1911, p. 1313.

votes.<sup>24</sup> After being recalled by the House to attach certain amendments the measure was finally approved and became law on April 6, 1911.<sup>25</sup>

Four distinct facts should be clearly understood regarding this very important tax law: first, the old personal property tax as applied to moneys and credits was abolished, and in lieu thereof a flat rate of five mills "on the dollar of actual valuation" was substituted, said tax to "be divided between the various funds upon the same pro rata basis as other taxes"; second, moneyed capital as defined by section (5219) of the revised statutes of the United States was placed in the same class for assessment and taxation as bank stock; third, that the shares of stock of national, State, and savings banks, loan and trust companies, and moneyed capital should be "assessed and taxed upon the taxable value of twenty per cent of the actual value thereof"; and finally, that debts might be deducted from the amount of moneys and credits listed for taxation, but not from shares of bank stock and moneyed capital. The five per cent concession to bank stock and the reason for granting the same — other property except moneys and credits being taxed at twenty-five per cent of the listed value — is apparent from the language of the law which is as follows:

For the purpose of placing the taxation of bank and loan and trust company stock and moneyed capital as nearly as possible upon a taxable value relatively equal to the taxable value at which other property is now actually assessed throughout the state as compared with the actual value thereof, it is hereby provided that state, savings and national bank stock and loan and trust company stock and moneyed capital shall be assessed and taxed upon the taxable value of twenty per cent of the actual value thereof, determined as

<sup>24</sup> *Journal of the Senate*, 1911, p. 1063.

<sup>25</sup> *Laws of Iowa*, 1911, Ch. 63.

herein provided, which twenty per cent of the actual value shall be taken and considered as the taxable value and shall be taxed as other property in such taxing district.<sup>26</sup>

The collateral inheritance tax law was quite thoroughly revised by the Thirty-fourth General Assembly<sup>27</sup> primarily for the purpose of strengthening the same from an administrative standpoint. Experience had shown that the tax was not being collected in an efficient manner. The law was materially strengthened and has remained practically unchanged to the present date. The rate remained the same — five per cent on collateral heirs residents of the United States, and twenty per cent on collateral heirs who are non-residents of the United States “except when such foreign beneficiaries are brothers or sisters of the decedent owner, when the rate of tax to be assessed and collected therefrom shall be ten (10) per centum of the value of the property or interest so passing.”<sup>28</sup> There has been very little public sentiment in Iowa favorable to a direct inheritance tax such as long ago has been adopted in many States; but it is quite probable that this important source of revenue will not much longer be neglected. Necessary and very substantial additions to the State revenue might be made by the enactment of a direct inheritance tax law.

The Special Tax Commission authorized by the Thirty-fourth General Assembly was appointed by Governor B. F. Carroll on May 17, 1911. Mr. M. H. Cohen of Des Moines, who was elected president, Mr. C. N. Voss of Davenport, vice president, Mr. A. C. Ripley of Garner, Mr. B. E. Stonebraker of Rockwell City, and Mr. J. H. McConlogue of Mason City constituted the Commission. The writer was appointed to act as secretary.<sup>29</sup>

<sup>26</sup> *Laws of Iowa*, 1911, Ch. 63, Sec. 5.

<sup>27</sup> *Laws of Iowa*, 1911, Ch. 68.

<sup>28</sup> *Laws of Iowa*, 1911, Ch. 68, Sec. 1.

<sup>29</sup> *Report of the Special Tax Commission to the Governor of Iowa*, 1912, p. 5.

The Commission held twenty-one meetings and was in session fifty-five days, during which time a very careful study was made of the tax laws of Iowa and other States. Meetings were held at Richmond, Virginia, during a conference of the National Tax Association, and later at Topeka, Kansas, in order to make a special study of the practical working of the county assessor and tax commission system of that State. The members of the Commission very soon recognized the necessity of thorough administrative reforms and were interested in the experience of Kansas — a neighboring State with quite similar conditions and a very successful revenue system.

A particular effort was made to get in touch with the taxpayers of Iowa, learn their views, and receive the benefit of their counsel and advice. Delegations representing different economic interests appeared at the regular meetings held in the State House at Des Moines and at the special meetings in Sioux City and Davenport. A session lasting eight days was held at Des Moines in January, 1912, for the special purpose of giving interested taxpayers an opportunity to be heard. Not being satisfied that these meetings had given sufficient publicity to the work of the Commission to insure a proper understanding by the public at large of its plans and proposed recommendations, Governor B. F. Carroll was requested to call a State Tax Conference to meet in Des Moines. The account of this important conference, which should be recorded in some detail, is based largely upon the private files of the writer, who kept a careful record of the proceedings.<sup>30</sup>

The first, and up to date, the only State Tax Conference which has convened in Iowa, met at the Savery Hotel in Des Moines on Wednesday, March 20, 1912. While the confer-

<sup>30</sup> Records of State Tax Conference, 1912, in the Economics Seminar Library, Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.

ence was open to all taxpayers of the State, it was especially desired that local assessors, boards of review, county and State officials and members of the General Assembly attend. Following the experience of other States and the National Tax Association, the official representation was arranged on the following basis:

In order to make the Conference representative in character and to insure an equal voice in the deliberations and in voting upon any resolution which may be proposed, each county will be entitled to three delegates, each of whom shall be entitled to one vote, such delegates to be named by the county auditor; and each university or college, maintaining a regular four year course, will be entitled to one vote, the delegate to be named by the president of such institution.

The members and Secretary of the Executive Council and of the State Tax Commission, one member of the board of supervisors for each county, to be designated by the respective boards, and the county auditor of each county will be *ex-officio* delegates to the Conference and entitled to vote and to participate in the deliberations.<sup>31</sup>

It is obvious that every effort was made to make the Conference representative in a real sense and open to any taxpayer in the State. In fact, the purpose of the meeting was to ascertain public sentiment regarding the various problems of taxation by bringing the Special State Tax Commission more closely in touch with the people, and at the same time affording the people themselves an opportunity to become more thoroughly acquainted with the purposes and plans of the Commission. While a regular program was prepared in order to direct the discussions along definite channels, at least half of the time was given over to a general discussion by the members themselves. In other words, the Commission had in mind at least two distinct

<sup>31</sup> Records of State Tax Conference, 1912, in the Economics Seminar Library, Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.



things: first, the necessity of making a definite outline of the defects in our present revenue system and the remedies for the same; and second, the desirability of giving the members of the Conference an opportunity of discussing said defects and proposed remedies. The program in a word, was carefully balanced with a view of giving complete freedom of discussion on the one hand, and at the same time insure the careful presentation of fundamental principles on the other.

These facts are mentioned because at the very beginning of the Conference an unwarranted amount of suspicion was apparent. For some reason, many members of the Conference were led to believe that a deal had been arranged for the purpose merely of passing resolutions favorable to the Commission. Of course, there was absolutely no ground for any such suspicion since, as already explained, every effort had been made to make the Conference representative in a real sense and give any and every taxpayer an opportunity to be heard. If the Special Tax Commission had had any desire whatever to force a certain program of reform through the General Assembly without taking the people of Iowa into its confidence no general State Tax Conference would ever have been called. The meeting was held for the definite purpose of making the public thoroughly familiar with the plans and purposes of the Commission in order to give the people a chance of offering criticisms and making suggestions that would be helpful in the solution of the important problems of taxation.

The fact that the people were giving serious attention to the necessity of revising the tax laws is apparent from the large number of delegates who attended the Conference and the interest manifested. The report of the Committee on Credentials, of which Mr. C. F. Terhune of Muscatine was chairman, shows that seventy-four counties were

officially represented at the Conference. The number of voting delegates, in accordance with the call made by Governor B. F. Carroll, was two hundred and eighty-one, which list included one representative from each of the following educational institutions: Drake University, Grinnell College, the State Teachers College at Cedar Falls, and the Iowa State College at Ames. More than one hundred additional taxpayers were present from all quarters of the State and attended the sessions of the Conference. In other words, the fact that about four hundred men, representing nearly every county of the State, attended this Conference at their own expense furnishes conclusive proof of the deep interest which the people generally manifested in the proposed revision of the tax laws. The Special Tax Commission was greatly pleased at the large attendance and the intelligent interest manifested by the delegates in the general discussions.

After the opening address had been made by the Governor, Chairman M. H. Cohen appointed a committee on organization composed of Attorney R. M. Haines of Des Moines (chairman), Attorney J. H. McConlogue of Mason City (a member of the Commission), and Hon. David Jay of Blakesburg. The committee on organization reported the selection of Hon. W. E. Fuller, Ex-Congressman from the Fourth District, as permanent chairman of the Conference. The chairman appointed two additional committees: one on credentials and the other on resolutions, each committee being composed of one official delegate from each Congressional district.

The committee on resolutions, whose report made during the second day of the Conference precipitated a somewhat spirited discussion, was composed of the following members: W. M. Keeley, First District; D. V. Jackson, Second District; W. B. Robinson, Third District; S. K. Kolsrud,

Fourth District; E. E. Strait, Fifth District; Prof. J. W. Gannaway, Sixth District; W. W. Cardell, Seventh District; Wm. Glattley, Eighth District; Charles T. Launder, Ninth District; J. W. Holden, Tenth District; and W. H. Deegan, Eleventh District.

After holding at least three somewhat lengthy sessions, this committee concluded that it would not be desirable or in fact necessary to present any resolution favoring the establishment of a permanent tax commission or the creation of the office of county assessor. A large majority of the committee believed that the delegates were not prepared to pass final judgment on so important a matter, and they felt that it would be better to leave this question to the further consideration of the Special Tax Commission and the General Assembly. Nine out of the eleven members, however, were favorable to the idea of having a permanent tax commission and a county assessor; and the two remaining members would have voted in the negative largely because they were instructed to do so by the delegates from their respective Congressional districts. In a word, the members of the committee on resolutions after a thorough discussion of the problem were greatly impressed with the strength of the arguments in favor of a more efficient system of assessment and equalization.

The following resolution was submitted and signed by every member of the committee:

Be it resolved by this tax convention: That we recognize the great importance of the questions in reference to taxation now before the temporary tax commission of the state of Iowa.

That we recognize the ability and integrity of the members of that commission and the thorough and impartial manner in which they are investigating the questions now confronting them.

That we have the fullest confidence in their desire and ability to make a fair and proper recommendation to the next legislature, and that this convention is willing to leave the question of tax reform

to the legislature to act as it deems best upon the report of the commission.<sup>32</sup>

No sooner had the above resolution been presented by Professor Gannaway than one of the delegates rose and, claiming to be a friend of the farmers, offered the following amendment to the resolution: "But this Conference is not at the present time and with its present information favorable to the creation of a Permanent State Tax Commission."

A somewhat animated debate followed in which J. H. McConlogue declared that the author of the resolution was not sincere in his expressions of friendship for the farmers. The discussion was closed by a very admirable address made by A. C. Ripley, who informed the delegates that the Special Tax Commission did not need a certificate of character, and that the Conference was called not to pass resolutions, but rather to insure an open and frank discussion of the various phases of the tax question. In other words, the convention was purely educational in character and from that standpoint he considered that it had been a great success. The Conference then laid on the table by an almost unanimous vote the resolution including the amendment as above noted. The delegates did not go on record either for or against the desirability of creating a permanent tax commission, wisely considering that this question should receive careful study on the part of the Special Tax Commission and the General Assembly.

The Conference adjourned with the delegates feeling good natured and well repaid for their time and expense. Perhaps the most important result of the meeting was the coming together of many minds with conflicting opinions and motives, which in itself convinced the great majority

<sup>32</sup> Records of State Tax Conference, 1912, in the Economics Seminar Library, Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.

present that after all, the tax question is very complicated and requires careful research and sound judgment if the State is to establish an equitable revenue system. Many delegates went to the Conference thoroughly convinced that they knew exactly how the tax question should be solved, but after a two days' session went home doubting just a little their own wisdom. This in itself was a great gain. The feeling of suspicion, so apparent at the beginning of the meeting, was likewise removed; and in the judgment of the writer practically all of the delegates returned to their homes with more open minds, willing to believe that something was really wrong with the revenue system and that the Special Tax Commission was doing its best to ascertain the defects and provide an adequate remedy for the same.

Lastly, but most important of all, many representatives from the rural districts, leaders in their respective communities, who were delegates at the Conference, discovered that assessment on a more uniform basis under the supervision of county assessors and a permanent State tax commission was not a reform which would injure the farmer, but, on the contrary, that it was a progressive measure opposed chiefly by the representatives of special corporate interests. Unfortunately, all the rural taxpayers of Iowa could not be present at the State Tax Conference and learn at first hand these simple facts.

All students of public finance know that the success or failure of a tax on property depends upon accuracy of assessment. If the assessment is uniform, the tax will be equitable as between the holders of property subject to ad valorem taxation. If the assessment is not uniform, the property of certain persons in a given locality being listed relatively higher, perhaps double the amount of similar property owned by other persons, the tax will be unjust

and inequitable. Statistical tables were carefully prepared by the Special Tax Commission showing gross inequalities in the aggregate assessment of counties and also in the assessment of individual farms. The taxable value of farm land ranged from seven to thirty-five per cent of the sale value. Variations of fifty to a hundred per cent were the rule rather than the exception.<sup>33</sup>

The Commission was therefore not long in discovering that, while many changes in detail should be made in the tax laws, the most fundamental change required was more thorough and efficient State and county supervision of local assessment. After describing the exact method of listing property by local assessors, followed by local, county, and State review and the making out of the tax list, the Commission made the following significant statement:

At the basis of the fiscal pyramid, we have the work of more than two thousand local assessors and the correction of individual assessments by local review boards composed of more than six thousand officials. Add to this long list the county boards of supervisors, county treasurers and auditors and the State Executive Council and we have an army of assessment and taxation officials composed of about ten thousand men without any central supervision or control either in the county or state.

It should be noted especially that the only authority which has power to correct errors made by the local assessors is the local board of review of which there are from eighteen to thirty in the average county of Iowa. This means that the township or other minor civil division is the important unit of local government from the standpoint of assessment on the one hand and the review or correction of individual assessments on the other. The county board of supervisors under such a system is absolutely powerless to bring about anything approaching uniformity among the minor subdivisions of a county. In fact, no adequate authority is now provided in the revenue laws of Iowa whereby the county is able to guarantee uni-

<sup>33</sup> *Report of the Special Tax Commission to the Governor of Iowa, 1912*, pp. 29, 30, 32, 33, 35, 37-45.

formity of assessment within its borders. For these and other reasons the Executive Council, acting as a State Board of Review, is not able to bring about uniformity of assessment as between the various counties of the state without doing great injustice to many individual taxpayers. The necessity of having uniformity as between the minor sub-divisions of the county and at the same time among the various counties of the state is the basis of the recommendation of this Commission that a county assessor or supervisor of local assessments and a permanent state tax commission be created.<sup>34</sup>

The necessity of providing for a county assessor and tax commission system was based upon the following facts: first, the existence of low assessment at an average of about one-eighth of the sale value; second, gross inequalities of assessment which have not been improved but, on the contrary, have become progressively more inequitable; third, the evils of the ex officio plan or rather planless system of fiscal administration under which no county or State officer gives any real time and thought to this important function of government; fourth, the possibilities offered by scientific State assessment, in place of the listing in a mere perfunctory manner of the property of public service corporations, which in Iowa amounts to hundreds of millions of dollars; and fifth, the more efficient listing of moneys and credits when subjected to the flat tax of five mills on the dollar of actual valuation—it being estimated that \$1,000,000 was lost annually on this class of property alone as a result of antiquated methods of assessment.

The Commission reached the conclusion that “uniformity, however, has been the exception, and inequality the rule, wherever under assessment has prevailed”,<sup>35</sup> and recommended that property be assessed at its actual value, the tax rates to be adjusted so as not to increase the burden of

<sup>34</sup> *Report of the Special Tax Commission to the Governor of Iowa, 1912, p. 24.*

<sup>35</sup> *Report of the Special Tax Commission to the Governor of Iowa, 1912, p. 60.*

taxation. This second recommendation — that assessment be made at actual value — is based upon sound experience in the majority of progressive States; but commendation of the practice is not universal, a number of able students of taxation holding that greater uniformity can be secured by assessment at a fraction of actual value, a practice which prevails in Iowa and certain other States. They maintain that the psychology of the taxed public demands at least “a concession”, and that assessors are able to secure the listing of property at more nearly the actual value required both by law and common sense if the property owner is assured that the taxable value will be placed at a third, fourth, or fifth of the *listed* or *actual* value.

Knowing the logic of democracies, one is obliged to acknowledge that there is a grain of truth in this contention. Be this as it may, it is simply stealing from Peter to pay Paul, as the rate must be increased the exact amount that the assessment is decreased. The important thing is neither the rate nor the assessment considered separately but rather the amount of tax voted by the people or their authorized representatives for a certain purpose. It should be distinctly noted at this point that the Commission safeguarded the taxpayers against any increase of taxation resulting from assessment at actual value rather than a fraction of actual value, by writing into their revenue bill the following:

Should the assessed valuation of the property of the state, or any county, township, city, town, district or other political or municipal corporation, for the year 1914 or subsequent years, exceed the average assessed valuation for the years 1912 and 1913, the maximum rates of levy for the state, or for any county, township, city, town, district or other political or municipal corporation, for each of the various purposes for which taxes are levied, shall, until otherwise provided by law, be so reduced that the amount of taxes raised for each of said purposes shall not exceed the amount which



might have been raised on the average assessed valuation for the years 1912 and 1913 under the maximum rates of levy existing, and the percentage limitation of indebtedness of such corporation shall be so reduced that such indebtedness shall not exceed the amount which by law might have been incurred on the assessed valuation for the year 1913.<sup>36</sup>

Finally the Commission called attention to other tax problems, such as the income tax, direct inheritance tax, and a partial separation of revenue sources, but made no definite recommendation, rightly holding that such matters ought to receive more careful study on the part of a permanent tax commission in case one was created. Attorney General George Cosson, on request, submitted a legal opinion that separation of revenue sources based upon the exclusive State taxation of the property or earnings of certain classes of public service corporations could be secured only by amending Article VIII, Section 2, of the Constitution of Iowa which reads as follows: "The property of all corporations for pecuniary profit, shall be subject to taxation, the same as that of individuals."<sup>37</sup>

As there can be no revenue system in Iowa that is efficient from the point of view of administration and equitable from the point of view of the taxpayer, until a permanent State tax commission is created as a separate body, or by clothing the Executive Council with the necessary power and authority, and at the same time providing for county assessment or at least county supervision of local assessment, the reader should carefully note the provisions of the revenue bill submitted by the Special Tax Commission to the Governor and General Assembly of Iowa relating to these important matters. The exact language of the bill is just as applicable

<sup>36</sup> *Report of the Special Tax Commission to the Governor of Iowa, 1912, p. 128.*

<sup>37</sup> *Report of the Special Tax Commission to the Governor of Iowa, 1912, p. 72.*

in 1921 as it was in 1913, and could safely and wisely be enacted into law by the present General Assembly. It will be equally brief and more to the point, therefore, to quote in some detail from the revenue bill prepared by the Special Tax Commission in 1913.

After providing for a permanent State tax commission of three members to be appointed by the Governor "by and with the advice and consent of the senate", and transferring to said board the assessment and review duties of the Executive Council, it was further stipulated, following the best experience of many progressive States, that the commission should have and exercise the following additional powers and duties:

(1). To have and exercise general supervision over the administration of the assessment and tax laws of the state, over assessors, boards of review, boards of supervisors and all other officers or boards of assessment and levy in the performance of their official duties, to the end that all assessments of property and taxes levied thereon be made relatively just and uniform in substantial compliance with law.

(2). To prepare forms and cause to be printed and bound at the cost of the state, suitable assessment rolls and assessors' books, and furnish to each county assessor, prior to the first day of December in each year, a sufficient supply thereof to make the assessment in his county for the succeeding year. It may also from time to time prepare and furnish, in like manner, any and all other blanks, memoranda or instructions which it deems necessary or expedient for the use or guidance of any of the officers over which it is authorized by law to exercise supervision; provided, however, in the year 1913, such assessment rolls and assessors' books shall be furnished to the county auditor and by him delivered to the county assessor upon his qualifying.

(3). To confer with, advise and direct assessors, boards of supervisors, boards of review, and others obligated by law to make levies and assessments, as to their duties under the laws of the state.

(4). To direct proceedings, actions and prosecutions to be instituted to enforce the laws relating to the penalties, liabilities and

punishment of public officers, persons and officers or agents of corporations for failure or neglect to comply with the provisions of the statutes governing the return, assessment and taxation of property, and to cause complaints to be made against assessors, members of boards of review, boards of supervisors or other assessing, reviewing or taxing officers, in the courts of proper jurisdiction, for their removal from office for official misconduct or neglect of duty.

(5). To require the attorney general or county attorneys in their respective counties, and it shall be the duty of such attorneys, to assist in the commencement and prosecution of actions and proceedings for penalties, forfeitures, removals, and punishments of violations of the laws of the state in respect to the assessment and taxation of property, or to represent the commission in any litigation in which it may become involved in the discharge of its duties.

(6). To require city, town, township, county, state or other public officers to report information as to the assessment of property, collection of taxes, receipts from licenses, or other sources, the expenditure of public funds for all purposes and such other information as may be needful or desirable in the work of the commission in such form and upon such blanks as the commission may prescribe.

(7). To summon and compel witnesses to appear and give testimony and to compel said witnesses to produce for examination, records, books, papers and documents relating to any matter which the commission shall have the authority to investigate or determine; provided, however, that no bank, officer or employee thereof, shall be compelled to testify as to the contents of any of the records of such bank, or produce the same for the purpose of examination in any matter relating to assessment or taxation.

(8). To cause the deposition of witnesses residing within or without the state or absent therefrom to be taken upon notice to interested parties, if any, in any like manner that depositions of witnesses are taken in civil actions pending in the district court, in any matter which the commission shall have authority to investigate or determine.

(9). To investigate the work and methods of assessors, boards of review and boards of supervisors, in the assessment, equalization and taxation of all kinds of property, by visiting the counties or localities when deemed necessary so to do.

(10). To consider the complaint made by a taxpayer of any county where it is claimed that the assessment in said county is higher than the assessment in other counties and make such change as the commission may deem just and equitable.

(11). To require any county board of equalization at any time after its adjournment to reconvene and to make such orders as the tax commission shall determine are just and necessary, and to direct and order such county board of equalization to raise or lower the valuation of the property, real or personal, in any township or city, and to order and direct any county board of equalization to raise or lower the valuation of any class or classes of property, and generally to do and perform any act or to make any order or direction to any county board of equalization or any assessor as to the valuation of any property, or any class of property in any township, town, city or county, which in the judgment of the commission may seem just and necessary, to the end that all property shall be valued and assessed in the manner and according to the real intent of the law.

(12). To carefully examine into all cases where evasion or violation of the law for assessment and taxation of property is alleged, complained of, or discovered, and to ascertain wherein existing laws are defective or are improperly or negligently administered.

(13). To investigate the tax system of other states and countries and to formulate and recommend such legislation as may be deemed expedient to prevent evasion of assessment and tax laws, and to secure just and equal taxation and improvement in the system of taxation in this state.

(14). To consult and confer with the governor of the state upon the subject of taxation, the administration of the laws in relation thereto, and the progress of the work of the commission, and to furnish the governor from time to time such information as he may require.

(15). To transmit biennially to the governor and to each member of the legislature, thirty days before the meeting of the legislature, the report of the commission, covering the subject of assessment and taxation, the result of the investigation of the commission, its recommendations for improvement in the system of taxation in the state, together with such measures as may be formulated for the consideration of the legislature.

(16). To publish in pamphlet form the revenue laws of the state and distribute them to the county assessors, who shall in turn distribute the same to the local assessors and boards of review of their respective counties.

(17). To exercise and perform such further powers and duties as may be granted to or imposed upon the commission by law.<sup>38</sup>

The county assessor provided for in the revenue bill was to be elected by the people for a term of four years and exercise the following general duties: first, list omitted property, special provision being made for listing moneys and credits that had been escaping all taxation; second, "have and exercise general authority over the local assessors of his county in all matters pertaining to their duties as such local assessors"; third, collect data on sales of farm lands and town lots which will aid local, county and State boards of review in bringing about greater uniformity of assessment; fourth, review and equalize local assessments with the approval of the county board of supervisors; and fifth, serve as a necessary administrative link between local and State authorities in all matters relating to assessment and taxation.<sup>39</sup> Just as the county engineer is necessary in a comprehensive Statewide plan of road administration, so the county assessor, acting as a county supervisor of local assessment, is essential to any efficient State supervision of assessment and taxation.

The most essential provisions of the revenue bill relating to the duties of the county assessor, which, in the judgment of the writer, should form a part of any scientific plan of assessment reform in Iowa are the following:<sup>40</sup>

<sup>38</sup> *Report of the Special Tax Commission to the Governor of Iowa*, 1912, pp. 88-90.

<sup>39</sup> *Report of the Special Tax Commission to the Governor of Iowa*, 1912, pp. 90-92, 123.

<sup>40</sup> *Report of the Special Tax Commission to the Governor of Iowa*, 1912, pp. 91, 92, 123, 125.

Sec. 19. It shall be the duty of the county assessor, as far as practicable, to make a careful examination of all records and files in the offices of his county, and to co-operate with the tax commission, and through it with the county assessors of other counties, in order to obtain all available information which may assist him in listing and assessing at its true value, and to the proper persons, any and all taxable property which may have been omitted by the local assessor. In making such examination, particular attention shall be given to all intangible property such as tax certificates, mortgages, debts, judgments, claims, and allowances of courts, legacies, and property in the hands of administrators, executors, guardians, assignees, receivers, trustees and other fiduciaries.

Sec. 22. It shall be the duty of the county assessor to furnish, upon request, to the tax commission, or to the county assessor of any other county, any information pertaining to the discovery of taxable property which may be obtainable from the records of his county.

Sec. 23. The county assessor shall have and exercise general authority over the local assessors of his county in all matters pertaining to their duties as such local assessors. He shall make such rules for the guidance of the local assessors and give to them such advice, orders and directions, not inconsistent with law or the instructions to the tax commission, as will insure the listing and assessment of all property assessable within his county at its actual value and in strict compliance with all laws and regulations prescribing the duties of local assessors.

Sec. 24. Between the first and second Mondays in January, the county assessor shall call an annual meeting of the township, town and city assessors in order to direct and instruct them in the duties of their office, furnishing the uniform assessment blanks as prepared and submitted by the tax commission. Each local assessor shall be required to attend said meeting and for this purpose shall be allowed pay for one day's work together with the necessary traveling expenses.

Sec. 25. The county assessors shall prepare and keep up to date a tabulated list of sales of farm and unplatted lands and town lots in and various townships, towns and cities of their respective counties, the same to be done according to rules and regulations formu-

lated by the tax commission. At the annual meeting of the township, town and city assessors, just prior to the assessment of real estate, said list of sales as prepared and tabulated for the entire county during the preceding biennial period shall be submitted to the assessors in each taxing district to serve as a guide in their work of assessment, and may also, as far as practicable, be made use of by the county assessor, county board of supervisors, and the tax commission, in their work of review, adjustment and equalization. The county assessor shall be required to submit a copy of said list of sales of real estate, to the tax commission not less than thirty days prior to the time when said commission acts as a state board of review.

Sec. 121. The county assessor shall review the assessments made by the local assessors in the several assessing districts of his county, as shown by the assessment rolls returned to him, and shall equalize the same in such manner that all items, classes and kinds of property shall be listed and assessed at their true and actual amounts and values. For the purpose of equalizing the valuation of the property as herein provided, the county assessor is authorized and required to raise or lower the assessment of any item, class or kind of property by him found to be incorrectly valued or assessed. He may also make such clerical or other corrections in the assessment rolls as may be found necessary to a just and equitable equalization of all property assessed.

Sec. 129. The county assessor shall meet with the board of supervisors while sitting as a county board of review, and shall submit to said board of review the completed assessor's books, together with the assessment rolls returned by the local assessors. He shall also lay before such board of review the tabulated lists of sales of real estate as prepared by him, together with such other information he may possess, which will aid the board of review in performing its duties in equalizing and adjusting the assessments of the several townships, towns and cities, and determining the rights of individuals where appeals have been taken to said board of review. The county assessor shall make such changes in the assessor's books as may be ordered by said board of review.

When the Thirty-fifth General Assembly convened in

January, 1913, there was a strong sentiment in favor of reform in the administration of the State's tax system. The revenue bill as introduced by the Committee on Ways and Means in both the House<sup>41</sup> and the Senate<sup>42</sup> was in some important respects a stronger and more progressive measure than that drafted by the Special Tax Commission. Two points will serve to indicate this fact. The county assessor was to be appointed by a county board composed of the county auditor, county treasurer, county recorder, clerk of the district court, and chairman of the county board of supervisors, and not elected by the people.<sup>43</sup> From the standpoint of administration this was a distinct improvement as compared with the plan recommended by the Special Tax Commission.

Several changes were made in the duties of the tax commission which tended to strengthen the power and authority of that body. It will be recalled, for example, that, among the powers of the proposed tax commission as given above, was the authority to require "any county board of equalization at any time after its adjournment to reconvene and to make such orders as the tax commission shall determine are just and necessary, and to direct and order such county board of equalization to raise or lower the valuation" of any property or classes of property.<sup>44</sup> Not content with merely stating that this power existed, the Committee on Ways and Means of the House gave the proposed commission the additional authority to "bring action of mandamus or injunction or any other proper action in the district court, or before any judge thereof, to compel the perform-

<sup>41</sup> House File, No. 644, 1913. See also *Journal of the House of Representatives*, 1913, p. 1129.

<sup>42</sup> Senate File, No. 442, 1913. See also *Journal of the Senate*, 1913, p. 880.

<sup>43</sup> House File, No. 644, Sec. 14, 1913.

<sup>44</sup> *Report of the Special Tax Commission to the Governor of Iowa*, 1912, p. 89.



ance of any order made by said commission or to require any assessor or board of equalization or any other officer or person to perform any duty required by this act."<sup>45</sup>

While the Committee on Ways and Means were working faithfully on the revenue bill, which was reported for passage in the Senate on April 2, 1913,<sup>46</sup> and in the House on March 31st,<sup>47</sup> the opposition was actively engaged in printing at Des Moines thousands of petitions against a permanent tax commission for circulation largely among the farmers of Iowa. As these manufactured petitions began to roll into the General Assembly, the sentiment in favor of replacing the provisions of the *Code of 1873* by a modern tax system rapidly weakened, and the friends of the revenue bill realized that tax reform had again been defeated.

Four quite distinct forms of petition were prepared by the opposition. For the sake of convenience these forms may be designated A, B, C, and D. Inasmuch as these petitions contain the arguments used to defeat the bill, the taxpayers of Iowa as well as the historians will be interested in the exact language of the documents. They are worded as follows:<sup>48</sup>

[Form A]

#### PETITION

#### TO THE MEMBERS OF THE IOWA LEGISLATURE:

The duties and powers of the State Executive Council pertaining to taxation are not well understood. They are more than a Board of Review to equalize taxes among the several counties. The law provides that they shall adjust the value of property by adding to

<sup>45</sup> House File, No. 644, Sec. 13 (11), 1913.

<sup>46</sup> *Journal of the Senate*, 1913, p. 1544.

<sup>47</sup> *Journal of the House of Representatives*, 1913, p. 1703.

<sup>48</sup> Documents in the Economics Seminar Library, Iowa State College of Agriculture and Mechanic Arts, Ames, Iowa.

or taking from the valuation of each kind and class of property such percentage in each case as will bring the same to its taxable value.

What greater powers can be given to a Permanent Tax Commission? What reason for creating a high salaried, centralized commission to assume duties which already belong to men elected by the people?

We do not favor the radical changes in our revenue system which are proposed under the name of Permanent Tax Commission nor do we favor any Tax legislation that shall take away from the people the right to assess, collect and disburse their own local taxes in their own way.

We respectfully and urgently petition your honorable body to vote in harmony with us in this important matter.

NAME

ADDRESS

[Form B]

PETITION

To the Members of the Senate,  
Thirty-fifth General Assembly.

We are opposed to a Permanent Tax Commission for Iowa. Wherever it has been tried, the farmers' and land owners' taxes have been radically increased. It is a needless expense and subversive of the peoples' right to assess and disburse taxes as their special needs require.

The small inequalities that now affect the state tax do not justify changing our tax system and taking from the people the control of the local assessment machinery and placing it in a Centralized Commission to be appointed by the governor for six year term with practically the power to perpetuate itself.

We respectfully and urgently petition your honorable body that you do not enact the Permanent Tax Commission bill into law, or any similar measure that would materially increase our taxes either by levy or unfair increase of valuation.

NAME

ADDRESS.

[Form C]

## PETITION

TO THE MEMBERS OF THE  
THIRTY-FIFTH GENERAL ASSEMBLY OF IOWA:

Claims are being made that our farm lands and farm property are now under-assessed and unequally assessed for taxation, and that a Permanent Tax Commission with a County Assessor for every County is the only means of reforming these supposed evils.

Since nearly all the taxes our people pay are for our own schools, roads and other purposes of local government, about which the people of each local community can best judge for themselves, and since the Tax Commission plan has not proved satisfactory where tried, but has shown greater varieties and inequalities of methods and assessments than does the present revenue system of Iowa,

THEREFORE, We do not favor a Tax Commission, which will add enormous burdens of taxation, and take away from the people of our local communities the right to assess and pay out their own taxes in their own way. The small inequalities that now effect the State tax do not justify a sweeping change that will place this important function of government in a centralized commission. We respectfully and urgently petition your honorable body not to enact any such tax system.

NAME.

ADDRESS.

[Form D]

## PETITION.

To the General Assembly of Iowa:

We, the members of the Corn Belt Meat Producers' Association, and other tax payers of Iowa, respectfully and urgently petition your Honorable Body not to enact the Permanent Tax Commission bill reported by the Temporary Tax Commission into law.

It is objectionable because of its great expense, because it takes away from local communities the handling of their own tax business, and because wherever tried, as in Kansas, Wisconsin, and Minnesota, has not proved satisfactory, and has materially increased farmers' taxes.

We annulled the "Tax Ferret" law and this would be its equivalent under another name. Our state Executive Council has just as much power as the Legislature could grant to a tax commission. Why should they not exercise this power and thereby save this quarter million annual outlay. We approve of no system of taxation which does not impose upon every species of property its full and equitable share of the burden of taxation, including moneys and credits.

## NAMES

## ADDRESSES.

Form A, it will be observed, gives five alleged reasons why a permanent tax commission should not be created: first, the State Executive Council already has sufficient power and authority under existing law; second, the law already provides for valuation at the "taxable value"; third, high salaries; fourth, centralized authority to assume duties which under present laws belong to "men elected by the people"; and finally, the people should have the right to "assess, collect and disburse their own local taxes in their own way". The framer of this petition, whose identity has never been known, was certainly a shrewd judge both of human nature and of democracy, and was also a reasonably good psychologist. It is well known that the people in general have very distinct prejudices against increasing taxes, high salaried public officials, and centralized power and authority vested in appointive officers.

To any person reasonably well informed on the subject of taxation in Iowa the answer to the above arguments is simple and obvious. The State Executive Council is not at present clothed with sufficient power and authority in matters of assessment and equalization; nor can the limited power which that body does possess be made effective for the reason that proper county fiscal administration as a necessary connecting link has not been established. In the second place, the present law provides for assessment at

the actual value, a fact which is purposely distorted in the petition.

Regarding high salaries, it should be stated that the small number of additional offices created would represent almost an imperceptible expenditure as compared with the more than eighty millions of dollars of State and local taxes collected for the year 1920. Moreover, if the permanent tax commission and county assessor system had been created as recommended, millions of dollars in taxes would have been collected on moneys and credits alone, which under the present antiquated system have entirely escaped the burden of taxation. In the fourth place, experience has demonstrated over and over again that administrative authority to be efficient and therefore just must be more or less centralized, and preferably should be vested in appointive officers subject to civil service regulations.

Finally, the reader should observe that we do not "assess" taxes, but we "assess" property and levy taxes. Assessment is an administrative function, properly vested in appointive officers, because what is wanted is efficiency which means uniformity of assessment. The levy of taxes, on the other hand, is a legislative function which must be vested in the people themselves or their chosen representatives. Permanent tax commissions, county assessors, and local assessors as such have nothing to do with the increase or decrease of taxes. There is no connection between the existence of permanent tax commissions and either the increase or decrease of taxation. This simple distinction, if clearly understood, will enable the reader to appreciate the most important fallacy in this petition.

Forms B, C, and D are similar to A in that all object to centralized authority and high taxes, and demand that the people control their own local affairs in their own way. Form A, however, is of a general character intended to

benefit almost any taxpayer, whether rural or urban, and to safeguard the interests of any class of property; while the other three petitions all relate specifically to farm lands. The reference in form D to the increase of taxes and general unsatisfactory results under the operation of a State Tax Commission in Kansas, Wisconsin, and Minnesota conveys an impression that will not bear scrutiny when the facts are examined. A discussion of the workings of the commissions in these States and a tabulation of their tax statistics compared with those of Iowa will be given later in this paper.

The forces arrayed against the revenue bill, working persistently along the lines indicated above and by means of other forms of literature widely distributed throughout the State, were successful in defeating the measure. The opposition to administrative reform of the tax system of Iowa was, indeed, very efficiently organized; it operated through representatives of both major political parties, made extensive use of the press, and circulated from forty to fifty thousand petitions for signatures throughout the State.<sup>49</sup>

It will be recalled that the Special Tax Commission suggested that "before anything approaching a complete separation of revenue sources in this state is possible" it would be necessary to amend Article VIII, Section 2 of the Constitution.<sup>50</sup> In the Thirty-fifth General Assembly there was a substantial sentiment favoring at least a partial separation of revenue sources in order to expand the revenue for State purposes without increasing the general tax levy on property. Joint resolutions to amend the Constitution along this line were promptly introduced in both houses. House Joint Resolution No. 4 proposed an amendment as follows:

<sup>49</sup> *The Register and Leader* (Des Moines), March 9, 11, 1913.

<sup>50</sup> *Report of the Special Tax Commission to the Governor of Iowa, 1912*, p. 71.

Section 1. That the following amendment to the Constitution of the State of Iowa be, and the same is hereby proposed: To add, as Section thirty-nine (39) to Article three (3) of said Constitution, the following, to-wit:

“Section 39. For the purpose of providing revenue for state purposes, the General Assembly may provide for the exclusive taxation of such classes of property as it may deem proper. When any class of property is exclusively taxed for state revenue purposes, such class shall not be otherwise taxed for general county, township or municipal purposes.”

Sec. 2. That the foregoing proposed amendment to the Constitution of the State of Iowa be, and the same is hereby referred to the Legislature to be chosen at the next general election for members of the General Assembly, and that the Secretary of State cause the same to be published for three months previous to the day of such election, as provided by law.

*Resolved further*, That should said proposed amendment be agreed to by a majority of the members of the said succeeding General Assembly, the said proposed amendment shall be submitted to the electors of the State of Iowa at the general election in the year 1914.<sup>51</sup>

Senate Joint Resolution No. 4 proposed somewhat different amendments for the same purpose as follows:

That the following amendments to the Constitution of the State of Iowa be and the same are hereby proposed and referred to the Thirty-sixth General Assembly:

First: Amend article three (3) of said constitution by adding thereto as section thirty-nine (39) thereof the following:

“Sec. 39. The General Assembly may provide by statute for the exclusive taxation of such classes of property as it may deem proper, for the purpose of providing revenue for state purposes. Property thus selected by the legislature for exclusive taxation for state purposes, and so taxed, shall not be otherwise taxed by any subdivision of the state or municipality, for general purposes.”

Second: And amend section two (2) of article eight (8) of said constitution so that the same will read as follows:

“The property of all corporations for pecuniary profit shall be

<sup>51</sup> *Journal of the House of Representatives*, 1913, p. 118.

subject to taxation the same as that of individuals, except when the same is taxed exclusively for state purposes."<sup>52</sup>

The Senate joint resolution was indefinitely postponed,<sup>53</sup> but the House joint resolution was reported for passage on February 8th.<sup>54</sup> With slight amendment correcting the date of submitting the amendment to the people, the resolution passed the House by a vote of 58 to 43, with seven members absent or not voting.<sup>55</sup> In the Senate, however, more opposition developed. The resolution was reported unfavorably and indefinitely postponed,<sup>56</sup> only to be reconsidered later and passed by a vote of 32 to 17 with one member absent or not voting.<sup>57</sup> Quiet influences had been at work to defeat the amendment; but other quiet influences, at the same time, were working more efficiently in favor of this particular reform.

The amendment as adopted was in the form of the House joint resolution above noted.<sup>58</sup> Two years later, as required by law and by the Constitution itself, the amendment in this form was brought before the Thirty-sixth General Assembly.<sup>59</sup> At that time the World War was in progress. People had forgotten about the desirability of a partial separation of revenue sources in Iowa. Few members of the General Assembly took an active interest in the amendment proposing exclusive State taxation of certain classes of property. The "silent method" of treatment was all on

<sup>52</sup> *Journal of the Senate*, 1913, p. 190.

<sup>53</sup> *Journal of the Senate*, 1913, p. 1540.

<sup>54</sup> *Journal of the House of Representatives*, 1913, p. 435.

<sup>55</sup> *Journal of the House of Representatives*, 1913, pp. 504-506.

<sup>56</sup> *Journal of the Senate*, 1913, p. 1539.

<sup>57</sup> *Journal of the Senate*, 1913, pp. 1987, 1988.

<sup>58</sup> House Joint Resolution No. 4.—*Laws of Iowa*, 1913, pp. 422, 423.

<sup>59</sup> *Journal of the House of Representatives*, 1915, pp. 235, 236; *Journal of the Senate*, 1915, pp. 704, 705.



the side of the opposition and, as a consequence, the amendment was defeated.<sup>60</sup>

The period 1914–1919 was one of war, not of reform in the field of State and local taxation — at least that was true in Iowa. Only minor changes in detail were made in 1915. Two years later the Thirty-seventh General Assembly passed a law providing that the amount of taxes as such should be certified to the county auditor in dollars and not by rate, and that, after the readjustment of taxable valuation by various boards as required by law, the county auditor should spread upon the records a rate which would raise the amount required by a given taxing district.<sup>61</sup> In 1919 the Thirty-eighth General Assembly permitted banks to deduct United States bonds from the assessed value of their bank stock — a very unpopular law, which is almost certain to be repealed<sup>62</sup> — and provided that certain loan corporations, conforming to definite conditions as shown by annual reports made to the Auditor of State, might be as-

<sup>60</sup> *Journal of the Senate*, 1915, pp. 1596, 1597; *Journal of the House of Representatives*, 1915, p. 887.

<sup>61</sup> *Laws of Iowa*, 1917, Ch. 343.

<sup>62</sup> *Laws of Iowa*, 1919, Ch. 257. This much debated measure is worded as follows:

“That section one thousand three hundred four (1304), supplemental supplement to the code, 1915, be and the same is hereby amended by adding after the semi-colon in line sixteen thereof, the following:—‘provided, however, that in determining the assessed value of bank stock, the amount of obligations issued by the United States government since the declaration of war against Germany, actually owned by a bank or trust company shall be deducted, and any bank or trust company which since January first, nineteen nineteen has been assessed on its shares of stock without so deducting such United States government securities shall be entitled to have its assessment on its shares reduced by the board of supervisors of the county in which such bank is located, so as to deduct from its total valuation such government securities. Provided, however, that no deduction shall be made unless the bank or trust company claiming the same shall have been the owner in good faith and not for the sole purpose of securing such deduction, of said securities for a period of more than sixty (60) days prior to December thirty-first of the year preceding that for which the assessment is made.’”

essed on the net actual value of their moneys and credits at the rate of five mills on the dollar.<sup>63</sup>

The act passed in 1917, providing that the tax rate should be fixed with reference to the new adjusted valuation so as to raise the sum required for a given taxing district and not a greater amount, is worthy of special consideration. This law, for which credit should be given James B. Weaver who introduced the bill, outlines four distinct steps in the determination of the tax rate as follows: first, the rate required for any public purpose shall, in all cases "be estimated and based upon the adjusted taxable valuation of such taxings district for the preceding calendar year"; second, the amount thus determined shall be certified to the county auditor in dollars and not by rate; third, the county auditor shall then fix the rate on the new adjusted taxable valuation necessary to raise the sum required; and finally, the rates for each taxing district shall be entered upon the permanent records of the county auditor.<sup>64</sup> In the judgment of the writer the same thing might have been accomplished in as simple and effective a manner by enacting into law Section 140 of the revenue bill presented by the Special Tax Commission in 1912 to which reference has already been made.<sup>65</sup>

The purpose of the law enacted in 1917 to certify the amount of taxes in dollars and require the county auditor to determine the rate based upon the new adjusted taxable valuation which would raise the required sum of money, was to prevent a repetition of what had happened following the great increase of aggregate taxable valuation of the entire State in 1913. At that time an unusual increase was made in the aggregate assessed valuation of the State without making provision for reducing the various levies in the

<sup>63</sup> *Laws of Iowa*, 1919, Ch. 151.

<sup>64</sup> *Laws of Iowa*, 1917, Ch. 343.

<sup>65</sup> See above, p. 19.

same ratio. The logical and inevitable result was that millions of dollars in taxes were collected without the slightest authority from the people themselves acting through their chosen representatives in the various taxing districts of Iowa. The people had a right to object and did object to what was in fact a levy of taxes by administrative instead of legislative officials.

Assessment is an administrative function and is properly vested in assessors and boards of review whose legal duty is to see that assessments are uniform on the basis of the actual value of taxable property, or some fraction thereof as in Iowa. If aggregate assessment is increased (for example, by the Executive Council acting as a State board of review as in 1913), without properly readjusting the rates as required by the law under consideration and also by the revenue bill of the Special Tax Commission rejected in 1913, taxes are in fact arbitrarily increased in like ratio without the consent of the people.

At this point it might be well to remind the reader that the levy of taxes is a legislative not an administrative function of government. The people should determine the amount of taxes they must pay, acting directly or through local, State, or national representatives. Taxation without representation was on one important occasion referred to as tyranny. Now it so happens that the people can fix the amount of taxes they must pay by a mere adjustment of rates only if the base or assessment is known and finally determined. The amount of tax depends upon both the base or assessment and the rate. The duty of the proper administrative officials is to fix the base or taxable valuation which should be uniform as between different parcels and classes of property. That accomplished, the duty of other administrative officials is to adjust the rate, it being understood that the amount of tax has been determined and

legally approved by the representatives of the people. If mere administrative officials are allowed to change the base or taxable value without any reference to the rate, or to fix the rate without proper reference to the valuation, the people have no effective control of their tax burden.

In 1913 the base was greatly increased without a proper adjustment of the rate. The result is shown by Table I.

TABLE I

STATE AND LOCAL TAXES, 1905-1919 <sup>66</sup>		
YEAR	TAXABLE VALUATION	TOTAL TAX LEVIED
1905	\$622,738,675	\$26,061,977.03
1906	634,587,379	26,333,163.21
1908	666,926,216	29,248,378.54
1910	693,211,177	32,500,045.88
1912	718,673,202	37,148,106.01
1913	917,181,156	46,022,009.65
1914	932,476,812	47,072,369.27
1915	945,061,505	50,676,033.25
1916	955,143,629	54,267,625.44
1917	975,387,872	62,381,314.24
1918	1,008,009,783	66,216,150.50
1919	1,089,140,177	80,495,235.92

The aggregate taxable valuation of Iowa, it will be observed, increased very gradually from 1905 to 1912 and again from 1913 to 1919. The amount in 1913, however, is nearly \$200,000,000 greater than in 1912. If rates had been reduced for reasons above explained, this increase in taxable valuation would not have affected the total amount of tax levied in 1913. Rates, however, were not readjusted, with the result shown in the column headed "Total Tax Levied". This column also shows a gradual increase from 1905 to 1912, and again from 1913 to 1916 — the larger increase for the years 1917-1919 being the obvious result of

<sup>66</sup> *Valuation and Taxes* (compiled by the Auditor of State), 1919, pp. 5, 15.

higher tax levies made necessary by the high cost of living. The increase of about \$9,000,000 in 1913 is explained to a large extent by the simple fact that aggregate taxable valuation was increased without a proper readjustment of the rates. Had the provisions for the readjustment of rates, which were incorporated in the revenue bill submitted by the Special Tax Commission in 1912, or those which were enacted into the Weaver law of 1917, been operative in 1913 the taxpayers of Iowa would, in the judgment of the writer, have been saved at least \$5,000,000 in taxes levied without de facto authority of law in 1913 and collected in 1914. Furthermore, it is a well known principle that taxes once collected and expended mark a level that is not likely to be reduced, which means that if \$5,000,000 less in taxes had been levied in 1913, a somewhat smaller amount would have been levied for each of the following years.

The flat rate of five mills on the dollar of actual value of moneys and credits, being perhaps the most important substantive change during the decade under consideration, the reader will be interested in the listing of this class of property. Table II shows the actual value of moneys and credits

TABLE II

FIVE MILL TAX, 1912-1919 <sup>67</sup>			
YEAR	ACTUAL VALUE MONEYS AND CREDITS	TOTAL TAX	AMOUNT RECEIVED BY STATE
1912	\$189,199,168	\$ 945,995.84	\$ 77,370.26
1913	210,712,518	1,053,562.59	88,053.52
1914	251,828,587	1,259,142.93	97,783.88
1915	275,361,750	1,376,808.75	102,111.28
1916	307,258,690	1,536,293.45	107,243.64
1917	329,954,615	1,649,773.07	167,882.40
1918	436,068,796	2,180,343.98	193,838.94
1919	468,277,795	2,341,388.97	202,035.08

<sup>67</sup> *Valuation and Taxes* (compiled by the Auditor of State), 1919, pp. 5, 7.

listed for the years 1912-1919, the total tax computed at the flat rate of five mills, and the amount of said tax which was received by the State. It will be observed that the amount of moneys and credits listed in 1912 was \$189,199,168; and the total amount of tax levied was \$945,995.84 of which the State received only \$77,370.26, the balance as provided by law being retained by the localities. The increase in listing was gradual until 1918 when we note a listing of \$436,068,796 as compared with \$329,954,615 for the previous year. The total tax levied in 1919 was \$2,341,388.97 of which the State received only \$202,035.08. At a time when a great expansion of State revenue is almost mandatory, the writer would suggest that one simple way of adding more than \$2,000,000 to the income of the State would be to make the flat rate of five mills on moneys and credits an exclusive State tax and not a State and local tax like that on general property as provided by the present law.

Turning our attention to Table III the reader can see at a glance the increase of enrollment in the public schools and higher State institutions of learning, and the State support of public schools and higher State institutions of learning for the years 1911-1920 — except that official reports omit certain tax data for 1912. It should be noted that the State institutions of higher learning in Iowa are the State University of Iowa at Iowa City, the State College of Agriculture and Mechanic Arts at Ames, and the State Teachers College at Cedar Falls.

Speaking frankly, the writer is surprised at the striking contrast between the increase in State support granted the public schools as compared with that given to the State institutions of higher learning during the ten year period. The enrollment in the public schools increased from 507,294 in 1911 to 547,272 in 1920, or 7.9 per cent; while the State support of public schools increased from \$12,295,354.62 to

\$32,421,449.98 or 163 per cent during the same period. In striking contrast with this increase in support of public schools voted by the people in their own localities, which was no doubt conservative and necessary, we observe that

TABLE III

TAXATION IN IOWA, 1911-1920 <sup>68</sup>				
YEAR	PUBLIC SCHOOLS		INSTITUTIONS OF HIGHER LEARNING	
	ENROLLMENT	SUPPORT	ENROLLMENT	SUPPORT
1911	507,294	\$12,295,354	6,897	\$1,236,538.83
1912	507,109		7,025	1,630,774.45
1913	507,845	13,978,718	7,829	1,416,150.26
1914	517,559	15,976,244	9,105	1,911,812.92
1915	522,423	17,272,483	10,127	2,263,520.24
1916	525,579	18,704,312	12,633	2,440,899.60
1917	532,060	20,189,047	15,733	2,361,091.98
1918	530,379	22,907,318	12,115	3,001,658.05
1919	529,732	26,177,056	14,289	2,611,099.78
1920	547,272	32,421,449	14,781	3,247,469.85

the State institutions of higher learning with an increase in enrollment from 6,897 to 14,781, or 114 per cent (as contrasted with 7.9 per cent) received even a smaller increase in State support—162 per cent—the amount being \$1,236,538.83 in 1911 and \$3,247,469.85 in 1920.

In other words the higher institutions received a smaller percentage of increased support than the public schools in spite of the fact that the percentage of increase in their enrollment was more than fourteen times as much as that of the public schools. From another point of view we reach the same conclusion. The same rate of increase in State support for the public schools would have meant an increase of 151 per cent if there had been no increase in enrollment.

<sup>68</sup> The facts given in this table are taken from the reports of the State Superintendent of Public Instruction covering the years 1910 to 1920, the various reports issued by the Auditor of State, and the pamphlet giving the legislative askings of the State Board of Education for 1921.

Applying this ratio to the higher institutions of learning there should have been an increase in State support of about 321 per cent, whereas the actual increase was 162 per cent or almost exactly half that sum. State aid to public schools is not included, but it would not materially change the comparison.

On the basis of enrollment it is therefore obvious that the State support for higher education in Iowa should have been nearly \$6,500,000 in 1920 and not the \$3,247,469.85 as shown in Table III. The true meaning, from an educational point of view, of these cold statistics — cold in a literal as well as a figurative sense — is painfully apparent. Low salaries, frequently below the level of wages received by skilled workers or even unskilled workers; no recognition of real productive scholarship for its own sake; no recognition of worthy public service for its own sake; living incomes only when the torch of knowledge must be kept burning in spite of the competition or alleged competition of the commercial world; wholly inadequate physical plant and equipment; and a more inadequate teaching force — such are some of the high points in an educational analysis and application of the above table.

Before presenting a conclusion to the writer's *History of Taxation in Iowa*, of which this study is only a supplementary chapter, a word should be said regarding the work of the Code Commission authorized by the Thirty-eighth General Assembly.<sup>69</sup> The writer was appointed as tax expert for the Commission and was instructed by its Chairman, James H. Trewin of Cedar Rapids, to compile the tax laws in a logical form, codify the same when necessary to make the meaning clear, and be very conservative in preparing bills for acts to amend and revise the tax laws. These instructions were very proper and in strict conformity with

<sup>69</sup> *Laws of Iowa*, 1919, Ch. 50.



the spirit and letter of the law creating the Code Commission. As the more technical aspects, both economic and legal, of the writer's work as tax expert of the Commission are being discussed for the *National Tax Bulletin*, only a brief recital of essential facts need be attempted in this historical study.

After nearly a month of earnest effort to evolve some order and system out of the confusion worse confounded of the old tax code, and considering various possible methods of arrangement, the conclusion was finally reached that the law should be so arranged as to describe in a simple chronological manner the practical working of the tax system from the time that property is listed until tax deeds are issued and recorded. Once this generalization was conceived, sections of law scattered here, there, and everywhere without any clear design or logical purpose, seemed to literally fall into their proper places. The four revenue chapters in the *Code of 1897* and the chapters of supplemental legislation were replaced by twenty-two chapters as follows:

1. Property exempt and taxable
2. Listing in general
3. Moneys and credits
4. Banks
5. Corporation stock
6. Insurance companies
7. Telegraph and telephone companies
8. Railway companies
9. Freight line and equipment companies
10. Express companies
11. Electric transmission lines
12. Reassessment by executive council
13. The local assessor
14. Boards of review
15. Tax list
16. Tax levies
17. Collection of taxes

18. Tax sale
19. Tax redemption
20. Tax deed
21. Collateral inheritance tax
22. Security of revenue.<sup>70</sup>

By far the most important work done by the writer for the Code Commission was the logical compilation of the tax laws for publication in the *Compiled Code*. Only a very limited amount of codification proved to be necessary in order to make the meaning clear. Nor was it considered desirable to draft radical changes in the tax laws, a duty which properly belongs to the General Assembly.

#### CONCLUSION

Iowa is now one of only a few States which have not adopted a modern progressive system of taxation. More than three-fourths of the States have either a permanent State tax commission or a State tax commissioner. This is true of all of the States bordering Iowa except Nebraska. It may, therefore, be reasonably assumed that real tax reform can not be postponed much longer; and with this idea in mind, the writer desires to offer the suggestions and recommendations which follow.

*A Permanent State Tax Commission.*—The first and most important step in tax reform in Iowa is the establishment of a permanent State tax commission. This could be accomplished either by following the recommendations of the Special Tax Commission of 1912 in reference to the creation of a permanent tax commission,<sup>71</sup> or by conferring additional powers upon the Executive Council.

<sup>70</sup> *Compiled Code*, 1919, p. x.

<sup>71</sup> *Report of the Special Tax Commission to the Governor of Iowa*, 1912, pp. 85-90.

Should the latter plan be adopted and the Executive Council constituted the State's permanent tax commission, it should be given authority to appoint such expert assistants as may be necessary in administering the law. Thus the general direction of the work would be confided to officials elected by the people, while the law would be administered through expert assistants.

The recommendation along this same line was rejected by the General Assembly in 1913 for reasons which have been presented in some detail. It was urged, for example, that permanent tax commissions always resulted in the increase of taxation. It has already been observed that administrative bodies of this character have nothing to do with the increase or decrease of taxes, which is a strictly legislative function vested in the people acting through their elected representatives.<sup>72</sup> In order to set at rest, however, the charge that tax commissions increase taxes, Table IV has been prepared showing the increase in State and local taxes for Iowa, Kansas, Wisconsin, and Minnesota. The figures for Minnesota are from the year 1910. Iowa is the only State in this list which does not have a permanent State tax commission. The reader will observe that taxes have increased at about the same ratio in Iowa as in the other States. The people have wanted large sums of money for schools and other legitimate purposes in all the States compared, and as a consequence the total amount of State and local taxes has increased very rapidly, particularly during the last three or four years. The 1919 figure for Wisconsin includes nearly \$7,000,000 for soldiers' bonuses. Taking this into consideration the relative increase of State and local taxes is slightly greater in Iowa than in Kansas or Wisconsin.

The charge was made in 1913 that the assessment of

<sup>72</sup> See above, p. 38.

property on the basis of actual value would in itself tend to increase taxes, as the rate of levy would not be reduced to correspond with the increase in valuation. The reader will recall that in 1913 the permanent tax commission bill was

TABLE IV

STATE AND LOCAL TAX LEVIES <sup>73</sup>				
YEAR	IOWA	KANSAS	WISCONSIN	MINNESOTA
1905	\$26,061,977.03	\$17,880,377	\$22,896,641	
1906	26,333,163.21	18,485,744	23,267,646	
1907		20,497,601	26,382,190	
1908	29,248,378.54	21,217,979	28,332,045	
1909		23,738,135	29,287,107	
1910	32,500,045.88	24,516,113	30,675,518	\$39,129,587.70
1911		27,776,736	32,610,975	42,052,936.29
1912	37,148,106.01	27,806,060	33,623,412	44,710,899.72
1913	46,022,009.65	29,483,883	41,755,035	51,861,251.51
1914	47,072,369.27	30,988,122	42,061,707	53,302,834.63
1915	50,676,033.25	33,849,567	43,365,640	57,686,850.31
1916	54,267,625.44	35,788,531	47,444,622	62,567,685.93
1917	62,381,314.24	41,179,180	50,134,005	71,027,186.44
1918	66,216,150.50	44,543,634	56,271,297	78,273,899.74
1919	80,495,235.92	55,613,474	77,128,835	103,442,509.96

defeated, and that later aggregate assessments were greatly increased without a corresponding reduction of the levies, with the result that the people of Iowa had the privilege of paying from five to ten millions of dollars more taxes than had, in fact, been authorized. Had a permanent tax commission been established as recommended, tax levies would have been properly adjusted and this unnecessary increase in taxation avoided.

Table V shows how tax levies in Kansas were very mate-

<sup>73</sup> *Valuation and Taxes* (compiled by the Auditor of State), 1919, p. 15; *Ninth Biennial Report Wisconsin Tax Commission*, 1918, p. 30; *Seventh Report to the Legislature by the Tax Commission, Kansas*, 1921, p. 25.

Wisconsin figures for 1918-1919 were obtained by letter from the Wisconsin Tax Commission. The figures for Minnesota were also obtained by letter from the Minnesota Tax Commission.

rially reduced following the creation of a permanent tax commission and the assessment of property in that State on the basis of actual valuation. It will be observed, for example, that the average levy for all taxes in Kansas in 1919 was about one-third of the levy in 1907 in spite of the fact that the total State and local taxes had in the meantime increased from \$20,497,601 to \$55,613,474.

TABLE V

TAX LEVIES IN KANSAS, 1907-1919 <sup>74</sup>			
YEAR	AVERAGE LEVY FOR STATE TAXES	AVERAGE LEVY FOR ALL LOCAL TAXES	AVERAGE LEVY FOR ALL TAXES
1907	.006456	.0405078	.0469638
1908	.0009	.00775488	.00865488
1909	.0012	.00825267	.00945267
1910	.00105	.00785811	.00890811
1911	.0012	.00878812	.00998812
1912	.0012	.00891461	.01011461
1913	.0012	.00928995	.01048995
1914	.0012	.00983845	.01103845
1915	.00125	.01046334	.01171334
1916	.0013	.01069667	.01199667
1917	.00145	.01193488	.01338488
1918	.00117	.01182398	.01299398
1919	.00175	.0143655	.0161783

*A County Assessor.*— A county assessor with power and authority to carefully supervise the work of local assessors and to serve as a necessary connecting link between State and local authority in all matters relating to assessment and taxation should be provided. This can be done by making the county auditor ex officio county assessor or by creating a separate county office. The present General Assembly could very appropriately resurrect the report of the

<sup>74</sup> *Seventh Report to the Legislature by the Tax Commission, Kansas, 1921, p. 27.*

Special Tax Commission, 1912, and enact into law the carefully prepared sections relating to the county assessor or, better still, the sections relating to the same subject in House File 644 of the Thirty-fifth General Assembly, 1913.

The necessity of enlarging the assessment district is almost everywhere recognized by practical authorities on taxation. After thirteen years' experience the Tax Commission of Kansas makes the following statement:

What is needed is the creation of larger assessment districts, so that the varying judgment of a large number of workers may be eliminated. The township is now the unit assessment district, but the best results in the way of equality will be impossible of attainment until the county is made the unit of assessment and a single officer given power to assess all property in the county. In this way only can the assessment reflect the judgment of one person, and in only this way will it be possible to secure what is so necessary in distributing the tax burden properly, i. e., an equalization of the assessments.<sup>75</sup>

*Separation of Revenue Sources.*—The time has come when a partial—not a complete—separation of revenue sources should be made possible by the proper readjustments in constitutional and statutory law to the end that the revenue of the State as contrasted with the localities may be expanded to meet at least absolutely essential needs without increasing the State levy on general property. In fact, this much desired result can be obtained even with a substantial reduction of the State levy on general property if the General Assembly has the constructive vision and moral courage to adopt a modern tax system to take the place of the present antiquated system created in its main outlines in 1858 and given a few finishing touches in 1873.

Table VI shows the increase in State revenue from the

<sup>75</sup> *Seventh Report to the Legislature by the Tax Commission, Kansas, 1921, p. 40.*

counties — general property tax — the insurance tax, and the total revenue from all sources for the period 1901–1920. Except for the year 1905–1906 the data are given for biennial periods. The reader will note the gradual increase

TABLE VI

STATE REVENUE OF IOWA, 1901–1920 <sup>76</sup>			
BIENNIAL PERIOD	TAXES FROM COUNTIES	INSURANCE TAX	TOTAL REVENUE
1901–1903	\$4,188,812.08	\$475,484.11	\$6,177,855.50
1903–1905	4,925,213.12	555,172.28	6,600,347.71
1905–1906	2,481,369.26	299,909.87	3,466,150.66
1906–1908	5,304,450.60	630,443.07	7,247,078.01
1908–1910	5,910,579.34	651,037.97	8,388,280.93
1910–1912	6,112,228.33	710,246.26	9,270,324.89
1912–1914	6,719,449.18	859,706.41	11,524,770.80
1914–1916	8,081,771.12	1,023,995.30	14,632,601.26
1916–1918	12,137,786.80	1,224,560.21	20,800,704.00
1918–1920	16,660,670.66	1,752,755.59	34,133,874.19

in State taxes from counties and also total revenues down to and including the biennial period 1914–1916. It is a striking fact that the revenue from the counties — State levy — more than doubled from 1914–1916 to 1918–1920 and the total State revenue from all sources increased nearly 150 per cent during the same brief period. During the fiscal year 1919–1920 it should also be stated that the State revenue from counties was the large sum of \$8,925,761.12 which, however, was only 44.1 per cent of the total State revenue of \$20,225,742.31.

In making even a brief analysis of the sources of State revenue it should finally be observed that, of the total State revenue of \$34,133,874.19 for the biennial period 1919–1920, slightly less than one-half was received from the counties —

<sup>76</sup> *Biennial Report of the Treasurer of State, 1916–1918*, pp. 32, 33.

The figures for the biennial period, 1918–1920, were obtained by letter from the Treasurer of State, the same being submitted for each year separately.

general tax levy — the balance of \$17,473,203.53 consisting of the insurance tax \$1,752,755.59, the collateral inheritance tax \$1,224,228.63, and miscellaneous sources comprised almost entirely of fees.

The way to expand the State revenue and at the same time reduce the general State levy on property is to obtain very substantial revenues from: first, a direct inheritance tax; second, a State income tax with reasonable exemptions provided to take the place of the present flat rate of five mills on moneys and credits; third, an exclusive State tax on certain classes of property, the same to be in lieu of all other taxes both State and local; and fourth, certain license taxes, for example on moving picture shows. At least six million dollars could have been provided from the first three of these sources in 1919-1920 which would have reduced the State levy to about two mills.

If a State income tax is not provided, the present flat rate of five mills on moneys and credits should be made an exclusive State tax, which would have added more than \$2,000,000 to the State treasury in 1920, and, in the judgment of the writer, about double that sum if the recommendations of the Special Tax Commission, 1912, had been enacted into law. An exclusive State tax on moneys and credits is possible at the present time, but an exclusive State tax on certain public service corporations is not possible except by amending Article VIII, Section 2 of the Constitution as was proposed by the Thirty-fifth General Assembly. Such an amendment when again proposed should contain a provision which will guarantee that classes of property taxed exclusively by the State shall not be subject to a greater relative burden of taxation than the average rate levied on general property throughout the State.

Modern State tax reform in Iowa based on long practical experience in many progressive States means, therefore, the



following: first, a permanent State tax commission; second, county assessment or at least rigid county supervision of local assessment; third, a direct State inheritance tax; fourth, a State income tax to take the place of the flat rate of five mills on moneys and credits; and fifth, a constitutional amendment making possible the exclusive State taxation of certain public service corporations at the average rate of tax levied on general property throughout the State. All of these reforms were either definitely recommended or suggested by the Special Tax Commission, 1912, a document which should be read carefully by the Committees on Ways and Means of the present General Assembly.

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## THE OPERATION OF THE PRIMARY ELECTION LAW IN IOWA

The Iowa primary election law was enacted in 1907; it was first used in 1908; and it has been the means of nominating State and local officers seven times. In view of recent demands for the repeal or modification of this law it may be worth while at this time to review its fundamental features and discuss its actual operation.

### SUMMARY OF THE LAW

The chief features of the Iowa primary law, as originally adopted and subsequently amended, may be summarized as follows:

1. The law is compulsory and State-wide for all State and local offices (except judicial and municipal offices) filled by popular vote at the general election in November.
2. It provides for a popular choice of candidates for presidential electors and United States Senators. Delegates to the county conventions and party county committeemen are also chosen at the primary.
3. All parties participate in the primary on the same day, at the same place, and use the same ballot box.
4. Judges and clerks of the primary election are chosen in the same manner as for general elections and with the same compensation.
5. The Australian ballot is employed — each party having a separate ballot — with an arrangement for the rotation of the names of candidates.
6. Party affiliation is determined by the elector's oral choice of ballot, which choice is made a matter of record.

But party affiliation can be changed by filing a declaration of change with the county auditor ten days prior to the primary election, or by taking an oath, if challenged when offering to vote, that one has in good faith changed his party affiliation.

7. Candidates for nomination must file nomination papers from thirty to forty days prior to the primary election, depending upon the office sought. These nomination papers must contain the signatures of a certain per cent of the candidate's party vote, depending upon the office sought. Nomination papers of a candidate for United States Senator, Elector at Large, or a State office must have the signatures of one per cent of his party vote in each of at least ten counties and in the aggregate not less than one-half of one per cent of the total vote of his party in the State as shown by the last general election. A candidate chosen from a district composed of more than one county must have the signatures of two per cent of his party vote in at least one-half of the counties and in the aggregate not less than one per cent of his party vote in the district. Candidates for offices filled by the voters of the county must have the signatures of two per cent of their party vote in the county.

8. To secure the nomination a candidate must receive at least thirty-five per cent of all the votes cast by his party for such office. The choice in case of a tie vote is determined by the board of canvassers by lot; and vacancies are filled by the county, district, or State convention if they occur before such conventions are held; if afterwards, they are filled by the party committee for county, district, or State.

9. Delegates to county conventions, as well as members of the county central committee, are chosen at the primary election. The county convention, composed of the delegates chosen in the various voting precincts, is empowered to

make nominations of candidates for the party for any office to be filled by the voters of a county where no candidate receives the prescribed majority at the preceding primary election. The county convention selects delegates to nominate the judges of the district and supreme courts, and it also selects delegates to State and district conventions. Moreover, any of these conventions may adopt resolutions or platforms.

10. The nomination of candidates by petition is permitted under certain conditions. It was in this way that the names of Progressive candidates were placed upon the official ballot in 1912.

11. Penalties are imposed for misconduct on the part of officials or for certain corrupt practices.

Such in brief are the provisions of the Iowa primary election law. When enacted, primary legislation was one of the local issues upon which the "Standpat" and "Progressive" wings of the Republican party in Iowa were divided. The Progressives heralded the passage of the law as one of the greatest political reforms ever accomplished in Iowa; while the Standpatters declared that it was passed only to serve the ambitions of leading Progressives and that it would never work well in practice. The first use of the law in 1908 was made the occasion for one of the bitterest political contests in the history of the Republican party in Iowa.

At its first session following the adoption of the primary law the General Assembly in 1909 amended the act in seventeen different sections. Most of these amendments, however, did not materially change the character of the law, as they related chiefly to procedure or were designed to make certain features of the statute more explicit. Subsequently, however, but few changes have been made in the law—indeed, none of prime importance.

## OBJECTIONS TO THE PRIMARY

Since primary election legislation was a vital issue in State politics for a period of over ten years prior to its enactment, it is not surprising that biennially, following the primary election, many of the arguments originally advanced against it, as well as new ones arising out of the operation of the statute, were advanced as reasons why the primary law should be repealed or at least very materially modified. In 1920 it appears that the attacks upon this legislation were more vigorous and determined than usual. In fact, so wide-spread was the discussion immediately following the primary of that year that both the Republican and Democratic parties felt called upon to make mention of the law in their State platforms.

Thus, the Republican State convention of 1920 declared that "actual experience has demonstrated that great evils have arisen in the use of the present primary law of this State. It has been given a fair trial and found to be unwieldy, expensive and unsatisfactory. We favor its repeal, and the substitution therefor of such primary legislation as will guarantee to all voters the full right to take part and be heard in the councils of their party, and will provide for them an opportunity for free and fair expression as to both candidates and measures."

Judging from newspaper comments it is doubtful whether this declaration to repeal and substitute has met with the approval of the rank and file of the Republicans of Iowa. Some papers declare that the primary should be corrected and retained; others urge caution in approaching the subject, lest matters be made worse.

The Democratic State convention of the same year was outspoken in its adherence to the primary system: it declared that repeal would be a backward step, and charged the Republicans with a desire to return to the old and dis-

credited system of party bosses. The Democrats further declared: "We believe the primary law should be amended to remove the existing cumbersome provisions and so as to furnish a practical method for obtaining the expressed will of the individual voter of each political party and that legislative restraints upon the prevailing corrupt practices be enacted. We believe that to take from the people the privilege of selecting candidates for public offices by a well-regulated primary system is a violation of the true principles of our government".

Since neither party has indicated specifically wherein the primary law of this State has failed in practice, or suggested specifically what changes and amendments should be made, the writer of this paper will undertake (1) to show as far as possible how the Iowa primary election law has worked in practice during the past twelve years and (2) to suggest the changes which are believed to be desirable.

#### NUMBER OF CANDIDATES

At the time of the enactment of the Iowa primary law it was predicted that, owing to the large number of office seekers, the voters would be so confused and disgusted that the system would not accomplish its purpose. Now, however, one sometimes hears the complaint that there are not enough candidates to make the primary interesting. The facts regarding the number of candidates for the offices of United States Senator and Congressman and the State offices, exclusive of Railroad Commissioner, appearing in the primary from 1908 to 1920 are shown in Tables I and II.

From an examination of Table I it appears that nominations for the office of United States Senator have been made five times under the primary election law. Only once, however, has the nomination been uncontested in the Republican primary; but never have there been more than two candi-

TABLE I

NUMBER OF CANDIDATES FOR VARIOUS OFFICES  
FILLED BY STATEWIDE VOTE, 1908-1920

	REPUBLICAN PRIMARIES							DEMOCRATIC PRIMARIES								
	U. S. SENATOR	GOVERNOR	GOVERNOR LIEUTENANT	SECRETARY OF STATE	STATE AUDITOR	STATE TREASURER	ATTORNEY GENERAL	SUPERINTENDENT OF PUBLIC INSTRUCTION	U. S. SENATOR	GOVERNOR	LIEUTENANT GOVERNOR	SECRETARY OF STATE	STATE AUDITOR	STATE TREASURER	ATTORNEY GENERAL	SUPERINTENDENT OF PUBLIC INSTRUCTION
1st Primary 1908	2	3	3	1	2	1	1	2	1	1	1	1	1	1	1	2
2nd Primary 1910		2	1	1	1	1	3	7	3	1	1	1	1	1	2	1
3rd Primary 1912	2	3	2	3	4	1	1	1	1	2	1	2	1	1	1	1
4th Primary 1914	2	3	2	1	5	1	1		2	2	2	2	2	1		
5th Primary 1916		4	3	2	1	3	6		1	1	1	1	1	1		
6th Primary 1918	1	1	1	4	1	2	1	4	1	1	1	1	1	1	1	1
7th Primary 1920	2	4	4	2	4	2	3		1	1	1	1	1	1		
Total Number	9	20	16	14	18	11	17	14	6	11	8	9	8	8	5	5

dates. In the Democratic primary only once have there been two candidates for the nomination. Again, by reference to Table I it will be seen that only three times has the number of candidates for any office in the Republican primary exceeded four; and only once have they exceeded two in the Democratic primaries.

By reference to Table II it will be seen that nominations for the office of Congressman are less sought after than are nominations for the State offices; only three times at the seven primaries in the eleven congressional districts has the number of candidates exceeded three. In the primary of 1916 the Democrats failed to offer any candidate in the second and fifth districts; while in the primary of 1920 seven out of the eleven districts were without Democratic candidates. Only in the eleventh district have the Democrats had a fighting chance since 1914 — which no doubt accounts for the two Democratic candidates in that district in 1920. In seven of the districts the situation looked too hopeless to risk a campaign. On the other hand, the Republicans have failed only once (in 1912 in the second district) to put a candidate for Congress in the field.

The victory of the Democrats in the second congressional district in 1910 permitted the incumbent to seek renomination uncontested in 1912. In 1914 the Democratic incumbent died, and it appears that two Democrats contested the nomination that year. Democratic victories in the third and sixth districts in 1912 brought out only one candidate in the third district and two in the sixth district in 1914; while the Democratic victory in the eleventh district in 1914 brought no contest in 1916. The loss of the district to the Democrats at the general election of 1916 brought out two candidates for nomination on the Democratic ticket in the eleventh district in the years 1918 and 1920. Thus the political ethics of the situation would seem to be that (barring



TABLE II

NUMBER OF CANDIDATES IN CONGRESSIONAL DISTRICTS IN IOWA, 1908-1920

	REPUBLICAN PRIMARIES										DEMOCRATIC PRIMARIES												
	1ST DISTRICT	2ND DISTRICT	3RD DISTRICT	4TH DISTRICT	5TH DISTRICT	6TH DISTRICT	7TH DISTRICT	8TH DISTRICT	9TH DISTRICT	10TH DISTRICT	11TH DISTRICT	1ST DISTRICT	2ND DISTRICT	3RD DISTRICT	4TH DISTRICT	5TH DISTRICT	6TH DISTRICT	7TH DISTRICT	8TH DISTRICT	9TH DISTRICT	10TH DISTRICT	11TH DISTRICT	
1st Primary 1908	1	1	2	1	2	2	3	2	1	2	2	1	2	1	2	1	1	1	2	1	2	1	1
2nd Primary 1910	2	1	1	1	1	1	2	2	2	1	2	1	2	2	1	1	1	2	3	2	1	2	2
3rd Primary 1912	2	0	2	2	1	2	1	1	1	2	1	1	1	2	1	1	3	2	1	1	1	1	1
4th Primary 1914	1	1	3	1	1	4	3	1	1	1	1	1	1	1	1	1	2	2	1	2	2	1	1
5th Primary 1916	2	1	1	1	1	1	2	1	1	2	3	1	1	1	0	2	2	1	1	1	1	1	1
6th Primary 1918	2	2	2	3	1	2	1	1	1	1	3	1	1	1	2	3	1	1	1	1	1	1	2
7th Primary 1920	4	1	1	1	1	4	1	1	1	1	1	1	1	0	1	0	1	0	0	0	0	0	2
Total Number of Candidates	14	7	12	10	8	16	13	9	8	12	13	7	8	7	9	6	13	9	9	8	8	8	10

factional disturbances within the party) the incumbent is entitled to renomination without contest. To be sure, the man in office is usually successful in building up an "organization" which protects him against competitors. When, however, a Congressman voluntarily retires from the field, as did Congressman Kennedy in the first district in 1920, the aspirants for nomination are usually numerous. Up to 1914 in the sixth congressional district there was a fair fighting chance for either party to win the election; and so the largest number of contests in both parties appear in this district.

In the Republican primaries for State offices there is not the same tendency to allow the incumbent to seek renomination without contest. On the other hand, the Democratic prospects being hopeless, contests in that party for nominations for State offices are not frequent in occurrence.

#### FACTORS IN THE SIZE OF THE PRIMARY VOTE

The number of candidates for nomination at the primary does not necessarily determine the size of the vote cast. There are other factors which influence the size of the vote to which attention will be directed. From an examination of Table I it is apparent that the nomination for Governor has been uncontested but once in the Republican and four times in the Democratic primary. At the same time it appears that three contestants for the Republican nomination for Governor in 1914 polled nearly 40,000 votes less than did the same number of contestants in 1908 and 1912; while four contestants in 1916 brought out 14,000 more votes than did the four candidates in 1920. By comparing the percentage of the general election vote cast at the primaries it is apparent that the other State offices share the fortune of the head of the State ticket (see Tables III and V).

What then are the factors which influence the size of the



primary vote? The figures in Table III largely tell the story. The first trial of the Iowa primary law was in 1908, a presidential election year. Since 1908 only twice (in 1916 and 1920) has the primary vote exceeded that year. To be sure the population of Iowa, rated at 2,404,021 in 1920, shows an increase of 179,250 over that of 1910. Estimating one-fifth of this increase as voters, the total increase, even if all were Republicans, would be 10,000 votes short of the increase in the Republican primary vote between 1908 and 1916. As a general rule presidential election years seem to bring out more candidates for State offices than do the off years, and the number of votes cast seems to rise and fall accordingly in the Republican primaries (see Table III). The same seems to be true of the Democratic primaries, except in 1920, a year which marks the lowest ebb of Democratic interest in the primary nominations. Thus it would appear that national politics stimulates an unusual interest in State politics.

The minor State offices also give evidence that it is not the number of candidates which determines the size of the vote cast. Thus three candidates for the nomination of Secretary of State in 1912 polled only 1,683 more votes than did one candidate in 1908, and two candidates in 1916 polled 68,502 more votes than did four candidates in 1918. Five candidates for the nomination of State Auditor in 1914 received 40,062 fewer votes than two candidates in 1908 and 22,861 fewer than one candidate in 1910. Again, four candidates in 1912 received 35,106 more votes than did five candidates in 1914, and one candidate in 1916 received 57,468 more votes than did five candidates in 1914 and 63,534 more than one candidate in 1918. Four candidates in 1920 polled the largest vote ever cast for the office of Auditor.

The office of State Treasurer has been the least contested in the primary of any State office on the Republican ticket.

In the first four primaries there was only one candidate for the nomination, the fifth had three, and the sixth and seventh each two. Here again the number of contestants can not be said to have determined the number of votes cast. The vote rises with each presidential election year and falls with each off year irrespective of the number of candidates.

The office of Attorney General has ranked third in the number of contestants in the Republican primaries, being one less than State Auditor (see Table I). One candidate in 1908 polled 6,378 more votes than three in 1910; and one in 1912 polled 32,348 more votes than one in 1914. Six candidates in 1916 polled the highest vote ever cast for the office of Attorney General in any of the seven primaries. Three candidates for the office in 1920 polled 10,345 fewer votes than did the six in 1916; and yet this was 76,390 more than the one candidate received in 1918.

Nominations for the office of Superintendent of Public Instruction have been made only four times under the Iowa primary law; and yet no State office has attracted more contestants (see Tables I and IV). Seven candidates for the nomination in 1910 polled 15,245 fewer votes than two candidates in 1908. One candidate in 1912 fell only 303 votes short of the number polled for seven candidates in 1910; and yet four candidates in 1918 polled the smallest vote ever cast for that office in a primary. Thus, it seems clear that presidential election years stimulate political interest all along the line and bring out a larger primary vote.

No doubt personal popularity, vigorous campaigning, and position on the ballot also have an influence on the number of votes cast. At the same time there is marked evidence of a tendency for the vote to decline from the head of the ticket down. Contests usually increase the vote for the offices contested. Since the people are more interested in the office of Governor than any other, it is not surprising to

TABLE IV

NUMBER OF REPUBLICAN CANDIDATES FOR STATE OFFICES, THE ORDER OF THE OFFICES ON THE BALLOT, AND THE RANK OF THE OFFICES ACCORDING TO NUMBER OF VOTES FOR EACH										
OFFICE	ORDER ON BALLOT		1ST PRIMARY 1908	2ND PRIMARY 1910	3RD PRIMARY 1912	4TH PRIMARY 1914	5TH PRIMARY 1916	6TH PRIMARY 1918	7TH PRIMARY 1920	AVERAGE
Governor	1st	Number of Candidates	3	2	3	3	4	1	4	
		Rank in Votes Cast	1st	1st	1st	1st	1st	2nd	1st	1st
Lieutenant Governor	2nd	Number of Candidates	3	1	2	2	3	1	4	
		Rank in Votes Cast	2nd	2nd	3rd	2nd	2nd	4th	2nd	2nd
Secretary of State	3rd	Number of Candidates	1	1	3	1	2	4	2	
		Rank in Votes Cast	5th	3rd	2nd	4th	4th	1st	3rd	3rd
State Auditor	4th	Number of Candidates	2	1	4	5	1	1	4	
		Rank in Votes Cast	3rd	5th	4th	3rd	6th	3rd	5th	4th
State Treasurer	5th	Number of Candidates	1	1	1	1	3	2	2	
		Rank in Votes Cast	6th	6th	5th	5th	5th	6th	6th	6th
Attorney General	6th	Number of Candidates	1	3	1	1	6	1	3	
		Rank in Votes Cast	7th	4th	6th	6th	3rd	7th	4th	5th
Superintendent of Public Instruction	7th	Number of Candidates	2	7	1			4		
		Rank in Votes Cast	4th	7th	7th			5th		

find that office ranking first in the number of votes received in all except one of the Republican primaries (see Tables IV and V). The exception was in the year 1918 (which was a war year) when political interest was at its lowest ebb. In the seven primaries other State offices, though subject to fluctuations, rank in the order of their positions on the ballot, with the exception of the offices of State Treasurer and Attorney General — the latter ranking fifth in number of votes cast although it stands sixth on the ballot (see Table IV).

The office of Secretary of State is the only office outside that of Governor to have obtained first rank in the number of votes received in a primary election. Although the office of Secretary of State is third in order on the ballot (see Table IV), in 1908 when the nomination was uncontested it fell to fifth place. In 1910, however, a single candidate ranked third, thus maintaining his ballot place. In 1912 when there were two candidates for the office of Lieutenant Governor and three for that of Secretary of State, the latter ranked second in the number of votes received. In the years 1914 and 1916 the office of Secretary of State ranked fourth in the primary. In 1914 there was but one candidate for the nomination, and in 1916 there were two; at the same time in these two primary elections there were lively contests for the nomination of Governor and Lieutenant Governor. In 1918 the office of Secretary of State ranked first in the primary (see Table IV). In this year, however, there were four contestants for the nomination of Secretary of State; while the nominations for Governor and Lieutenant Governor were uncontested. In 1920 the office of Secretary of State resumed its ballot rank of third place.

Nomination for the office of State Auditor has brought forth many candidates, ranking in this respect next to that of Governor. The office of Auditor of State holds fourth

TABLE V

VOTE OF EACH PARTY AT THE PRIMARY COMPARED WITH VOTE OF THE PARTY AT THE GENERAL ELECTION, GIVEN BY PERCENTAGE									
		1ST PRIMARY 1908	2ND PRIMARY 1910	3RD PRIMARY 1912	4TH PRIMARY 1914	5TH PRIMARY 1916	6TH PRIMARY 1918	7TH PRIMARY 1920	AVERAGE PER CENT
Governor	Rep.	71	86	98	69	72	66	41	72
	Dem.	25	25	31	41	40	21	11	28
Lieutenant Governor	Rep.	67	75	91	61	68	57	33	65
	Dem.	25	25	32	42	41	27	15	30
Secretary of State	Rep.	62	72	92	57	66	62	32	63
	Dem.	25	29	31	45	42	25	14	31
State Auditor	Rep.	66	71	89	59	64	56	32	63
	Dem.	24	26	30	42	42	29	15	30
State Treasurer	Rep.	62	71	88	57	66	55	31	62
	Dem.	25	29	31	43	41	27	15	30
Attorney General	Rep.	62	75	77	55	69	54	32	61
	Dem.	25	21	30	40	41	27	15	29
Superintendent of Public Instruction	Rep.	63	72	75			58		
	Dem.	23	28	30			27		



place on the primary ballot, and its rank, determined by the number of votes received in the primary election, has varied with the number of contestants. With but one exception the larger the number of contestants the higher the office has ranked above its ballot position; and the lowest rank the office has attained below its ballot position has, with one exception, been when the nomination was uncontested (see Table V).

It has already been stated that the nomination for the office of State Treasurer has been the least contested of any State office here considered. Twice, when the nomination was uncontested, the office ranked below its ballot position, while even three contestants for the nomination in 1916, the largest number ever offered, did not result in raising the office above its ballot rank in the final count (see Table IV).

The office of Attorney General ranks in importance and influence next to that of the Governor; and so, one would think that the nominations for this office would arouse a wide-spread interest at the primaries. In the number of contestants for the nomination, this office is third. In spite of the low position which it has been assigned on the primary ballot (being sixth, see Table IV), the voters have manifested an unusual interest in this office whenever it has been hotly contested. In the first primary of 1908, with only one candidate for the nomination, the office fell one place below its ballot rank in the count. In 1910 when there were three candidates in the field, the office ranked fourth in number of votes. In 1912 and 1914, with only one candidate on the primary ballot, the office ranked sixth in the count. But in 1916, when there were six candidates for the nomination, the office ranked third, which is the highest rank it has attained in the seven primaries. When there was but one candidate in 1918 the office dropped to seventh place in the count. In 1920 when there were three candidates in the field the office again ranked fourth.

Unfortunately for the purposes of this study, nominations for the office of Superintendent of Public Instruction have not been made biennially at all the primaries — as in the case of other State offices herein considered. In 1913 this office was made appointive, with a three-year term; and in 1917 it was again made elective, but with a four-year term. Nominations for Superintendent have been made only four times at the primaries. The rule which seems to have governed the ranking of other State offices — that is, that numerous contestants tend to raise the office above its position on the ballot — does not seem to hold in the case of the office of Superintendent of Public Instruction. This may be due to lack of interest in this office on the part of the voters, or it may be an acknowledgment of their inability to judge the professional standing and ability of the candidates, who from the very nature of their work are likely to have been less prominently before the public eye than other candidates in the primary. By referring to Table IV, it will be seen that two candidates for the nomination of Superintendent brought the office to fourth rank in 1908. In 1910, however, seven candidates failed to raise the office above seventh place, its ballot position; nor did one candidate fare any better in 1914. In 1916, with only three contests in the Republican primary and with four candidates seeking the nomination of Superintendent, the office ranked only fifth in the returns. It seems impossible to arouse intense popular interest in this office.

#### ESTIMATE OF THE VOTING AT THE PRIMARY

The Iowa primary has frequently been judged by the size of the vote cast, or to be more accurate, by the percentage of the vote cast at the general election. These percentages are shown in Table V. It is hardly necessary to observe that the low percentage in 1920 was due to the voting of the

women at the general election, while men only participated in the primary in June. Likewise the high percentage in 1912 is explained by the split in the Republican party through the organization of the Progressive party after the primary had been held. In the Republican primaries, however, these percentages compare very favorably with the percentage of males of voting age who participate in the general and special elections.

According to the census of 1910 there were 607,365 males of voting age in Iowa; and yet the total vote cast by all parties for the office of Governor in that year was only 412,964 or sixty-eight per cent of those eligible. In 1915 the State census credited Iowa with 684,639 males of voting age; but only seventy-five and six-tenths per cent of these voted for presidential electors in 1916. Only fifty per cent of those eligible voted on the equal suffrage amendment in 1916, and only sixty-two and four-tenths per cent voted on the prohibition amendment in 1917.

Granting that it would be highly desirable to have a larger per cent of the voters participate in the primaries, what evidence is there to support the charge that most of those who do vote, vote unintelligently? Our early experience with the primary seemed to show that the alphabetical arrangement of names on the ballot favored those who were at the top. To remedy this situation, the system of rotation referred to above was adopted. It is now said that candidates for nomination knowing in advance the counties in which their names will be at the head of the list, devote their campaign energy to the other counties, feeling assured that wherever their names are first they will win without effort. The writer has not had at his command the data to either prove or disprove this assertion. That many electors will vote for the candidate at the top of the list is probably true, when all the candidates are wholly unknown to them; but

that a fairly intelligent discrimination is exercised by the voters is evidenced by Table IV which shows that contests tend to raise the rank of the office in the primary election returns above its position on the ballot. That the total vote for each office tends to diminish from the top of the ballot downwards in Republican primaries is easily seen in the percentages in Table V. At the same time the exceptions prove intelligent and purposeful voting.

The public is not greatly concerned about who is nominated for the minor State offices; and so, unless the candidates for these offices are well known in the State or conduct a vigorous publicity campaign, the voter is apt for want of knowledge to pass the office altogether or risk a vote on the one at the head of the list.

#### EXPENSES OF CANDIDATES AT THE PRIMARY

A rather common indictment of the Iowa primary law is that it promotes the candidacy of persons of wealth. That is to say, in order to make himself known to the people of the State a candidate must conduct an expensive campaign. Persons of considerable wealth can conduct such a campaign; but persons of small incomes must go heavily in debt to keep in the race. The winning candidate who has incurred a primary campaign debt may be tempted to recoup himself by irregular and illegal means; while the losing candidate may find himself bankrupt. Campaigning in a primary for a State office is largely a matter of advertising, since the candidates can meet personally but a very small percentage of their constituents. If the press is dominated by special interests or obedient to the dictates of party managers a great deal of publicity that does not take the form of paid political advertisements may be given to "pet" candidates.

The cost of candidacy is often very large — larger than

the candidates can afford. But the answer to this objection to the primary is that the minor offices should not be on the elective list at all. The question whether the primary keeps the best men out of office because they are unwilling to enter a primary campaign; or whether the candidates nominated by the primary are no worse than those chosen under the convention system are questions upon which it is difficult to get any trustworthy data. The people have made serious mistakes in selecting candidates by the primary system; nor did the convention system pick all good men. Self seeking men have found that the primary system affords an opportunity to make a canvass for votes which would have been impossible under the convention system. On the other hand, the convention system was so bound to party regularity that the independent and aggressive candidates were not always rewarded with party nominations.

#### EFFECT OF THE PRIMARY UPON PARTY ORGANIZATION

There is much evidence going to show that the primary has not been a menace to party organization. Indeed, party organization really controls the primary to a considerable extent. In every State where the primary system has been developed there has been a strong tendency toward pre-primary caucuses in which a list of "available" candidates is made up by the leaders. In theory any one is free to circulate his own petition and contest any nomination; but in practice it is usually futile to oppose the organization slate unless public sentiment is aroused. In fact the primary often amounts to a party referendum on the nominees previously determined upon by the party leaders. A heavier responsibility rests upon the slate makers in the primary election than in the convention. If the nominees are unworthy and are rejected by the voters, the slate makers are discredited; whereas when the nominations are once

made party regularity may make possible the election of undesirable candidates — particularly if they appear on the majority party ticket. In such cases success at the polls is always a vindication of the convention's judgment.

#### PREARRANGED SLATES AT THE PRIMARY

It has frequently been said that the minority party participates in the primary of the majority party. A glance at Table I suggests that it is no mere accident that the Democrats have had only ten contests for the State offices listed in the seven primaries, while the Republicans have had twenty-eight. In the last three primaries the Democrats have not had a single contest for a State office. The party organization makes up the slate of those who are to represent the party in the primary, and where there are no contests it is a foregone conclusion that these persons will also represent the party in the general election.

In commenting upon the primary of 1920, the *Iowa Forum* declared that "The Iowa primaries on the seventh of June were a perfunctory matter on the Democratic side and resulted in the confirmation of the slate previously agreed upon in party conferences." Judging from a study of the primary ballots of 1920 in sixty-eight counties the Democrats had no candidate in the primary for more than fifty per cent of the county offices, while for over fifty per cent of the county offices only one candidate appeared in the Republican primaries.

There are no published official statistics that the writer could find which would throw any light on the number of contests for local officers; and so, letters were addressed to all of the county auditors requesting a sample copy of the Republican and Democratic primary ballots for the year 1920. Sixty-eight of the ninety-nine officers addressed sent in the ballots as requested. From the ballots of these sixty-

eight counties Table VI was compiled, showing the number of contestants for each of the county offices (except supervisors) in the counties reporting. It appears that in the Republican primary of 1920 three counties of the sixty-eight had no candidate for the office of State Representative; thirty-one had but one candidate; twenty-three had but two; only nine had three; one had four; and one had six. On the other hand, the hopelessness of the Democratic situation is shown by the fact that thirty-two counties had no candidate for State Representative; thirty had but one; and only six had two.

The Republicans failed to make nominations for fifty-one county offices in the sixty-eight counties, while the Democrats failed to make nomination for two hundred and eighty-four offices. Three hundred and nineteen offices were uncontested (having but one candidate) in the Republican primary, and two hundred and thirty-three had but one candidate in the Democratic primary. Thus there were three hundred and seventy offices out of five hundred and forty-four with only one candidate or no candidate in the Republican primaries, and five hundred and seventeen in the Democratic primaries. In only one case did the number of counties having contests exceed those without contests. Thus it is apparent that in the primaries of the year 1920 most of the county offices, even in the majority party primaries, were uncontested, indicating that the party organization had fair control or that those aspiring to be candidates did not feel strong enough to dislodge incumbents in office seeking re-nomination.

#### IRREGULARITY OF PARTY VOTING AT THE PRIMARY

Why is the Democratic primary vote so small? Why is the percentage of Democrats voting in the primary so much smaller than that of Republicans? Are the Democrats par-





ticipating in the Republican primaries and helping to name Republican candidates?

It is probably true that some Democrats do vote in Republican primaries, but the writer is not convinced that it is a general and widespread practice. The statistics of votes cast in primary and general elections convince the writer that the Democrats, realizing that Iowa is a one-party State, simply do not vote at the primaries but stay at home (see Table V). By turning to Table III it will be seen that the largest Democratic vote came in the years 1914 and 1916. This may readily be accounted for by the split in the Republican ranks in 1912, which, together with the success of the Democrats in national politics, unsettled many a voter's party affiliation and perhaps gave encouragement to the Democratic stay-at-homes to participate in the primary. This view is further supported by the fact that in 1914 there were contests in the Democratic primary for every office except that of Attorney General (see Table I). There were more contests in the Democratic primary of 1914 than in all the previous primaries of that party, and there have been none since. Interest in the primary as a nominating system seems to have been on the decline since 1916, judging by the number of candidates.

#### NOMINATIONS BY CONVENTIONS

Does the primary accomplish its purpose as a popular nominating system? Only twice (in 1908 and 1912) have all the nominations been made at the primary, that is, the successful candidates received thirty-five per cent of the vote cast for that office. But never before 1920 was there more than one State office at any one primary which failed to get the requisite vote. In 1920, however, the primary failed to determine the nomination for Governor, Lieutenant Governor, Auditor, Attorney General, and Railroad Commissioner.

According to the primary law, when nominations for State offices are not made at the primary they are made at the State convention of the party. The law seems to leave the convention free to make a nomination wholly outside of the contestants in the primary; but, as a matter of practice, this has never been done. Nor have the State conventions adopted the policy of selecting the high man in the primaries; on the contrary, in five times out of eight they have not done so. In four instances the man ranking third has been honored with the nomination; once the nomination went to the person ranking second; and three times it was given to the person ranking first.

County conventions fill places on the county ticket when nominations are not made at the primary. Eliminate the office of county coroner — which office appears to be sought only in counties having a large urban population — and the total number of offices left vacant on the Republican ticket at the general election is not large. On the other hand, the majority of the nominations on the Democratic ticket in the same counties are not likely to be filled unless, by reason of informal votes at the primary, the county convention is enabled to nominate candidates for offices for which no candidates formally presented themselves at the primary. In many counties the situation is probably hopeless for the minority party and therefore few persons are willing to incur expense when the nomination is at best an empty honor.

In certain counties there is evidence of what seem to be agreements to make no nominations for certain offices either in the primary or in the convention — thus dividing the spoils and assuring both parties of a share without contest and with little expense. In fact, such agreements with the organization leaders of the opposite party are sometimes frankly admitted. Such agreements, however, are not likely

to be made except in counties where the margin between the two parties is very small.

PROPOSED CHANGES IN THE IOWA PRIMARY LAW

Most students of government are of the opinion that the primary principle is sound and should not be abandoned without more substantial proof of its inefficiency than can be drawn from its actual workings. It would be as hard to find a substitute for the primary election as it is to find a substitute for the jury system. Both have their faults, and both can be improved. The writer is of the opinion that the primary election law of Iowa should not be repealed but should be amended so as to give every encouragement to its fulfilling the purpose for which it was enacted. Some of the more important changes which in the opinion of the writer would make for improvement may be briefly enumerated.

1. It is evident that the date for holding the Iowa primary is based on neither logic nor necessity. The first Monday in June is one of the hardest times of the year for a farmer to leave his work; and the interval between the primary and the election is altogether too long. In the interests of the farmer, the candidates, and the cause of good government, the primary date should be set on some day in September.

2. The primary will work at its best only when the principle of the short ballot is observed. And by short ballot is meant the elimination of the minor State and local offices not only from the primary ballot but also from the general election. In respect to State offices the observance of this principle has not been possible under the Iowa Constitution; but the convening of a constitutional convention in the near future offers an unusual opportunity to shorten the ballot and to provide for an administrative system in the State similar to that employed in the Federal government. Such

a reform would result in the filling of the minor State offices by the Governor, subject to confirmation by the Senate.

3. It would perhaps be advisable to reduce the percentage of votes required for nomination, or adopt the so-called "high man" rule — which means the nomination of the person receiving the highest number of votes. No doubt many persons would object to this change, believing that if the people have been unable to make a nomination at the primary they should permit such nomination to be made at a convention. Possibly the preferential ballot would be the most accurate way of determining the will of the people. For if the voters have the opportunity of expressing a first and a second choice, then by a simple process of addition majority nominations may easily be obtained. The preferential ballot has already been worked out in great detail and is quite universally commended. It takes longer to count the ballots but the results ought to be worth the extra time. The preferential ballot or even the high man choice in the primary would eliminate many of the objectional features arising out of the present method of nominating by conventions in case no one person receives the requisite percentage.

4. Probably one of the most unsatisfactory features of the Iowa primary law is the unrepresentative character of conventions called by its authority. Theoretically the law was well drawn: at the primary the people were to choose their own delegates to the county conventions, and these popularly chosen delegates were to name the delegates to the State convention. In practice, however, the voter finds himself unable to make a list of candidates to the county convention with confidence that they are all members of his party or if so that they all reside within the limits of his polling precinct. In this situation "somebody" makes up a list of eligibles and has it printed on gummed paper. This list is handed to the voter who obediently licks it and puts

it on his ballot. The voter rarely knows all of the suggested delegates personally, and he has practically no means of knowing what their attitude toward the several contestants would be in case the primary failed to nominate. From these "hand picked" delegates to the county conventions the delegates to the State convention are chosen. That such conventions are likely to be unrepresentative of the county and of the State is apparent. Nor is it sufficient to say: "The people at large have had their chance and have failed to exercise it." If it is necessary to retain the conventions, let the delegates be nominated in the open. The voter should know who is responsible for the delegates selected.

The writer is of the opinion that the primary law should be so amended that there will be no occasion for the conventions to do anything but adopt platforms. The Wisconsin plan of having the platform made by the party candidates for State office and for the legislature, including the hold-over members of the party in the State Senate, has much to commend it.

5. A number of suggestions have recently been advanced with a view to making the test of party affiliation more rigid. It is contended that the Democrats find it altogether too easy to enter the Republican primaries. The only concrete suggestion along this line which has come to the attention of the writer is that "every year in which there is an election, enrollments of the political parties should be prepared, and no man should be permitted to vote in any party unless he is enrolled in that party. He should not be permitted to change his enrollment unless he does it six months before the primaries." Such a test is, indeed, required in a number of States. The party test is one of the most difficult problems connected with the system of direct primary nominations. "It is difficult to prescribe conditions of party allegiance without at once preventing that independence in

voting which is the hope of decent politics". It is the opinion of the writer that since no generally acceptable solution of this problem has yet been proposed, no change in the present test should be made.

6. A provision limiting by law the amount of money which one may be permitted to spend in a primary contest would be wholesome and would no doubt overcome much criticism directed against primary election expenditures.

7. Another improvement in the primary law would be an amendment defining more clearly the form and make-up of the primary ballot. An examination of the ballots used in the primaries shows a wide variation in size, type, make-up, and grade of paper used. Some counties print a compact ballot 12 by 12, or 12 by 18 inches; while others, listing State, district, county and township officers in separate columns, make up a ballot in which one-fourth to one-third is waste paper. Such ballots range in size from 11 by 20 to 14 by 25 inches. Some of these ballots do not indicate clearly the party to which they belong, the date of the primary, or the precinct for which they are intended. Some of the ballots are printed upon the poorest grade of print paper, while others contain high grade book paper. If the law were more specific relative to the size, type, make-up, and paper of the primary ballots, their printing would no doubt cost much less than at present.

#### CONCLUSION

The writer is of the opinion that the irritation resulting from the defects and abuses of the Iowa primary law does not justify its repeal. Since the primary principle is sound, any attempt to depart materially from its procedure would probably give rise to greater abuses than those we now endure. That changes are needed in the present law is frankly admitted. Without impairing the general principle of the

primary, the modifications above suggested would, it is believed, materially strengthen this popular institution of democracy.

A primary reform supported by Charles E. Hughes when Governor of New York proposed that candidates for all offices be designated by properly constituted party committees. The candidates so designated were to be given first place on the ballot; and any other candidates put forward by independent groups through signatures to petitions were to be alphabetically arranged below the list of designated candidates.<sup>1</sup> This would give freedom to contest the designated candidates and encourage the party committees to exercise care in making up the party list. This practice is even now being followed to a considerable extent in the pre-primary slates to which attention has been called, but the party lists do not of course enjoy a privileged place on the ballot. The primary constitutes a "solemn referendum" upon such slates, and any group of petitioners is able to put a competing slate in the field. Freedom to do this would probably be worth all it cost us.

On the other hand, in the opinion of the writer the suggestion made by Senator James W. Wadsworth, Jr., of New York in the *Forum* for January, 1921, that a convention

<sup>1</sup> Mr. Hughes reaffirms his belief in this plan as a remedy for the present evils of the direct primary system in a very well written article in *The National Municipal Review* for January, 1921. He now advocates a nominating committee or convention composed of delegates chosen by popular vote who are to designate the party candidates and draw up the party platform. "If such a body did its duty well," says Mr. Hughes, "there would be no necessity for a double campaign. Its choice would be ratified on primary day without contest. . . . The action of such a body should not be final. If it ignored the sentiment of the party voters, if it appeared that some ulterior or sinister purpose had been served, if the candidates or any of them, which it selected were unworthy, then there should be opportunity for the party members, immediately and without difficulty, to express themselves in opposition and on primary day to have a chance to show whether or not the designation of the organization body was approved."

“composed of delegates elected directly by the enrolled voters in the party” should name the candidates for office is in fact a recommendation for the abolition of the primary, and Mr. Wadsworth seems to make no attempt to conceal the fact that this is the end he has in mind.

Admitting that some poorly qualified candidates are nominated under the direct primary system, it is nevertheless much easier to defeat the conspicuously unfit through its procedure than in the ordinary party conventions.

Finally, in view of the fact that the State of Iowa has just doubled its electorate by virtue of the adoption of the Nineteenth Amendment to the Federal Constitution, the writer is of the opinion that no change should be made in the test of party affiliation until the “new voters” have had an opportunity to use the primary. The women of Iowa spoke in no uncertain terms at the general election in November, 1920; but that should not be taken as evidence that they are prepared to subscribe to a rigid test of party affiliation. Rigid tests of party affiliation are more likely to keep from the polls the honest and conscientious than the venal and corrupt. Too rigid a test of party affiliation would greatly reduce the percentage of those who participate in the primary, and in such an event we will probably witness abuses that are worse than those now complained of.

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## SOME PUBLICATIONS

*The Industrial State, 1870-1893.* By Ernest Ludlow Bogart and Charles Manfred Thompson. Springfield: Illinois Centennial Commission. 1920. Pp. 553. Plates, maps. This volume, the fourth in *The Centennial History of Illinois*, is largely concerned with industrial history. Of the twenty chapters in the book, eleven deal with the subjects of agriculture, finance, trade and commerce, transportation, manufactures, mining, and labor; seven present various phases of political activities, including the constitutional convention of 1869-1870; one chapter is devoted to arts and letters; and one, under the heading, "Some Aspects of Social Life in Illinois, 1870-1876", presents miscellaneous material such as the Chicago fire, the dispute over parochial schools and Bible reading in the public schools, prohibition, and the political influence of the foreign groups.

The chapters on economic and industrial problems were in charge of Professor Bogart. Those covering the political field were prepared by Professor Thompson. Henry B. Fuller contributed the chapter on arts and letters, Nellie O. Barrett the one on mining, and Agnes Wright Dennis the one entitled "New Forces Astir".

A study of conditions in Illinois as presented in this volume calls attention to the similarity between this period and the present. A constitutional convention, the friction between Chicago and the other sections of the State, unusual prevalence of crime, unrest in the ranks of labor, the threat of radicalism, culminating in the Haymarket Riot, the appeal of politicians to the alien race groups, the emphasis on transportation needs, and attempts to organize the farmers politically all find their counterparts in the problems before Illinois to-day. Indeed, the present day issues are merely continuations of the questions which are discussed in this volume.

This definite relation between these two periods emphasizes the disadvantage of writing history by periods. The reader finds him-

self beginning a continued story in the middle. On the other hand it would be clearly a difficult undertaking to discuss the political issues of this period apart from the economic problems which confronted the people.

The frequent reference to newspapers both in the text and as footnote references suggests the possibility of including some account of journalism in the history of this period. Copious footnotes, an appendix which contains a large amount of data on Illinois products, an extensive bibliography, and an index make the volume more useful to the student and more convenient for all readers.

*Early Records of Gilpin County, Colorado, 1859-1861.* By Thomas Maitland Marshall. Boulder: University of Colorado. 1920. Pp. 313. Map. This volume is a compilation of letters, documents, laws, and resolutions relating to the history of the mining industry in Gilpin County, Colorado. This section of what is now Colorado was attached to the Territory of Kansas during this period but the difficulty of communicating with the government of that distracted territory left the mining districts of the West practically without laws. Attempts were made to create a new territory to be named Jefferson but these did not succeed, although an extra legal government did exist for some months under this name.

The miners, finding themselves deprived of the safeguards of organized government, took matters into their own hands. They held mass meetings, elected officers, drew up rules which were considered as binding as laws, provided for the enforcement of these laws, and for the settlement of disputes arising over claims. Indeed a miners' court was organized and in some cases was given authority to punish all crimes and even sentence a murderer to be hanged. The qualifications of voters varied. Sometimes only claim-holders could vote; one district gave "every person of suitable age" residing therein the right to vote. These miners' associations were similar to the claim associations of early Iowa and are illustrations of the facility with which Americans establish political institutions.

*A Woman's Story of Pioneer Illinois.* By Christiana Holmes Tillson. Edited by Milo Milton Quaife. Chicago: R. R. Donnelley and Sons Company. 1919. Pp. 169. Portraits. This attractive volume, issued as one of the Lakeside Classics, is a reprint of a memoir originally published by the Tillson family under the title *Reminiscences of Early Life in Illinois by Our Mother*. The account presents a picture of frontier life in Illinois during the decade from 1820 to 1830 and reveals many interesting features of the social and industrial conditions of the pioneers. Mrs. Tillson was a young woman who came to Illinois from New England in 1822, and through her comments the reader gets a glimpse of the sectional feeling which separated the settlers from the east from those who came from the south. Indeed, some of the neighbors were astonished to hear Mrs. Tillson refer to herself as a Yankee since they used the word as a term of reproach and contempt.

Most valuable of all, however, is the picture of home-making on the frontier. Busy housewives of to-day will marvel at the accomplishments of this pioneer wife who cooked for her family, several employees, and an indefinite number of guests — invited or otherwise — cared for her two small children, assisted her husband in his business, made candles, cured meat, nursed the sick, and found time to make visits, entertain guests, attend church, and conduct a Sunday school — an undertaking which was complicated by the adults who accompanied the children and lingered to taste "the worth of Yankee cooking".

It is small wonder that the appearance of two runaway slaves, one of whom was a cook, led to the purchase of the owner's right to their services rather in defiance of the New England prejudice against slavery. Not only was the amount of work appalling; the facilities for doing it were usually very meagre. It was not a power washer which this woman lacked but clothes pins for which she waited three months. Her neighbors, contented with drying the clothes on a fence, greeted the appearance of these humble conveniences with ejaculations of curiosity and called their friends to "see them ar little boys ridin' on a rope."

The historical introduction, written by Dr. M. M. Quaife, contains a short account of the Tillson family. A brief index completes the volume.

*The American Labor Legislation Review* for September, 1920, contains a *Review of Labor Legislation of 1920*.

Leo J. Frachtenberg is the author of a monograph on *Alesea Texts and Myths* published as Bulletin sixty-seven of the Bureau of American Ethnology.

*The Negro in Politics*, by Norman P. Andrews, is one of the articles in *The Journal of Negro History* for October, 1920.

*Who Were the Padouca?*, by George Bird Grinnell, is one of the papers in the *American Anthropologist* for July-September, 1920.

*Democracy and Efficient Government — Lessons of the War*, by Charles G. Fenwick, *Economic Organization for War*, by Ernest L. Bogart, *Constitutional Law in 1919-1920*, by Edwin S. Corwin, and *American Government and Politics*, by Lindsay Rogers, are among the articles included in *The American Political Science Review* for November, 1920.

Among the papers in *The South Atlantic Quarterly* for October, 1920, are the following: *Revaluation and Taxation in North Carolina*, by Francis Nash, and *The Literary Status of Mark Twain, 1877-1890*, by H. Houston Peckham.

*The Senate and Treaties, 1789-1817*, a study by Ralston Hayden, will no doubt prove useful to those interested in American government and international relations. The increasing emphasis on foreign relations at this time makes this historical account of the early years of treaty-making especially valuable. The volume is one of the University of Michigan publications. It is provided with a bibliography and index.

The issue of *The Journal of American History* for July-December, 1919, is designated as the Theodore Roosevelt memorial number. It contains tributes by Elihu Root, William Boyce Thompson, Herbert Hoover, John Hays Hammond, Alton B. Parker, Jean Jules Jusserand, and Job Elmer Hedges. There are also a number of papers relating to Italy and Italian problems.

*Influences Toward Radicalism in Connecticut, 1754-1775*, a monograph by Edith Anna Bailey, is published in *Smith College Studies*

in *History* for July, 1920. This is not the story of would-be Bolsheviks, however, but a study of the influence of a land company in the events leading to the Revolutionary War.

*Farm Land Values in Iowa*, prepared by L. C. Gray and O. G. Lloyd, is a study of the prices paid for land in the State of Iowa with special reference to the recent extraordinary increase. It is published as Bulletin No. 874 of the United States Department of Agriculture.

*Canada as a Vassal State*, a short article by Archibald Mac-Mechan on the influence of American institutions on Canadian development, and *The First "New Province" of the Dominion*, by Chester Martin, are the two articles which appear in *The Canadian Historical Review* for December, 1920.

*The Annals of the American Academy of Political and Social Science* for November, 1920, contains a series of papers on *Social and Industrial Conditions in the Germany of Today*, by various writers, many of whom are Germans. A supplement contains a study by Delos F. Wilcox entitled *Working Capital in Street Railway Valuation*.

Students of western history will find much interesting information in the article by Frederick J. Alcock on *Past and Present Trade Routes to the Canadian Northwest* which appears in *The Geographical Review* for August, 1920.

*The Goldsmith's Art in Ancient Mexico*, by Marshall H. Saville, *New York City in Indian Possession*, by Reginald Pelham Bolton, and *Hawikuh Bonework*, by F. W. Hodge, are three monographs published by the Museum of the American Indian, Heye Foundation, in the series entitled *Indian Notes and Monographs*.

*The Proceedings of the American Antiquarian Society* for October, 1919, contains, in addition to the reports of the Society, the following papers: *Greater New England in the Middle of the Nineteenth Century*, by Frederick J. Turner; *A Gentlewoman of Boston, 1742-1805*, by Barrett Wendell; and *The Conciliatory Proposition in the Massachusetts Convention of 1788*, by George H. Haynes.

*The Recall in Sioux City, Iowa*, by Avery L. Carlson, *State Leg-*

*islatures and the Rent Problem*, by S. Edward Hannestad, and *Proposals for Model State Constitution*, are three of the papers in the *National Municipal Review* for November, 1920. A supplement contains *Administrative Reorganization in Illinois*, by John M. Mathews. *New Mortgages for Old*, by Arthur C. Comey, and *City Manager Movement*, by Harrison Gray Otis, are contributions to the issue for December.

*Why the War Came as a Surprise*, by J. A. Hobson, *The Constitution of the Peace Conference*, by Preston Slosson, *The Colonial Agent*, by B. W. Bond, Jr., *The Coldward Course of Progress*, by S. C. Gilfillan, *The Supreme Court and the Constitution*, by T. R. Powell, and *Histories of Labor*, by Leon Ardroni, are some of the articles in the *Political Science Quarterly* for September, 1920. A supplement, by Elmer D. Graper and Harry J. Carman, gives a *Record of Political Events*, from August 1, 1919, to June 30, 1920. *A Theory of History*, by Franklin H. Giddings, *Mobility of Labor*, by Paul F. Brissenden and Emil Frankel, *The Budget System in Canada*, by Thomas M. Fraser, and a continuation of *A System of Federal Grants-in-Aid*, by Paul H. Douglas, are four of the papers in the issue for December.

*Territorial Problems of the Peace Conference*, by D. Johnson, *Political Parties and the Presidential Campaign*, by H. C. Hill, *The Political Campaign in High School Classes*, by J. M. Gathany, and *Campaign Civics*, by W. H. Allen, are among the papers in the issue of *The Historical Outlook* for October, 1920. The November number contains, among others, the following papers: *Making Better Citizens*, by J. C. Almack; *Topical Method in United States History*, by F. W. Carrier; and *Practical Lesson in Citizenship*, by Reid Hunter. In the December issue R. C. McGrane contributes a brief paper on *The American Position on the Revolution of 1848 in Germany*.

#### WESTERN AMERICANA

*The Motive for Better Farming*, by Thomas Forsyth Hunt, is one of the papers in *The University of California Chronicle* for October, 1920.

*The Wisconsin Archeologist* for August, 1920, contains a monograph by Alphonse Gerend on *Sheboygan County*. This article contains much material on Wisconsin Indians and archeology. The number for November contains an account of the dedication of the Indian intaglio effigy near Fort Atkinson, Wisconsin. The ceremony took place on June 5, 1920. There is also a sketch of the career of John Valentine Satterlee, by Alanson Skinner.

Frances Elizabeth Kelley is the author of *A History of Public-School Support in Minnesota, 1858 to 1917*, which is published as number twelve of *Current Problems*, issued by the University of Minnesota. *A History of the Teaching of Chemistry in the Secondary Schools of the United States Previous to 1850*, a monograph by Samuel Ralph Powers, has been published as number thirteen of the series.

*Labor Problems and Labor Administration in the United States During the World War*, a monograph by Gordon S. Watkins, has been issued in two parts in the *University of Illinois Studies in the Social Sciences* for September and December, 1919. Part one consists of the *Nature and Analysis of the Problem* and part two is a discussion of *The Development of War Labor Administration*.

*Nabaloi Law and Ritual*, by C. R. Moss, and *Kankanay Ceremonies*, by the same author, are monographs issued as recent numbers of the *University of California Publications in American Archaeology and Ethnology*. *California Culture Provinces*, by A. L. Kroeber, is another publication in this series.

*Michigan Military Records*, recently issued by the Michigan Historical Commission as bulletin number twelve, contains a list of Revolutionary soldiers buried in Michigan, records of pensioners of territorial Michigan, and a list of men of that State who have received Congressional medals of honor. The compilation is the work of Sue Imogene Silliman who represented the D. A. R. of Michigan.

*County Agent Work in the Northern and Western States, 1919*, by W. A. Lloyd, is a brief study of the status and result of the work of the county agents throughout the United States. It is published by the Federal department of agriculture.

*The University and Latin-American Development*, by H. R. Brush, *Robert Owen — Social Dreamer*, by George Milton Janes, *The Emancipation of Labor*, by Hugh E. Willis, *The Nature of Democracy*, by Joseph Kennedy, *The Improvement of the Rural Communication System*, by John M. Gillette, and *Adequate Pay for Teachers*, by P. P. Claxton, are the contributions to the October, 1920, issue of *The Quarterly Journal of the University of North Dakota*.

## IOWANA

*Child Legislation in Iowa*, a summary of the laws affecting children in the State, has been compiled by Frank Edward Horaek and published in pamphlet form by the State University of Iowa.

*Diplomatic Relations of the United States with Sweden and Norway*, a monograph by Brynjolf J. Hovde, has recently appeared as one of the *University of Iowa Studies in the Social Sciences*.

The *Iowa Library Quarterly* for October-December, 1920, contains a paper, entitled *Librarians as Educators*, read by Harriet A. Wood at the meeting of the Iowa Library Association at Waterloo on October 8, 1919.

The November, 1920, number of the *Iowa Law Bulletin* contains three papers, as follows: *Uniformity in Uniform Legislation*, by Rollin M. Perkins; *Time Records for the Lawyer*, by Dwight G. McCarty; and *A Year's Work of the Iowa Supreme Court*, by Herbert F. Goodrich.

*How the Lakes in Northern Iowa Got Their Names*, by L. F. Andrews, and the *Spirit Lake Massacre*, by Harvey Ingham, are two short papers of historical interest included in Bulletin number sixteen of the Okoboji Protective Association.

*Iowa Conservation* for April-June, 1920, contains an account of the dedication of the State Park at the Devil's Backbone in Delaware County, written by George Bennett. In the issue for July-September, there is an account of the dedication of the Lacey Keosauqua State Park in Van Buren County by the same writer. In this number there is also a paper on *Bird Conservation*, by Althea R. Sherman.



The *Annals of Iowa* for July, 1920, contains reports of the Sac and Fox Indian councils of 1841 and 1842. The issue also contains a biographical sketch of John A. Kasson, written by himself in 1895, a paper on *The Mount Vernon Ladies' Association of the Union*, by Mrs. Horace M. Towner, and one on the *Span of the Great Ice Age*, by Charles Keyes. The October number contains some war reminiscences entitled *Incidents of an Iowa Soldier's Life, or Four Years in Dixie*, by Alonzo Abernethy, *Recollections of Marengo*, by Milo P. Smith, and *Memories of the Chicago Convention of 1860*, compiled by F. I. Herriott from interviews with Grenville M. Dodge and Charles C. Nourse.

The October, 1920, issue of *American Municipalities* contains the *Report of Committee on Home Rule*, by E. J. Quigley, an address on *Municipal Administration*, by Ralph H. Faxon, the *Report of Committee on Legislation*, by John E. Brindley, a discussion of *The Paving Situation in Iowa*, by Hugh H. McCleery, and a continuation of the *Report of the Committee on Judicial Decisions*, submitted by David Streiff. The November number contains an article by Mrs. William F. Parrott on *The Woman's Cabinet and Its Possibilities*, a discussion of the *City Manager Plan*, by O. E. Carr, the *Report of Committee on Utilities*, by Robert S. McNutt, a paper on *Municipal Accounting and Municipal Officials*, by A. B. Maxwell, and reminiscences entitled *The Old Guard*, by Chris Mathes.

## SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Aldrich, Bess Streeter,

*Last Night When You Kissed Blanche Thompson* (The American Magazine, August, 1920).

Andrew, L. A.,

*All Business Is Dependent on the Prosperity of Farmers* (The Northwestern Banker, December, 1920).

Andrews, L. F.,

*How the Lakes in Northern Iowa Got Their Names* (Okoboji Protective Association Bulletin No. 16).

Aurner, Clarence Ray,

*History of Education in Iowa*, Vol. V. Iowa City: The State Historical Society of Iowa. 1920.

Bennett, George,

*How Keosauqua Leads in Promoting Iowa's High Ideals* (Iowa Conservation, July-September, 1920).

Bess, Demaree C.,

*His African Honor is Inaugurated* (Travel, September, 1920).

Birge, E. A., (Joint author)

*A Limnological Reconnaissance of West Okoboji*. Iowa City: The State University of Iowa. 1920.

Briggs, John Ely,

*A Geological Palimpsest* (The Palimpsest, November, 1920).

Brown, Charles Ryenolds,

*Living Again*. Cambridge: Harvard University Press. 1920.

Butler, Ellis Parker,

*Jury of His Peers* (Everybody's Magazine, September, 1920).

Carolson, Avery L.,

*The Recall in Sioux City, Iowa* (National Municipal Review, November, 1920).

Clark, Howard Walton, (Joint author)

*Lake Maxinkuckee: A Physical and Biological Survey*. Indianapolis: The Department of Conservation. 1920.

Clarke, Charles F.,

*The Story of An American*. Privately printed. 1920.

Cole, Cyrenus,

*A Farmer's Story*. Cedar Rapids: The Torch Press. 1920.

Devine, Edward Thomas,

*Where High Prices Hurt Most* (The Survey, September 15, 1920).

Diehl, Clarence A.,

*Public Accountant Is Important Factor In Extending Credit* (The Northwestern Banker, October, 1920).

- Edwards, Alice Mavor,  
*As the Crow Flies* (The Iowa Alumnus, October, 1920).
- Edwards, J. L.,  
*Investors Should Be Encouraged to Carry More Farm Loans*  
(The Northwestern Banker, December, 1920).
- Evermann, Barton Warren, (Joint author)  
*Lake Maxinkuckee: A Physical and Biological Survey.* Indianapolis: The Department of Conservation. 1920.
- Faxon, Ralph H.,  
*Municipal Administration* (American Municipalities, October, 1920).
- Fitz, M. W.,  
*Suggestions on Bank Legislation* (The Northwestern Banker, December, 1920).
- Funk, A. B.,  
*A Record Worth While* (Okoboji Protective Association Bulletin No. 16).
- Garland, Hamlin,  
*Ulysses S. Grant; His Life and Character* (New Edition).  
New York: Macmillan Co. 1920.
- Goodrich, Herbert F.,  
*A Year's Work of the Iowa Supreme Court* (Iowa Law Bulletin, November, 1920).
- Gray, Donald S., (Joint author)  
*Soil Survey of Wayne County, Iowa.* Washington: United States Department of Agriculture. 1920.
- Griffith, Helen Sherman,  
*Oh, Virginia.* Philadelphia: Penn Publishing Co. 1920.
- Hall, James Norman, (Joint author)  
*Faery Lands of the Sea* (Harper's Magazine, November and December, 1920).
- Hansen, Marcus Lee,  
*Welfare Campaigns in Iowa.* Iowa City: The State Historical Society of Iowa. 1920.

Hanson, Leslie,

*Foreign Loans Help to Increase Activity in Investment Market*  
(The Northwestern Banker, November, 1920).

*Liquidation Movement Now Going Ahead Under Full Steam*  
(The Northwestern Banker, December, 1920).

*Small Investor Is Furnishing Capital for Bond Houses* (The  
Northwestern Banker, October, 1920).

Hathaway, Esse Virginia, (Joint author)

*The Sky Line in English Literature.* New York: D. C. Apple-  
ton Co. 1920.

Hefferan, Thomas E. M.,

*Helen of Tea: A Tale of Taste* (The Grinnell Review, Novem-  
ber, 1920).

Henderson, Rose,

*Tewa Corn Dance* (The Midland, December, 1920).

Hill, James L.,

*Revisiting the Earth.* Boston: Richard C. Badger. 1920.

Hochman, O.,

*Sewage and Sanitation* (American Municipalities, December,  
1920).

Hoover, Herbert Clark,

*Nationalized Power* (The Nation, September 18, 1920).

*Roosevelt and the Public Conscience* (The Journal of American  
History, July-December, 1919).

Horack, Frank Edward,

*Child Legislation in Iowa.* Iowa City: The State University  
of Iowa. 1920.

Horn, Ernest,

*What is a Project* (Elementary School Journal, October, 1920).

Hornaday, William Temple,

*The End of Game and Sport in America?* (Permanent Wild  
Life Protection Fund, Bulletin No. 7, May 20, 1920).

*The Tragedy of New York's "Buck Law"* (Permanent Wild  
Life Protection Fund, Bulletin No. 8, August, 1920).

- Hough, Emerson,  
*Maw's Vacation* (The Saturday Evening Post, October 16, 1920).  
*Pawning the Heirlooms* (The Saturday Evening Post, September 25, 1920).  
*The Trade of Letters* (The Iowa Alumnus, October, 1920).
- Hovde, Brynjolf J.,  
*Diplomatic Relations of the United States with Sweden and Norway*. Iowa City: The State University of Iowa. 1920.
- Hueston, Ethel,  
*Eve to the Rescue*. Indianapolis: Bobbs-Merrill Co. 1920.
- Hughes, Rupert,  
*Stick-in-the-Muds* (Collier's Weekly, September 25, 1920).
- Ingham, Harvey,  
*Spirit Lake Massacre* (Okoboji Protective Association Bulletin No. 16).
- Irish, John Powell,  
*Japanese Farmers in California*. Oakland: Published by the author. 1920.
- Johnson, William S.,  
*Crossing the Mississippi* (The Palimpsest, December, 1920).
- Juday, Chancey, (Joint author)  
*A Limnological Reconnaissance of West Okoboji*. Iowa City: The State University of Iowa. 1920.
- Knibbs, Henry Herbert,  
*Songs of the Trail*. Boston: Houghton Mifflin Co. 1920.
- Lavell, Cecil F.,  
*The Dogma of Equality* (The Grinnell Review, December, 1920).
- Le Roy, A. R.,  
*Increased Interest on Certificates* (The Northwestern Banker, December, 1920).
- Lloyd, O. G., (Joint author)  
*Farm Land Values in Iowa*. Washington: Government Printing Office. 1920.

- Loucks, Effie Wells,  
*Abbie Gardner Sharpe* (Okoboji Protective Association Bulletin No. 16).
- McCarty, Dwight G.,  
*Time Records for the Lawyer* (Iowa Law Bulletin, November, 1920).
- McCleery, Hugh H.,  
*The Paving Situation in Iowa* (American Municipalities, October, 1920).
- MacDonald, Thos. H.,  
*Uncle Sam Will Spend More for Good Roads Than Panama Canal* (The Northwestern Banker, November, 1920).
- MacLean, George Edwin,  
*Opportunities for Graduate Study in the British Isles*. New York: The Institute of International Education. 1920.
- Martin, Everett Dean,  
*The Behavior of Crowds*. New York: Harper Bros. 1920.
- Mendenhall, Walter L.,  
*Why Do We Wink* (Okoboji Protective Association Bulletin No. 16).
- Merry, Glenn Newton,  
*The Principles of Speaking: A Text-book for an Introductory Course*. Iowa City: Published by the author. 1920.
- Mott, Frank Luther,  
*The Man With the Good Face* (The Midland, December, 1920).  
*Neihardt and His Epic Cycle* (The Grinnell Review, November, 1920).
- Nollen, John S.,  
*Armistice Day — Three Letters* (The Grinnell Review, December, 1920).  
*Berlin Revisited* (The Grinnell Review, November, 1920).  
*The Dilemma of France* (The Grinnell Review, October, 1920).
- Nutting, Charles Cleveland,  
*Values*. Iowa City: The State University of Iowa. 1920.

- Ogle, W. E.,  
*Taxation and Assessments* (American Municipalities, December, 1920).
- Pammel, L. H.,  
*The Lake of Iowa* (Okoboji Protective Association Bulletin No. 16).
- Parish, John Carl,  
*Father Mazzuchelli* (The Palimpsest, October, 1920).
- Parkhurst, Clinton,  
*A Few Martial Memories* (The Palimpsest, October, 1920).
- Patrick, George Thomas White,  
*The Psychology of Social Reconstruction*. Boston: Houghton Mifflin Co. 1920.
- Payne, Charles E.,  
*A Constructive American* (The Grinnell Review, November, 1920).
- Perkins, Rollin M.,  
*Uniformity in Uniform Legislation* (Iowa Law Bulletin, November, 1920).
- Poor, Ben P.,  
*General Powers of Cities* (American Municipalities, December, 1920).
- Reynolds, Conger,  
*Petits Souvenirs de France* (The Iowa Alumnus, December, 1920).
- Richter, Aug. P.,  
*Clint Parkhurst* (The Palimpsest, December, 1920).
- Roberts, George E.,  
*How the Federal Reserve Eases the Crisis* (The American Review of Reviews, January, 1921).  
*We Must Rise or Fall Together* (The Forum, September, 1920).
- Russell, William F.,  
*School Finance in Iowa Cities*. Iowa City: The University of Iowa. 1920.

Sabin, Edwin Legrand,

*Boys' Book of Border Battles.* Philadelphia: Jacobs & Co.  
1920.

*Into Mexico with General Scott.* Philadelphia: Lippincott Co.  
1920.

Schlesinger, Arthur M.,

*The Problem of Teaching Recent American History* (The Historical Outlook, December, 1920).

Seerley, Homer Horatio,

*Recruiting the Teaching Profession* (Education, September, 1920).

Sherman, Althea R.,

*Bird Conservation* (Iowa Conservation, July-September, 1920).

Smertenko, Johan J.,

*Another Pioneer Enterprise* (The Grinnell Review, October, 1920).

Smith, Alice G.,

*Winter Birds* (Okoboji Protective Association Bulletin No. 16).

Smith, Lewis Worthington, (Joint author)

*The Sky Line in English Literature.* New York: D. Appleton & Co. 1920).

Starch, Daniel,

*Which Are Smarter, Men or Women?* (The American Magazine, September, 1920).

Stefánsson, Vilhjálmur,

*The Region of Maximum Inaccessibility in the Arctic* (The Geographical Review, September, 1920).

Steiner, Edward A.,

*The Tragedy of Race* (The Grinnell Review, October, 1920).

Stevens, A. O.,

*Arnolds Park* (Okoboji Protective Association Bulletin No. 16).



- Stinchfield, Sara M.,  
*A Preliminary Study in Corrective Speech.* Iowa City: The State University of Iowa. 1920.
- Stoner, Dayton,  
*Nesting Habits of the Hermit Thrush in Northern Michigan.*  
Iowa City: The State University of Iowa. 1920.
- Taylor, Alonzo Englebert,  
*Economic Consequences of the Peace* (The Saturday Evening Post, September 25, 1920).
- Trowbridge, Arthur C.,  
*The Erosional History of the Driftless Area.* Iowa City: The State University of Iowa. 1921.
- Van Alstine, H. S.,  
*Why Farm Loan Tax Exemption Does Not Help the Farmer*  
(The Northwestern Banker, November, 1920).
- Van der Zee, Jacob,  
*Indexing the Compiled Code* (The Iowa Journal of History and Politics, October, 1920).  
*A Review of the Work of the Iowa Code Commission* (The Iowa Journal of History and Politics, October, 1920).
- Walleser, Joseph,  
*The Shark Hook* (The Grinnell Review, December, 1920).
- Wetherell, Frank E.,  
*Des Moines' Newest Diagonal Thoroughfare* (The American City, October, 1920).
- Wiechmann, P. C., (Joint author)  
*Soil Survey of Wayne County, Iowa.* Washington: United States Department of Agriculture. 1920.
- Wohlenberg, C. J.,  
*Farmer Should Keep an Accurate Record of Production Expenses* (The Northwestern Banker, December, 1920).
- Wylie, Robert B.,  
*The Larger Plants of Lake Okoboji* (Okoboji Protective Association Bulletin No. 16).

## SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

A true history of Scott County, by August P. Richter, running in the Sunday editions of the *Davenport Democrat*.

Iowa's part in the World War, in the *Webster City Journal*, October 1, 1920.

Linn County's loss in the World War, in the *Waterloo Courier*, October 1, 1920.

Some old settlers in Pottawattamie, Mills, and Montgomery counties, in the *Council Bluffs Nonpareil*, October 2, 1920.

Frontier sketches, in the *Burlington Saturday Evening Post*, October 2, 1920.

Early days of Audubon County, in the *Exira Journal*, October 7, 14, 21, and 28, and November 4, 1920.

Early history of West Bend, in the *Algona Advance*, October 7, 1920.

Reminiscences of Springdale, by Nathan W. Macy, in the *Council Bluffs Nonpareil*, October 9, 1920.

Across the plains in 1864, by John S. Collingwood, in the *Burlington Saturday Evening Post*, October 9, 16, 23, and 30, November 6, 13, 20, and 27, and December 4, 11, 18, and 25, 1920.

A tourist's manual and guide to the upper Mississippi River, edited by Fred A. Bill, in the *Burlington Saturday Evening Post*, October 16 and 23, November 6 and 27, and December 5, 1920.

Sketch of the life of Peter Gunzenhauser, an early settler at Amana, in the *Marengo Republican*, October 20, 1920.

The old mill at Brighton, in the *Oskaloosa Herald*, October 22, 1920, the *Ottumwa Courier*, October 26, 1920, and the *Fairfield Journal*, October 28, 1920.

Old Rochester and its early pioneers, in the *Cedar Rapids Gazette*, October 23, 1920.

Early settlers of Clarke County, in the *Osceola Tribune*, October 28, 1920.

- Fifty years of the *Spirit Lake Beacon*, in the *Spirit Lake Beacon*, October 28, 1920.
- Floyd County history, in the *Charles City Intelligencer*, October 28, 1920.
- Fiftieth anniversary of the *Storm Lake Pilot*, in the *Storm Lake Tribune*, October 30, 1920.
- The old boats, by Fred A. Bill, in the *Burlington Saturday Evening Post*, October 30, and December 4 and 18, 1920.
- What does "Iowa" mean?, in the *Sioux City Journal*, November 1, 1920, and the *Mason City Gazette*, November 24, 1920.
- Passing of the Coliseum at Burlington, in the *Burlington Hawk-Eye*, November 2, 1920.
- Sketch of the life of James M. Pierce, in the *Council Bluffs Nonpareil*, November 3, 1920.
- Sketch of the life of Mrs. Cynthia Walton, in the *Bloomfield Democrat and Republican*, November 4, 1920.
- Fiftieth anniversary of the Merchants National Bank, in the *Burlington Saturday Evening Post*, November 6, 1920.
- Sketch of the career of W. J. Butler, in the *Iowa City Press*, November 8, 1920.
- Old courthouse at Rochester, Cedar County, in the *Knoxville Express*, November 10, 1920, the *Garner Democrat*, and the *Sac City Sun*, November 11, 1920.
- An Iowa blizzard in early days, in the *Spirit Lake Beacon*, November 11, 1920.
- Sketch of the life of George W. Fitch, in the *West Union Union*, November 11, 1920, and the *Oelwein Iowan*, November 12, 1920.
- Buffalo bones in marsh at Fertile, in the *Dubuque Telegraph-Herald*, November 13, 1920.
- Constitutional conventions in Iowa, in the *Centerville Iowegian*, November 23, 1920, the *Greenfield Free Press*, November 25,

1920, the *Mt. Vernon Record*, December 8, 1920, and the *Knoxville Express*, December 8, 1920.

Thanksgiving day in Iowa, in the *Atlantic News*, November 24, 1920, the *Ottumwa Courier*, November 25, 1920, and the *Boone News*, November 27, 1920.

Brief sketch of Ackworth Institute, by Jephtha W. Morgan, in the *Indianola Advance-Tribune*, November 25, 1920.

Sketch of the life of Thomas Hedge, in the *Burlington Hawk-Eye* and the *Keokuk Gate City*, November 30, 1920, and the *Emmetsburg Reporter*, December 2, 1920.

Sketch of the life of Eber Palmer, in the *Spirit Lake Beacon*, December 2, 1920.

Francis Scott Key in Iowa, by C. L. Lucas, in the *Madrid News*, December 2, 1920.

Anniversary of first Masonic lodge in Iowa, at Burlington, in the *Iowa City Press*, December 8, 1920.

Early history of Jackson County, by T. E. Blanchard, in the *Sabula Gazette*, December 9, 16, 23, and 30, 1920.

Some famous trees in Iowa, in the *Marathon Republic*, December 9, 1920.

Sketch of the lives of Mr. and Mrs. L. A. Clemons, in the *Storm Lake Tribune*, December 10, 1920.

Sketch of the life of M. H. McCarthy, in the *Dubuque Journal*, December 12, 1920.

Early days in Logan, in the *Logan Observer*, December 16, 1920.

Meetings at Brittain's Grove, in the *Knoxville Express*, December 22, 1920.

Some Warren County history, in the *Indianola Record*, December 22, 1920.

A daughter of Betsy Ross at Fort Madison, in the *Marshalltown Times-Republican*, December 23, 1920.

Early day blizzard tales, in the *Sac City Sun*, December 23, 1920.

- Indian view of Custer defeat, in the *Davenport Times*, December 24, 1920.
- The old log cabins, in the *Des Moines Register*, December 26, 1920.
- Memorial to Judge O. P. Shiras, in the *Dubuque Journal*, December 26, 1920.
- Sketch of the life of Asa L. Plummer, in the *Des Moines Register*, December 26, 1920, and the *Des Moines Plain Talk*, December 30, 1920.
- Mastodon tusk found in Iowa, in the *Des Moines Register*, December 27, 1920.
- Iowa seventy-four years old, in the *Des Moines Tribune*, December 27, 1920.
- Pilgrims of Iowa, in the *Shenandoah Post*, December 27, 1920.
- Historical sketch of Iowa, in the *Iowa City Press-Citizen*, December 29, 1920.
- Constitutional conventions in Iowa, in the *Ottumwa Courier*, December 30, 1920.
- Origin of the name "Iowa", in the *Keokuk Gate City*, December 31, 1920.
- Early days in Page County, in the *Shenandoah World*, December 31, 1920.

## HISTORICAL SOCIETIES

### PUBLICATIONS

The *Journal of Governor John Sevier*, edited by John H. De Witt, is included in the April, 1920, number of the *Tennessee Historical Magazine*.

The *Quarterly Publication of the Historical and Philosophical Society of Ohio* for July-September, 1920, contains a second installment of *Selections from the Gano Papers*, relating to early militia organization in Ohio.

*Ewing Young and His Estate: A Chapter in the Economic and Community Development of Oregon*, by F. G. Young, fills *The Quarterly of the Oregon Historical Society* for September, 1920. Young was the leader of the first community enterprise in Oregon.

Students of western American history will be interested in the *Log of the Columbia, 1790-1792*, which is printed in volume fifty-three of the *Proceedings of the Massachusetts Historical Society*.

The *Minnesota History Bulletin* for August, 1920, contains Frederick J. Turner's address on *Middle Western Pioneer Democracy* delivered at the dedication of the Minnesota Historical Society building on May 11, 1918. An account of the dedication exercises is included in this number.

A fifth installment of *Mirabeau Buonaparte Lamar*, by A. K. Christian, and a continuation of the *Minutes of the Ayuntamiento of San Felipe de Austin, 1828-1832*, edited by Eugene C. Barker, are two of the papers in *The Southwestern Historical Quarterly* for October, 1920.

A biographical sketch of Jedediah Peck, known as the father of the public school system in New York, by Sherman Williams, and an article on *Rochester and the Shoe Industry*, by Edgar P. Reed, are two of the contributions to *The Quarterly Journal of the New York State Historical Association* for October, 1920.

*Abraham Lincoln in Pittsburgh and the Birth of the Republican Party*, by Charles W. Dahlinger, is the chief contribution to the *Western Pennsylvania Historical Magazine* for October, 1920. There is also a short account of *The Old Indian Burying Ground*, by Stephen Quinon, reprinted from *The Pittsburgh Times*.

*Christopher Harrison*, by Martha Tucker Morris, *The Savage Allies of The Northwest*, by Elmore Barce, and a continuation of *The Temperance Movement In Indiana*, by Charles E. Canup, are the three articles which appear in the *Indiana Magazine of History* for June, 1920. The entire September issue is taken up by a monograph on *The Progressive Party in Indiana*, written by Carl Painter.

*The First Militia Companies in Eastern Washington Territory*, by William S. Lewis, *An Old Quaker Magazine*, by Charles W. Smith, *Bibliography of the Anthropology of Puget Sound Indians*, by J. D. Leechman, a continuation of the *Origin of Washington Geographic Names*, by Edmond S. Meany, and another installment of *The Nisqually Journal*, edited by Victor J. Farrar, are articles and papers in *The Washington Historical Quarterly* for October, 1920.

*Protestantism in Illinois Before 1835*, by Harry Thomas Stock, is one of the articles found in the *Journal of the Illinois State Historical Society* for April, 1919. Even at this early period these pioneer preachers were outspoken opponents of slavery and the liquor traffic. Other articles in this number are: *Early History of Paxton, Illinois*, by Oren B. Taft; *History of the Poll Tax in Illinois*, by M. K. McKay; and *Who Were the Mound Builders?*, by John G. Keplinger.

*The American Historical Review, 1895-1920*, by J. Franklin Jameson, a second installment of *New Light on the Origins of the World War*, by Sidney B. Fay, and *The American War Government, 1917-1918*, by Frederic L. Paxson, are three of the contributions to the October, 1920, number of *The American Historical Review*.

The issue of *The Georgia Historical Quarterly* for June-Septem-

ber, 1920, is in the form of a handbook of the Georgia Historical Society. Among other things this number contains the following: the new constitution of the Society, adopted August 2, 1920, a brief list of publications, the proceedings of the Society at its eighty-first annual meeting, and an account of the consolidation of the Georgia Historical Association with the Georgia Historical Society.

*The Trails of Northern Wisconsin*, by James H. McManus, *Colonel Hans Christian Heg*, by Theodore C. Blegen, *The Panic of 1862 in Wisconsin*, by M. M. Quaife, *Historic Spots in Wisconsin*, by W. A. Titus, and *Co-Operation Between the State Historical Society and Local Societies*, by Joseph Schafer, are the contributions to *The Wisconsin Magazine of History* for December, 1920. A second installment of *Letters of a Badger Boy in Blue: Life at Old Camp Randall* is included. These were written by Chauncey H. Cooke.

*The Louisiana Territory from 1682-1803*, by Cardinal Goodwin, one of the papers in *The Louisiana Historical Quarterly* for January, 1920, contains much early history of interest to all students of Mississippi Valley history. Other articles and papers in this number are: *History of Natchitoches*, by Milton Dunn; *The Story of the Ancient Cabildo*, by Charles Patton Dimitry; *The Founding of New Orleans*, by Delvaile H. Théard; *Cabildo Archives*, edited by Henry P. Dart; *The Controversy on Lafitte's Biography*, a paper by Gaspar Cusachs; *History of the Louisiana Historical Society*, by W. O. Hart; *The Old "Mobile Landing," Head in New Orleans*, by Charles Patton Dimitry; and an address by Andre Lafargue.

*The Expedition of Celoron*, by C. B. Galbreath, *Celoron's Journal*, edited by A. A. Lambing, *De Celoron's Expedition to the Ohio in 1749*, by O. H. Marshall, *Origin of Indian Names of Certain States and Rivers*, by William E. Connelley, and an *Account of the Voyage on the Beautiful River Made in 1749, Under the Direction of Monsieur De Celoron*, written by Father Bonnecamps soon after Celoron's expedition, are among the papers and articles in the *Ohio Archaeological and Historical Quarterly* for October, 1920.

*The Annual Report of the American Historical Association*, for



1917, contains the proceedings of the thirty-third annual meeting of the Association and various other reports. Among the papers included in the volume are the following: *The Editorial Function in United States History*, by Worthington C. Ford; *The Association*, by J. Franklin Jameson; *To What Extent Was George Rogers Clark in Military Control of the Northwest at the Close of the American Revolution?*, by James A. James; *Separatism in Utah, 1847-1870*, by Franklin D. Daines; and *A Generation of American Historiography*, by William A. Dunning.

The *Proceedings of The Mississippi Valley Historical Association, 1918-1919*, is issued as an extra number of *The Mississippi Valley Historical Review*, for July, 1920. In addition to the proceedings of the twelfth annual meeting held at St. Louis, Missouri, May 8-10, 1919, this number contains the following papers and addresses: *Following the Westward Star*, by Chancellor L. Jenks; *The Commerce of the Lower Mississippi in the Period 1830-1860*, by R. B. Way; *The Mexican Problem: A Possible Peaceful Solution*, by Isaac Joslin Cox; *The Attitude of Swedish Americans Toward the World War*, by George M. Stephenson; *Texas and the Preservation of War History Materials*, by Milton R. Gutsch; *Louisiana State War Activities*, by William Beer; *Constitution Making in Missouri*, by C. H. McClure; *Banking and Finance in Missouri in the Thirties*, by F. F. Stephens; *The Jesuit in the Mississippi Valley*, by Laurence J. Kenny; and a series of reports on changes in history teaching after the war by W. C. Reavis, J. R. H. Moore, E. M. Violette, and R. B. Way. The September number of the *Review* contains three articles: *Henry S. Lane and the Formation of the Republican Party in Indiana*, by Walter Rice Sharp; *Kentucky's Struggle with Its Loyalist Proprietors*, by Wilbur H. Siebert; and *Historical Activities in the Old Northwest*, by Arthur C. Cole. In addition Raymond G. Taylor contributes *Some Sources for Mississippi Valley Agricultural History* and Walter L. Fleming presents *Some Documents Relating to Jefferson Davis at West Point*.

#### ACTIVITIES

The State Historical Society of Missouri has very largely increased its membership during the past year, its list of individual members numbering at the present time more than eleven hundred.

The Nebraska State Historical Society will hold its forty-fourth annual meeting at Lincoln, Nebraska, January 11 and 12, 1921. Among the papers announced are the following: "Peter A. Sarpy, Pioneer and Fur Trader", by Michael A. Shine; "Base Hospital 49 in the World War", by Arthur C. Stokes; "The American Legion in Nebraska", by Robert G. Simons; and "The Nebraska State Government in the World War", by Keith Neville. An unusual feature of the program is the concert of Indian music.

The American Historical Association held its thirty-fifth annual meeting at Washington, D. C., December 27-30, 1920. The American Political Science Association, the American Sociological Society, the American Catholic Historical Association, the Mississippi Valley Historical Association, and the Agricultural History Society held meetings at the capital during the same week. A large number of papers and addresses were presented. The presidential address was delivered by Edward Channing, the title being "An Historical Retrospect". Jean Jules Jusserand, French ambassador to the United States, was chosen president for the ensuing year; Charles H. Haskins, first vice president; Edward P. Cheyney, second vice president; John Spencer Bassett, secretary; and Charles Moore, treasurer.

The midwinter meeting of the Mississippi Valley Historical Association constituted a part of the program of the American Historical Association meeting at Washington. On the evening of December 28, the Association held a subscription dinner at which Frederick J. Turner of Harvard University gave an informal address. On December 29 the Association joined with the American Historical Association in a session devoted to American history.

The Conference of Historical Societies and the National Association of War History Organizations held a joint session on December 28 in connection with the meeting of the American Historical Association. Albert E. McKinley of the University of Pennsylvania and Karl Singewald of the War History Commission of Maryland read papers on the subject of war history, and Joseph Schafer of the State Historical Society of Wisconsin presented a paper on "Federation of Historical Societies within the State".

The discussion of this paper was led by Worthington C. Ford of the Massachusetts Historical Society.

The Historical Society of Marshall County has prepared a program of meetings for the winter of 1920-1921. At the meeting at Marshalltown held on October 29, 1920, Edward B. T. Spencer of Grinnell gave an illustrated lecture on "Cliff Dwellings of the Mesa Verde". John C. Parish of The State Historical Society of Iowa was the speaker at the meeting on November 19, discussing "The Story of Iowa". The meeting on December 20 was devoted to the Tercentenary Celebration of the Landing of the Pilgrims. The address was delivered by E. R. Harlan, Curator of the Historical Department. On January 19, 1921, C. Ray Aurner discussed "The Laboratory Method of Making Iowa Stories", and Louis Pelzer of the State University of Iowa will speak on the subject "The Soldier in Early Iowa History" at the meeting on February 11, 1921.

#### THE STATE HISTORICAL SOCIETY OF IOWA

John C. Parish, the Associate Editor of the Society, was re-elected secretary of the Conference of Historical Societies at their meeting held at Washington, D. C., on December 28, 1920. This Conference includes about five hundred historical societies throughout the United States and Canada.

The fifth volume in the *History of Education in Iowa*, by Clarence Ray Aurner, published by the Society, has now been distributed. It presents the history of six institutions provided by the State for the education and care of unfortunate or defective children: the College for the Blind, the School for the Deaf, the Soldiers' Orphans' Home, the Institution for the Feeble-Minded, and the two Reform or Industrial Schools.

Benjamin F. Shambaugh, the Superintendent of The State Historical Society of Iowa, attended the Second Annual Conference on Indiana History which was held at Indianapolis, Indiana, on December 10 and 11, 1920, under the auspices of the Society of Indiana Pioneers. Professor Shambaugh delivered an address on

"Our History" at the evening session of the conference on December 10, and led the discussion of the topic "Historical Teamwork" at the meeting the following morning. He was also one of the speakers at the annual dinner of the Society of Indiana Pioneers, where the general theme was "The Centennial Spirit".

The first volume in the series *Iowa Chronicles of the World War* has recently been published by The State Historical Society. It is the work of Marcus Lee Hansen and is a study of the campaigns for funds conducted in the State by the seven organizations officially recognized as welfare agencies during the World War—the Young Men's Christian Association, Knights of Columbus, American Library Association, Young Women's Christian Association, Salvation Army, Jewish Welfare Board, and War Camp Community Service. A second volume by the same author on the work of these organizations is now in press.

The following persons have recently been elected to membership in the Society: Mr. W. A. Butzloff, Belle Plaine, Iowa; Rev. R. C. Cully, Vinton, Iowa; Mr. C. E. Germane, Des Moines, Iowa; Miss Gertrude Graham, Atlantic, Iowa; Mr. J. C. Mabry, Albia, Iowa; Mr. E. D. Michael, Selma, Iowa; Mr. Edward L. O'Connor, Iowa City, Iowa; Mr. M. D. Porter, Cedar Rapids, Iowa; Mrs. H. J. Prentiss, Iowa City, Iowa; Mrs. Charles von Schrader, Maquoketa, Iowa; Mr. U. G. Whitney, Des Moines, Iowa; Mr. Ray Yenter, Iowa City, Iowa; Mr. Ben C. Abben, Jr., Little Rock, Iowa; Mr. Wm. Andrews, Morse, Iowa; Mr. W. S. Baird, Council Bluffs, Iowa; Mr. L. F. Benz, Lawler, Iowa; Mr. Wm. R. Blake, Clermont, Iowa; Mr. J. C. Calhoun, Keosauqua, Iowa; Mr. C. W. Elson, Corydon, Iowa; Dr. H. C. Eschbach, Albia, Iowa; Mr. A. B. Funk, Des Moines, Iowa; Mr. W. G. Gordon, Estherville, Iowa; Mr. W. J. Greenell, Clinton, Iowa; Mr. Otto F. Hanzlik, Cedar Rapids, Iowa; Mr. E. P. Harrison, Oakland, Iowa; Mr. Geo. S. Hartman, Fayette, Iowa; Mr. E. P. Healy, Britt, Iowa; Mr. W. F. Kopp, Mt. Pleasant, Iowa; Mr. E. A. Larson, Red Oak, Iowa; Mr. Wm. L. Long, Fairfield, Iowa; Mr. I. A. Loose, Thurman, Iowa; Mr. H. J. Mantz, Audubon, Iowa; Mr. Chas. E. Miller, Albia, Iowa; Mr. R. O. Miller, Lucas, Iowa; Mr. H. B. Moorhead, Daven-

port, Iowa; Mr. O. A. Ontjes, Holland, Iowa; Mr. James Peters, Perry, Iowa; Mr. C. B. Santee, Cedar Falls, Iowa; Mr. W. H. Scott, Nashua, Iowa; Miss Estella Swem, Cedar Rapids, Iowa; Dr. John Voss, Iowa City, Iowa; Mr. Chas. F. Brady, Mason City, Iowa; Mr. Geo. R. Crosley, Webster City, Iowa; Rev. E. J. Dougherty, Oelwein, Iowa; Mr. Charles L. Dyke, Iowa City, Iowa; Mr. O. Gilbertson, Decorah, Iowa; Mr. E. A. Grimwood, Oxford Junction, Iowa; Mr. F. J. Hanlon, Mason City, Iowa; Mr. Glenn C. Haynes, Mason City, Iowa; Dr. G. M. Middleton, Davenport, Iowa; Mr. Charles Olson, Beaver, Iowa; Mr. John Orr, Thornburg, Iowa; Mr. F. D. Pearce, Mason City, Iowa; Mr. John M. Rankin, Keokuk, Iowa; Mr. Ralph L. Rumley, Leon, Iowa; Mr. W. F. Schirmer, Bellevue, Iowa; Mr. Geo. F. Slemmons, Independence, Iowa; Mrs. Tressa M. Trumbauer, Waterloo, Iowa; Mr. T. C. Whitmore, Atlantic, Iowa; Mr. W. H. Vance, Winterset, Iowa; and Rev. A. J. Zaiser, Fort Madison, Iowa.

## NOTES AND COMMENT

A list is being compiled of all persons over fifty years of age who have lived all their lives in Ringgold County. It is hoped that the list may be published when completed.

The Iowa State Conference of Social Work held its annual meeting at Des Moines, October 17-19, 1920. Plans for a five year program of social work were discussed.

The American Political Science Association held its sixteenth annual meeting at Washington, D. C., December 28-30, 1920. Leo S. Rowe was chosen president of the Association and Frederic A. Ogg was reëlected secretary.

A granite marker has been erected at Brittain's Grove in Van Buren County, locating the first over-night stop of the Mormons after leaving Nauvoo. The grove is also of historical interest because of the public meetings held there on various occasions.

The State park at Keosauqua, Van Buren County, was dedicated on October 26 and 27, 1920.

The twenty-ninth annual meeting of the Iowa Library Association was held at Des Moines, October 12-14, 1920. J. B. Weaver gave the opening address on the subject "Back to the Old Farm". A pageant "The Legend Bearers' Gift", by Esse V. Hathaway, was presented, followed by a talk on "Practical Pageantry". A speech on "Literature and Changing Standards of Life", by J. D. Stoops, and the reading of his poems by Carl Sandburg of Chicago were other features of the program. The following officers were elected for the coming year: president, C. W. Sumner; vice presidents, Callie Wieder and C. V. Findlay; secretary, Mary E. McCoy; treasurer, Jessie Swem; and registrar, Annie Allen.

JAMES M. PIERCE

James Melville Pierce was born in Richland County, Ohio, on May 9, 1848, and as a boy became a printer's apprentice in a news-

paper office in Mansfield, Ohio. In 1866 he moved to northern Missouri, where he engaged in farming and later became the editor of a newspaper. This work he continued after his removal to Iowa where he published the *Taylor County Republican* at Bedford and the *Osceola Sentinel* at Osceola. In 1885 Mr. Pierce became the publisher of *The Iowa Homestead* at Des Moines and a few years later he added two other farm papers—*The Wisconsin Farmer* and *The Farmer and Stockman*. This work he continued until his death on November 1, 1920.

In addition to his interest in agricultural matters, James M. Pierce was influential in politics and took an active part in many of the national and State campaigns, though he never held an office.

## CONTRIBUTORS

JOHN FAIRFIELD SLY, Instructor in Political Science at the State University of Iowa. Born in New York City, February 7, 1893. Received the degree of B. A. from the Iowa State Teachers College, 1917.

JOHN EDWIN BRINDLEY, Professor of Economic Science at the Iowa State College of Agriculture and Mechanic Arts. Received the degree of Doctor of Philosophy from the State University of Iowa in 1911. Author of *History of Taxation in Iowa* and *History of Road Legislation in Iowa*. (See also THE IOWA JOURNAL OF HISTORY AND POLITICS for January, 1909, p. 176.)

FRANK EDWARD HORACK, Professor of Political Science at the State University of Iowa. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for October, 1915, p. 615.)



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VOL. XIX—11



## OFFICIAL ENCOURAGEMENT OF IMMIGRATION TO IOWA

In the days immediately following the close of the World War, when the incidents of that struggle were still vividly remembered, the legislature of the State of Iowa enacted statutes intended to aid in Americanizing the people within its bounds.<sup>1</sup> Legislation such as this is a confession that some of the inhabitants of the State are still aliens in language and perhaps in spirit; and provokes a thorough study of the circumstances surrounding the planting of foreign communities on Iowa soil, for the story of the immigrant was not always completed when the incoming alien first found himself on the streets of an American seaboard town. Where in the wide land before him should his permanent abiding place be? In his answer to this question he was guided by motives that are of the greatest significance in our understanding of his subsequent relation to the new country. His choice of location may have been influenced or determined by free lands, political and religious conditions, groups of fellow countrymen already settled in a State or Territory, the solicitation of land and railroad companies, or the invitation of the State or community. The problem of this study is to discover how far the State of Iowa, which is now charged with the responsibility of educating its people in American ideals, was responsible for the decision of foreigners to make their homes upon its fertile prairies.

<sup>1</sup> The statutes referred to are: "An Act requiring the use of the English language as the medium of instruction in all secular subjects in all schools within the state of Iowa" and "An Act requiring the teaching of American citizenship in the public and private schools located in the state of Iowa and providing for an outline of such subjects."— *Laws of Iowa*, 1919, pp. 219, 535.

The original pioneers of Iowa were distinctly American: the census of 1850, the first in which nativities were recorded, indicates this fact. Of those born without the State of Iowa, natives of Ohio led, with Indiana as second. Pennsylvania, the New England States, Kentucky, and Tennessee also contributed important elements. Of the 192,214 inhabitants in Iowa at that time, 20,969 were foreign born—eleven per cent. Neighboring States, however, exhibited larger proportions: in Illinois and Missouri approximately thirteen per cent and in Wisconsin thirty-six per cent had been born in foreign lands.<sup>2</sup> A decade later, an increase had taken place in all the States of the Upper Mississippi Valley, with the exception of Wisconsin which exhibited the same figure. Fourteen per cent in Missouri, sixteen per cent in Iowa, nineteen per cent in Illinois, and thirty-four per cent in Minnesota were foreign born.<sup>3</sup> Slavery, which led immigrants to shun the southern States, tended also to keep settlers from Missouri. "No German ought to live in a slave state", declared Eduard Zimmerman in a sketch describing his visit to Missouri.<sup>4</sup> His advice was followed. The inflow of Germans which had early set in toward that State was checked, the stream being deflected to other parts of the then Northwest, but Iowa did not receive from the first great wave of nineteenth century immigration a share equal to that of her neighboring free States.

Geography was an important factor in distribution. A map in the *Ninth Census of the United States*, 1870, illustrates graphically the influence of physical features. The darkest coloring, indicating the greatest number of foreign-born, is placed as a heavy border along the seacoast and

<sup>2</sup> *Seventh Census of the United States*, 1850, pp. xxxvi, 663, 717, 925, 948.

<sup>3</sup> *Eighth Census of the United States*, 1860, Population, p. xxxi.

<sup>4</sup> Zimmerman's *Travel into Missouri in October, 1838*, in *The Missouri Historical Review*, Vol. IX, p. 41.

the shores of the Great Lakes with strips of shading marking the course of the rivers and canals.<sup>5</sup> This was only natural. When the tedious and unpleasant ocean voyage had been completed many of the immigrants were ready to remain on the first land they reached. Others who had their faces set toward the West continued their journey but when lake and river steamer or canal boat finally deposited them at some frontier settlement they had no desire to purchase the equipment necessary for an overland journey and push onward across the prairies. They were not impelled by the motive of some early American pioneers who were driven by an eager desire to escape from all society. The most accessible location where land for a home was available was the abiding-place of the foreigner.<sup>6</sup>

In this respect Iowa was at a disadvantage during the decade of the forties. Railroads had not yet bound it to the navigation of the Great Lakes and immigrants ascending the Mississippi River found desirable homes on the eastern side above the Ohio, or were tempted to ascend the tributaries that flowed through the fertile Illinois prairies long before the lands of Iowa revealed themselves on the western bank. In the following decade other deterrent factors were at work.<sup>7</sup>

<sup>5</sup> *Ninth Census of the United States, 1870, Population and Social Statistics*, p. 297.

<sup>6</sup> This trait of the American pioneer is widely commented on by foreign travellers. On the road to Pittsburgh an observer noted, "Americans rarely remain here; they clear the wood, patch up a log house, and sell it to those emigrants who do not like the hard work of the pioneer."—Pulszky's *White, Red, Black, Sketches of American Society*, Vol. I, p. 267.

<sup>7</sup> Not until the early months of 1854 was the first continuous railway connection between Chicago and the Mississippi established by the completion of a line to Rock Island.—Cole's *The Era of the Civil War*, p. 41. This volume is the third volume of *The Centennial History of Illinois*. Before Chicago became the commercial metropolis of Illinois, the largest German settlements were located in the southern counties opposite St. Louis.—Beinlich's *The Latin*

When once a colony of one nationality has been formed in a certain location it acts as a lode to draw arriving fellow-countrymen. Few emigrants leave foreign shores with the intention of forgetting their past, and a settlement where the old language may be spoken and old customs retained makes a persuasive appeal. Wisconsin was, for some reason, an early favorite of German investigators. Emigration societies that studied the question of location reported it as first in the matter of natural advantages, resources, and climate. Guide books and pamphlets distributed in Germany repeated the statements, while a pioneer of that day declared: "In New York, every hotel keeper and railroad agent, every one who was approached for advice, directed men to Wisconsin."<sup>8</sup> Nor were Germans the only element attracted to this northern State. Parties of Norwegians made Wisconsin their destination; and an Englishman who had walked from Upper Canada through Michigan and Indiana found it the most desirable territory he had seen.<sup>9</sup>

An added impetus to this movement was given in 1852 when the legislature provided for the appointment of a Commissioner of Immigration who was to reside in the city of New York and give the newcomers information regarding the advantages offered by Wisconsin. Though this was the only authorized State agency and it had to compete with the efforts of land agencies and the employment bureaus maintained by railroad contractors, it was, nevertheless, successful in inducing thousands of settlers to make

*Immigration in Illinois in Transactions of the Illinois State Historical Society, 1909, p. 212.*

<sup>8</sup> Everest's *How Wisconsin Came by its Large German Element in Wisconsin Historical Collections*, Vol. XII, pp. 310, 318.

<sup>9</sup> Flom's *A History of Norwegian Immigration to the United States*, p. 381; Quaipe's *An English Settler in Pioneer Wisconsin*, p. 39, *Wisconsin Historical Collections*, Vol. XXV.

Wisconsin their destination. The office, however, was abolished by law in 1855.<sup>10</sup> At a time when in many States there was growing opposition to the participation of recent immigrants in politics another inducement was offered by Wisconsin in the form of generous provisions regarding the elective franchise: the Constitution of 1848 extended the right to vote to foreign-born male residents who had declared their intention of becoming citizens and possessed the other prescribed qualifications.<sup>11</sup>

In the meantime what efforts did Iowa make to parallel these activities of her neighbor? None at all. The average native born pioneer possessed a deeply-rooted prejudice against foreigners. Open and frank, hospitable and friendly to all that met him half-way, the unavoidable clannishness of the foreigners repelled him immediately. Moreover, with a profound faith in the superiority of all American institutions he looked upon the outlandish garb, unknown tongue, strange religion, and peculiar customs of the alien settlers as dangerous characteristics which threatened to subvert the foundations of the government.<sup>12</sup> Conse-

<sup>10</sup> Governor's *Message and Documents* (Wisconsin), 1854, Document C; Everest's *How Wisconsin Came by its Large German Element in Wisconsin Historical Collections*, Vol. XII, pp. 314, 319-321.

<sup>11</sup> Poore's *The Federal and State Constitutions, Colonial Charters, and other Organic Laws of the United States*, Pt. II, p. 2030.

<sup>12</sup> The testimony upon the attitude of the pioneers towards the foreigners is contradictory. Mr. Birkbeck says: "The most perfect cordiality prevails between the Americans of German, and those of English extraction, in every part of the United States, if the assertions of all with whom I have conversed on this interesting topic, are to be relied on. National antipathies are the result of *bad political institutions*; and not of human nature. Here, whatever their original — whether English, Scottish, Irish, German, French — all are Americans. And of all the unfavourable imputations on the American character, jealousy of strangers is surely the most absurd and groundless." — Birkbeck's *Notes on a Journey in America, from the Coast of Virginia to the Territory of Illinois*, p. 74. On the other hand note the statements: "I can assure the emigrant, that his reception amongst the native Americans will not be very flattering." — Holmes's *An Account of the United States of America*, p. 146;

quently the Iowa Constitution of 1846, in contrast to the liberal suffrage provisions of the later Wisconsin document, limited the franchise to white, male citizens, and in the middle fifties the Know-Nothing Party ran its tumultuous course through the party politics in Iowa.<sup>13</sup>

Settlers, however, were desired. An increase in population meant more post-offices and schools, better roads, a larger market, and the speedy arrival of the eagerly-desired railroad. The New England and central States with their rapidly developing industrial plants could no longer be depended on as a prolific source of migration: immigrants could be secured only by attracting to the State a part of the incoming aliens. With the example of Wisconsin in mind, Governor Stephen Hempstead, in his first biennial message on December 7, 1852, urged the appointment of a "commissioner of emigration" to reside in New York and advertise the opportunities offered by Iowa, but the committee of the House of Representatives to which this recommendation was referred made an adverse report and no action was taken. Nothing daunted, the Governor repeated the suggestion two years later, but with no better success.<sup>14</sup>

"Even at the best, it is no very pleasant thing for the native American to reflect that the foreigner, upon the sole qualification of a five years' residence in the country, can avail himself of all the privileges which, by birth, he himself is entitled to; that, limited as the knowledge of this class of persons must necessarily be of everything which appertains to his country, they still have a voice just as potential as his own, and which too frequently he lays entirely at the mercy of."—*The British Mechanic's and Labourer's Hand Book and True Guide to the United States*, pp. 268, 269. Mr. Birkbeck's opinion was probably influenced by his desire to promote immigration to his proposed Illinois colony.

<sup>13</sup> Poore's *The Federal and State Constitutions, Colonial Charters, and other Organic Laws of the United States*, Pt. I, p. 538. For the Know-Nothing activities in Iowa see Pelzer's *The Origin and Organization of the Republican Party in Iowa* in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. IV, pp. 493-498.

<sup>14</sup> Shambaugh's *The Messages and Proclamations of the Governors of Iowa*, Vol. I, pp. 430, 459, 460; *Journal of the House of Representatives*, 1852, p. 124.



## THE DUBUQUE EMIGRANT ASSOCIATION

During the latter part of the decade a second rival on the North was becoming formidable by reason of its attractions for immigrants. The Minnesota Constitution of 1857 was as generous in its suffrage provisions as that of Wisconsin, and in the early months of 1858 the State legislature of Minnesota provided for a loan of five million dollars to aid companies in the construction of railroads.<sup>15</sup> These actions were noised abroad, and to citizens of eastern Iowa, the procession of immigrants steadily making northward with "Bound for Minnesota" painted upon the wagons, became an unpleasant sight. Northern Iowa was especially anxious to divert from its course part of this stream and on February 12, 1858, persons selected by the Board of Trade of Dubuque and representatives of many corporations of the city organized an Emigrant Association, the articles of incorporation stating that its purpose was the dissemination of reliable information regarding the advantages offered by Iowa to immigrants and the transaction of business as an agent for any companies or individuals interested in the selling, leasing, or buying of land.<sup>16</sup>

A travelling representative was appointed and descriptive literature was compiled, an appeal being made to the "brethren of the country press" that they publish in their papers "a full and reliable description of counties and towns, including the facts as to their assessed value, and that of the several towns named, population, timber, soil, streams, water power, mines, building material, &c., in each county; and also a description of the county seat, and of

<sup>15</sup> Poore's *The Federal and State Constitutions, Colonial Charters, and other Organic Laws of the United States*, Pt. II, p. 1036; Folwell's *The Five Million Loan in Minnesota Historical Collections*, Vol. XV, p. 195.

<sup>16</sup> See the letter of S. M. Langworthy in *The Dubuque Weekly Times*, April 28, 1858. For the organization of the society see *The Dubuque Weekly Times*, February 17, 24, 1858.

each village, giving the population, number and denomination of religious societies and church buildings, number of schools, public and private, mills and manufactories, public buildings, distance to neighboring towns, stage routes, average price of town lots and also of improved and unimproved land in the vicinity".<sup>17</sup> Many of the local newspapers responded and from the information gleaned from the pages, pamphlets were printed, the cost being borne by voluntary subscriptions and an appropriation made by the city of Dubuque. In the course of the first ten months of 1858 approximately two thousand dollars was expended for this purpose with results that were regarded as highly encouraging.<sup>18</sup>

#### THE COMMISSIONER OF IMMIGRATION OF 1860-1862

These activities on the part of Dubuque did not pass unnoticed in other sections of the State<sup>19</sup> and when the session of the legislature convened in 1860 citizens of Keokuk County petitioned for the appointment of an agent to represent Iowa in eastern cities. On the same day Representative F. A. Gniffke of Dubuque presented a bill providing for the establishment of a Commissioner of Emigration for the State of Iowa, which in due time was reported from the House Committee on Public Lands and passed by a vote of 54 to 22, the debate bringing out the fear on the part of many that unless some such effort was made only the undesirables would come to Iowa, the better class of immi-

<sup>17</sup> *The Dubuque Weekly Times*, March 10, 1858.

<sup>18</sup> *The Dubuque Weekly Times*, December 30, 1858. For a typical response to the appeal for descriptions see the facts concerning Buchanan County in *The Dubuque Weekly Times*, March 17, 1858.

<sup>19</sup> "The citizens of Dubuque have formed an Emigrant Association, and appointed E. S. Norris traveling agent. The objects of the Association are to encourage emigration to and settlement in Dubuque and Northern Iowa.—The objects are good, and well worthy of emulation by other portions of the State." — *Iowa Weekly Republican* (Iowa City), March 10, 1858.

grants being induced to proceed to other States more active in the presentation of their advantages.<sup>20</sup>

In the Senate the bill was referred to a special committee which in reporting favorably a few days later, called attention to the startling contrast between the number of immigrants proceeding to Wisconsin and to Iowa. During the eleven months of the year 1856 for which statistics were available the number of passengers arriving at Castle Garden who gave Wisconsin as their destination was 10,457 and the cash capital they brought with them was \$1,045,661.38. During the same period only 1855 persons, with a capital of \$248,335.40, stated that they expected to make their future home in Iowa. As the committee was unable to discover any natural advantage that Wisconsin possessed over Iowa they ascribed this favorable balance of 8602 persons and \$797,325.98 capital to the activities of the Wisconsin agent.<sup>21</sup> The Senate, however, did not follow the recommendation of the committee and the bill was defeated by a vote of 23 to 15, the Democratic majority opposing the creation of a position which meant another office for a Republican Governor to fill. After the vote had been taken, however, a Democratic caucus considered the question and a majority being in favor of reconsidering, on the following day a motion to that effect prevailed and a few days thereafter the bill was passed by a vote of 26 to 9.<sup>22</sup>

This "Act to provide for the establishment of a Commissioner in the City of New York, to promote immigration to the State of Iowa" appropriated \$2400 for the salary of a

<sup>20</sup> *Journal of the House of Representatives*, 1860, pp. 234, 392; *Iowa State Register* (Weekly, Des Moines), March 14, 1860.

<sup>21</sup> The report of this committee is printed in the *Journal of the Senate*, 1860, pp. 448, 449.

<sup>22</sup> *Journal of the Senate*, 1860, pp. 448, 460, 591; *Iowa State Register* (Weekly, Des Moines), March 21, 1860; *Davenport Weekly Gazette*, March 22, 1860.

representative to be appointed by the Governor with the consent of the Senate for a term of two years. Eleven hundred dollars was appropriated for the upkeep of an office in the city of New York from the first of December of each year and a sum not exceeding \$1000 was allowed for the publication of a description of Iowa in the English, German, and such other languages as might be considered advantageous. Lest the agent be tempted to charge a fee for any of his services imprisonment for not less than one nor more than five years was provided as punishment for anyone found guilty of such misuse of public office.<sup>23</sup>

The problem of finding a proper person to carry on this mission was solved by the appointment of Lieutenant Governor Nicholas J. Rusch. Indeed, according to newspaper accounts, the Democrats of the legislature were won over to a support of the measure only after an agreement had been reached that Mr. Rusch would be appointed. Being a native of Germany he had himself personally experienced the lot of an immigrant and with his ready command of the German tongue and his official office he was in a position to obtain the confidence of the incoming aliens.<sup>24</sup> Naturally some opposition to this appointment was manifested. "Only think of the Lieut. Governor of Iowa being jostled

<sup>23</sup> *Laws of Iowa*, 1860, Ch. 53.

<sup>24</sup> *Davenport Weekly Gazette*, April 5, May 31, 1860. The acceptance of this office by Mr. Rusch caused an interesting constitutional question to arise. The Constitution of Iowa provides that "no person shall, while holding any office under the authority of the United States, or this State, execute the office of Governor, or Lieutenant Governor". When the legislature met in special session in 1861 Mr. Rusch expressed doubts as to his right to preside. The Attorney General to whom the question was referred agreed that these doubts were well founded and hence a vacancy existed in the office of Lieutenant Governor. The Judiciary Committee, however, declared that "the position of emigrant agent is not an office within the meaning and purview of the Constitution". The question had been protracted throughout the entire session and Mr. Rusch did not preside, but at the regular session in 1862 he served in his official capacity.—Upham's *The President of the Senate in Iowa* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XVII, pp. 245-252.

and punched among the hotel porters, cabmen and agents of all sorts of houses from the St. Nicholas down", declared *The Dubuque Herald*. "How much honor will the position confer upon the State or the German population?"<sup>25</sup>

Experience, however, demonstrated the wisdom of the choice. To prevent the abuses and impositions usually practiced upon strangers, all agents and runners were excluded by the New York State authorities from the landing place at Castle Garden, but as a courtesy to his position as Lieutenant Governor, the officials gave Mr. Rusch a pass to the building. The imparting of information or distribution of literature, however, was prohibited and all he could do was to invite those interested to visit his headquarters. This office was opened on May 16, 1860, at No. 10 Battery Place. All counties in the State had been requested to furnish complete information regarding local opportunities and to provide maps showing the names of property owners. These could be consulted in the office and when a choice of location was made, advice as to the best route to be followed was given by Mr. Rusch. To provide for the proper reception of the newcomers, it was urged that societies be organized in all communities to assist the immigrants until land was purchased and actual settlement accomplished.<sup>26</sup>

The Civil War, which came soon after the inauguration of this policy, turned the attention of the people to other matters and at the close of the biennium for which the appropriation had been made the office was discontinued. Indeed, Mr. Rusch recommended that this be done for reasons quite apart from any connection with the war. An increase in the number of foreigners proceeding to the State had been noticed, it was true, for the number of persons who had

<sup>25</sup> Quoted in the *Davenport Weekly Gazette*, April 26, 1860.

<sup>26</sup> *Davenport Weekly Gazette*, May 24, 31, 1860; *Report of the Commissioner of Immigration in the Iowa Legislative Documents, 1861-1862.*

signified their intention of becoming residents of Iowa rose from 664 in 1859 to 776 in 1860 and 1665 in 1861; but even as a result of these exertions Iowa was not receiving what seemed to be a fair share of the immigrants. More than a hundred thousand had arrived in the United States in 1860 and of this number Iowa had received less than one per cent. Failure to persuade a larger proportion to move into the State was due to the fact that most of them had their plans made before they left their native country. Before leaving home they had been reached by agents of land companies, employees of various railroads, and representatives of other States, and had already determined their location. If any future efforts were to be made Mr. Rusch felt that they should be directed to foreign countries, but so long as the Civil War continued he questioned the advisability of such a move.<sup>27</sup>

#### THE BOARD OF IMMIGRATION, 1870-1872

During the four years of the Civil War, immigration remained about the same as in the four preceding years.<sup>28</sup> Even before the opening of the struggle a change had taken place in the attitude of most citizens toward foreigners. A reaction from Know-Nothingism had already set in and with the outbreak of the war came a great demand for labor in the North to offset the departure of the vigorous men to battlefield and camp. Moreover, the Federal government

<sup>27</sup> *Report of the Commissioner of Immigration in the Iowa Legislative Documents, 1861-1862.*

<sup>28</sup> Immigration statistics for this period are:

1855 — 200,877.	1860 — 133,143.
1856 — 195,857.	1861 — 142,877.
1857 — 112,123.	1862 — 72,183.
1858 — 191,942.	1863 — 132,925.
1859 — 129,571.	1864 — 191,114.
1865 — 180,339.	

— *Report of the Commissioner General of Immigration in Reports of the Department of Labor (United States), 1919, p. 494.*

sponsored measures that even if not undertaken for that purpose greatly encouraged the influx of immigrants from overseas. The passage of the Homestead Law, the enactment of a law "granting to foreign soldiers, honorably discharged from the service, full rights of citizenship without the necessity of first papers", the establishment of a Commissioner of Emigration, and direct efforts to attract foreigners for military purposes helped to keep the stream of immigrants flowing. With the successful conclusion of the war, the nation with renewed vigor turned to the development of its great western prairies.<sup>29</sup>

All hands that could be secured were needed for this task but its speedy fulfillment could not be accomplished by the discharged soldiers alone. The eastern States presented opportunities that left little hope that help could be obtained from them: to look overseas was the only recourse. The State of Missouri which had felt some of the devastations of the war, made plans to attract immigrants within its borders, even before the final surrender of Lee, by creating a Board of Immigration which was authorized to present to prospective settlers, by means of literature and agents, the superior advantages that it possessed. Two years later, Wisconsin upon the urgent request of the Governor made provision for a similar board.<sup>30</sup>

With these examples so near at hand, sponsors of a corresponding policy for Iowa were not slow in arising. Early in the session of the legislature in 1868, Mathias J. Rohlf of Scott County, a native of Germany, introduced a bill to encourage immigration to the State. After a favorable re-

<sup>29</sup> Fite's *Social and Industrial Conditions in the North during the Civil War*, p. 193.

<sup>30</sup> *First Report of the State Board of Immigration in the Appendix to the House Journal (Missouri)*, 1867, p. 569; *Journal of the Assembly of Wisconsin*, 1867, p. 23; Everest's *How Wisconsin Came by its Large German Element in Wisconsin Historical Collections*, Vol. XII, p. 327.

port by the committee to which it had been referred it was passed by the House of Representatives, but so late in the session that it never came to a vote in the Senate.<sup>31</sup> Governor Samuel Merrill also publicly expressed his regrets that Iowa was without an official to whom inquirers in these matters might turn. The Citizens' Association of New York through its president, Mr. Peter Cooper, requested from him such information as would be of interest to prospective settlers, and in reply the Governor presented an array of statistical and descriptive data, in conclusion emphasizing the fact that though the State possessed no agent or board of immigration, "we most cordially invite upright citizens of all lands and creeds, to come, here in this favored land to make themselves happy homes, and help us to build up the fabric of what is surely destined to be a mighty commonwealth."<sup>32</sup>

At the time the legislature met in January, 1870, Nebraska, Kansas, Missouri, Minnesota, and Wisconsin were distributing handbooks describing the advantages of the respective States. Citizens of Iowa maintained that their interests were beginning to suffer by reason of the greater publicity measures of their neighbors.<sup>33</sup> Agents of Minnesota, it was reported, were spreading the report among the people of Norway that summers in Iowa were so hot that no Norwegian could live there,<sup>34</sup> and statistics indicated that out of 251,000 immigrants to the United States during the first eleven months of 1869 only 7192 came with the

<sup>31</sup> *Journal of the House of Representatives*, 1868, pp. 117, 339, 690; *Journal of the Senate*, 1868, p. 569.

<sup>32</sup> Shambaugh's *The Messages and Proclamations of the Governors of Iowa*, Vol. III, pp. 303, 304. Governor Merrill's letter is printed in *The Iowa Homestead*, December 4, 1868.

<sup>33</sup> *Iowa State Register* (Weekly, Des Moines), February 9, 1870.

<sup>34</sup> On this point see an interesting letter on Norwegian emigration conditions printed in *The Iowa North West* (Fort Dodge), February 10, 1870.



intention of locating in Iowa. These newcomers even passed over the fertile but untilled prairies of western Iowa to select less desirable locations beyond the Missouri; and the people of the State were reminded that these "great blanks on our prairies are marked by blank leaves in the ledger of our commerce, and keep our State back from its predestined wealth and greatness."<sup>35</sup> Encouraged by the recommendation embodied in the Governor's message that an appropriation be made to support some organization that would undertake the diffusion of information, Mr. Rohlfs again introduced a bill which this time became a law, though in a modified form.<sup>36</sup>

A Board of Immigration composed of the Governor and one member appointed by him from each congressional district was created by this law. A secretary who should act as Commissioner of Immigration was to be elected by the Board and he was enjoined to accomplish the desired publicity by means of essays, articles, and personal correspondence. Whenever they deemed it expedient the Board was to appoint and pay agents to act in the eastern States or foreign countries, but the members themselves were to serve without pay. Five thousand dollars was the appropriation made to cover the expenses of salaries and publications.<sup>37</sup>

Governor Merrill, by proclamation, gave notice of the appointment and composition of the Board. The first district was represented by Edward Mumm of Keokuk. A native of Holland who had been in the State since 1849 and a lawyer who had held many positions of trust in his home community, he was well qualified to serve. Mathias J. Rohlfs of Davenport who had been so industrious in securing the

<sup>35</sup> *Iowa State Register* (Weekly, Des Moines), January 12, 1870.

<sup>36</sup> Shambaugh's *The Messages and Proclamations of the Governors of Iowa*, Vol. III, pp. 303, 304; *Journal of the House of Representatives*, 1870, pp. 198, 231, 289; *Journal of the Senate*, 1870, pp. 219, 287.

<sup>37</sup> *Laws of Iowa*, 1870, Ch. 34.

financial support for the commission was appointed from the second district. By actual experience he knew the troubles of a German emigrant and now was a leader among the German-Americans of Iowa. A representative of the Scandinavian element was secured by the appointment in the third district of the Reverend Claus L. Clausen of St. Ansgar. Mr. Clausen had been born in Denmark, had preached the first Scandinavian Lutheran sermon in Iowa in 1851, and through his missionary endeavors in all the pioneer settlements was well known throughout the northern part of the State. A second Hollander found a place on the Board, C. Rhynsburger, one of the leading business men of the settlement at Pella, representing the fourth district. Des Moines, in the fifth district, was entitled to representation because of its interest in all matters pertaining to the development of the State; and in S. F. Spofford, one of the immigrants from New England, who had risen to a position of influence in the industrial and banking life of the city, a competent member was found. Marcus Tuttle of Clear Lake, one of the pioneers of Cerro Gordo County, who in his young manhood had come west from his New York home, had served in the State Senate, and was prominent in the development of the northern counties, completed the membership. Germany, Holland, Scandinavia, and eastern United States — regions from which it was hoped new citizens could be secured — were thus accorded representatives on the Board.<sup>38</sup>

<sup>38</sup> The proclamation of the Governor is printed in the *Iowa State Register* (Weekly, Des Moines), May 25, 1870. Information regarding the members of the Board has been secured as follows: for Mr. Mumm from the *Portrait and Biographical Album of Lee County, Iowa*, 1887, p. 362; for Mr. Rohlf's from Eiboeck's *Die Deutschen von Iowa und deren Errungenschaften*, pp. 429, 430; for Mr. Claussen from the *History of Mitchell and Worth Counties, Iowa*, 1884, p. 143; for Mr. Rhynsburger from *The History of Marion County, Iowa*, 1881, p. 669; for Mr. Spofford from *The History of Polk County, Iowa*, 1880, p. 869; for Mr. Tuttle from *The United States Biographical Dictionary, Iowa*, 1878, p. 210.

The secretary, it had been provided in the law, was to be a person "familiar with the agricultural, mineral, and other resources of the State".<sup>39</sup> At the first meeting of the Board, A. R. Fulton of Des Moines was appointed to this position. Mr. Fulton had visited every part of the State in the course of the preparation of a series of articles entitled "Tour of Iowa Counties", published in the *Iowa State Register*, and he was thus personally acquainted with the situation in the Commonwealth.<sup>40</sup> Immediately after his appointment Mr. Fulton sent to all the newspapers in the State and to several of the leading journals outside its boundaries, as well as to bankers and other business men, a circular describing the organization and purpose of the Board and inviting correspondence on all questions regarding settlement. The receipt of letters of inquiry numbering about a hundred a month indicated the success of these publicity measures. Personal replies could not be given to all correspondents and Mr. Fulton prepared a handbook entitled *Iowa: The Home for Immigrants*, editions of which were printed in English, German, Dutch, Danish, and Swedish. These were sent out directly from the office in the Capitol building or distributed by the agents of the Board.<sup>41</sup>

The small amount of funds at the disposal of the Commissioners made impractical the appointment of a large number of State agents who would devote all their time to publicity work. The interests of the Commonwealth in the matter of securing immigrants were, however, bound closely to those of the railroad companies who possessed vast

<sup>39</sup> *Laws of Iowa*, 1870, Ch. 34, Sec. 4.

<sup>40</sup> *Iowa State Register* (Weekly, Des Moines), April 13, 1870.

<sup>41</sup> *Iowa State Register* (Weekly, Des Moines), April 12, 1871; *First Biennial Report of the Board of Immigration*, pp. 4, 18, Document No. 27 in the *Iowa Legislative Documents*, 1872. A description of Mr. Fulton's *Iowa: The Home for Immigrants* may be found in the *Iowa State Register* (Weekly, Des Moines), October 12, 1870.

stretches of land tributary to their lines which they were eager to have settled. Accordingly an agreement was made between the Board and representatives of the railway companies that persons who were mutually satisfactory should be commissioned as official representatives of the State which was to pay a small part of the salary and supply literature for distribution. The railroads were to pay the larger part of the salary. It was understood that such agents should not serve also as representatives of some other State though they might forward the interests of the railroad company's property which chanced to be located outside of Iowa. By this means, transportation and distribution of documents was obtained, and in the course of the biennium more than 45,000 copies of Mr. Fulton's book were put into the hands of prospective settlers, 30,000 copies being of the English edition, 14,500 copies of the German edition, and 2800 copies of the Dutch edition. There was delay in the publication of the Scandinavian edition, and no sooner were the copies ready in the summer of 1871 than they were destroyed by the great fire in Chicago.<sup>42</sup>

Three representatives of the Board were sent to foreign countries, E. T. Edginton going to England, Louis A. Ochs to Germany, and Henry Hospers to Holland. Their visits were of a temporary nature but before they returned much publicity had been given to the endeavors of the State of Iowa to secure desirable settlers and the work to be carried on by resident agents appointed in each of these countries had been organized. Emphasis was put upon the official nature of the Board which was directing the work because of the number of wild-cat schemes of emigration and colonization that were advertised in Europe many of them

<sup>42</sup> *Iowa State Register* (Weekly, Des Moines), May 25, 1870; *First Biennial Report of the Board of Immigration*, pp. 5, 7, Document No. 27 in the *Iowa Legislative Documents*, 1872.

seeking to turn the tide towards South America.<sup>43</sup> There is extant the following advertisement inserted by Mr. Hospers in many of the newspapers of Holland which illustrates this emphasis on the official status of the work:

“Mr. Henry Hospers, Mayor of the city of Pella, in the State of Iowa, United States of America, specially commissioned by the Board of Immigration of the said State of Iowa, will remain in the Netherlands until the 15th day of January, A. D., 1871, for the purpose of giving detailed information to all who wish to emigrate to Iowa, about the country, climate and prospects of said State. All letters will be promptly answered without charge; and further notice will be given at what places and times persons interested can have a general conference with him.”<sup>44</sup>

As a result of this notice many inquiries were received and a series of conferences attended by from ten to forty persons were held in about a score of the cities in the Netherlands. Here questions were asked and answers given, the interest manifested often being so great as to prolong the sessions until midnight.

In England, Mr. Edginton held meetings, distributed as many pamphlets as came to his hands — the supply was far below the demand — and placed items inviting correspondence in newspapers. How effective these brief articles were is manifested by the five hundred inquiries which were received in reply to one advertisement carried for a few weeks in a religious newspaper.<sup>45</sup> Mr. Ochs who was ap-

<sup>43</sup> *First Biennial Report of the Board of Immigration*, pp. 8, 33, Document No. 27 in the *Iowa Legislative Documents*, 1872.

<sup>44</sup> *First Biennial Report of the Board of Immigration*, pp. 19, 20, Document No. 27 in the *Iowa Legislative Documents*, 1872.

<sup>45</sup> *First Biennial Report of the Board of Immigration*, p. 23, Document No. 27 in the *Iowa Legislative Documents*, 1872. For the type of publicity used in England see the reprint from the *London Christian World* in *Iowa State Register* (Weekly, Des Moines), February 1, 1871.

pointed for Germany had proceeded as far as New York City in the summer of 1870 when the news of the outbreak of the Franco-Prussian War came to him and made necessary the deferment of his trip. In the spring of the following year he was able to proceed, and though the war had checked the emigration for the time being, it gave promise of causing a much larger movement than ever in the future.<sup>46</sup> Agents delegated to operate in the New England States found the "Western fever" prevalent, but they were hindered in their operations by lack of money, one of them claiming that if sufficient funds were at their disposal they could "depopulate these rock-covered hills".<sup>47</sup>

The results of the activities of the Board and its representatives were encouraging. The new Holland community in Sioux County profited largely by the exertions of Mr. Hospers and through the efforts of the New England agents hundreds of families from those States arranged to move to Iowa. The increase in the population of the State in 1871 was estimated at 50,000 and the Board reported that it felt justified in ascribing a large per cent of this number to the publicity given the State in this campaign.<sup>48</sup>

#### THE NATIONAL IMMIGRATION CONVENTION

Closely connected with its efforts to attract newcomers to Iowa, is the participation of the State Board of Immigration in a National Immigration Convention in the fall of 1870. The seaboard States had inherited from colonial

<sup>46</sup> *Iowa State Register* (Weekly, Des Moines), April 12, 1871; *First Biennial Report of the Board of Immigration*, p. 33, Document No. 27 in the *Iowa Legislative Documents*, 1872.

<sup>47</sup> *Iowa State Register* (Weekly, Des Moines), January 25, 1871; *First Biennial Report of the Board of Immigration*, p. 30, Document No. 27 in the *Iowa Legislative Documents*, 1872.

<sup>48</sup> Van der Zee's *The Hollanders of Iowa*, p. 153; *First Biennial Report of the Board of Immigration*, pp. 14, 30, Document No. 27 in the *Iowa Legislative Documents*, 1872.

times the privilege and responsibility of regulating the admission of foreigners through their ports, and in 1824 New York enacted a law requiring the master of every vessel to give a bond providing for the indemnification of the State or local authorities for any expenses which they might incur in the support of passengers brought in by his vessel. Five years later, in order to provide for the marine hospital, an extension of this law imposed a fee of \$1.50 on all cabin passengers and \$1.00 on all steerage passengers entering New York harbor. Similar in nature was the tax of \$2.00 imposed on every passenger entering Massachusetts ports after 1837, the sum being used as a fund to support "foreign paupers". But in 1849 the Supreme Court of the United States declared the New York law of 1829 and the Massachusetts law of 1837 unconstitutional on the ground that they constituted a regulation of commerce on the part of the individual States, a function which by the constitution was reserved to the national government. The decision, however, did not affect the validity of the New York act of 1824 which provided for the giving of a bond by ship masters to reimburse the State for any expense incurred for the support of passengers. Consequently New York and other States immediately provided by law for an extension of the bonding system with the alternative of commuting for the bond by the payment of a stipulated sum. Such payment was preferred by most ship masters and the sum became known as "commutation money" or "head money."<sup>49</sup>

Though small in itself this sum became a very obnoxious charge in the eyes of western men who eagerly desired the

<sup>49</sup> *Reports of the Immigration Commission*, Vol. XXI, pp. 24-28. This volume is entitled *Immigration Legislation* and in addition to a sketch of the development of this legislation in the United States, contains the text of the more important State and federal laws bearing on immigration. The *Reports of the Immigration Commission* are published in *Senate Documents*, 3rd Session, 61st Congress, Document No. 758.

coming of immigrants. That foreigners who had by means of patient saving and constant labor been able to gather together substance enough to make emigration possible should shoulder this additional burden at the very gates of the land of freedom seemed a mockery. Moreover, most of those who arrived did not tarry in the East, could never be a burden in those States and hence their fee was simply a donation to the States through whose gates they passed. With the annual influx numbering hundreds of thousands the western States were deprived of a large amount of capital. In spite of the payment of these fees, immigrants, it was claimed, were forced to endure inconveniences and even cruelties in the receiving stations, especially at Castle Garden in New York. Often they were starved during the delays, wrote an Iowa citizen in a protest to the officials at Des Moines; and when they were dead their bodies were sold for purposes of dissection. Captain Wirz of Andersonville Prison must at one time have passed through this establishment, the writer continued, and added, "I do not know of any other spot on earth where he could have learned that refinement of cruelty." Moreover, he claimed that letters from Englishmen disclosed the fact that rumors of these terrors were prevalent in foreign lands and that these disturbing reports actually deterred some from emigrating.<sup>50</sup>

Contemplation of these facts led to the gradual growth of the sentiment that the West should have as weighty a voice as the East in determining the conditions under which foreigners should be allowed to enter the United States. Let the entire matter, it was urged, be taken from the hands of

<sup>50</sup> This letter was written by William Lake of Clinton to Adjutant General N. B. Baker. It is printed in the *Iowa State Register* (Weekly, Des Moines), November 16, 1870. Mr. Lake was president of the St. George's Benevolent Association of Clinton and hence was in close touch with newly-arrived foreigners.



the States and given to the Federal government.<sup>51</sup> So strong did this feeling become that in the autumn of 1870 a call for a national convention to meet in Indianapolis was sent out signed by the governors of Minnesota, Iowa, Nebraska, Missouri, Kansas, Michigan, and Wisconsin. On November 23, 1870, the convention was called to order by Governor Merrill of Iowa. Representatives were present from twenty-two States, two Territories, and the District of Columbia as well as the boards of trade of several cities and a number of German aid and immigration societies.<sup>52</sup>

Steamship lines and railroads were also interested in a freer movement of foreigners and, due to the lack of a definite program at the opening sessions, representatives of these interests were well on the way to assume control of the assemblage when the State delegates asserted themselves and after a sharp struggle regained the reins. Discussions of the abuses to which the immigrants were subjected featured the meetings. The only concrete result was the adoption of a series of resolutions — vigorously opposed by the representatives of New York — calling for more stringent legislation to prevent abuses and frauds, negotiation on the part of the President with foreign countries to secure a joint jurisdiction over emigrant ships, the establishment of a “Bureau of Immigration” under the auspices of the Federal government, and condemnation of all “schemes, combinations and monopolies” in connection with emigrant transportation as well as the “odious and unjust” capitation taxes. A committee consisting of one person from each State and Territory represented in the convention was appointed to memorialize Congress on these

<sup>51</sup> Note the remarks quoted from the *St. Louis Democrat* in the *Iowa State Register* (Weekly, Des Moines), September 28, 1870.

<sup>52</sup> *Iowa State Register* (Weekly, Des Moines), November 30, 1870; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. III, p. 360.

points. This gathering, constituting as it does the first open assault in the struggle which finally led to the abolition of all State restriction on immigration, is worthy of notice in connection with Iowa's attitude on this question, especially in view of the prominent part which her Governor assumed in the deliberations.<sup>53</sup>

THE SECOND BOARD OF IMMIGRATION, 1872-1873

In his second biennial message, on January 10, 1872, Governor Merrill referred to the operations of the Board, commented on the difficulty of ascribing specific results to its endeavors, and expressed his faith in its value; but made no definite recommendations for future legislation. Popular interest in the subject, however, was so great that in both the Senate and House of Representatives bills were introduced providing for a continuation of the Board in slightly modified form. Though opposition was manifested the Senate bill became a law. The membership was reduced to five members one of whom was the Governor, who was to act as the president, and the others were appointed by him for a term of two years. Ten thousand dollars was appropriated for the salary of a secretary and for other expenses, with the proviso that no money should be paid as a salary "to any agent who may receive a commission as agent from the Board of Immigration."<sup>54</sup>

The composition of the preceding Board had had not been entirely satisfactory, because counties in the western part

<sup>53</sup> The following were commissioned by the Governor as Iowa's delegates: M. J. Rohlf, C. Rhynsburger, S. F. Spofford, C. L. Clausen, A. R. Fulton, and Louis A. Ochs. *First Biennial Report of the Board of Immigration*, pp. 12, 13, Document No. 27 in the *Iowa Legislative Documents*, 1872. The participation of the shipping interests in this convention is described in an article in *Der Wöchentliche Demokrat* (Davenport), December 1, 1870.

<sup>54</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. III, pp. 359, 360; *Journal of the Senate*, 1872, pp. 303, 411, 417; *Journal of the House of Representatives*, 1872, pp. 299, 530, 575; *Laws of Iowa*, 1872, Ch. 23.

of the State were without an official representative although the lands most in need of settlers were in that section. So keen had the feeling been over this that leading men in western Iowa organized an independent "Immigrant Aid Society" to give publicity to the advantages of the less densely populated parts of the State. In the organization of the new Board, however, criticism of this nature was avoided by the selection of Charles V. Gardner of Avoca as the fifth member, S. F. Spofford, M. J. Rohlf, and Marcus Tuttle having been reappointed.<sup>55</sup>

After the organization had been completed Mr. Fulton was selected to serve as secretary and preparations were made for such activities as the limited funds at their disposal permitted. Agents were appointed for England, Holland, Germany, and the eastern States and authority was granted the president of the Board to commission other agents as he saw fit provided this action entailed no expense. Fifteen thousand pamphlets were printed in German, seven thousand in Swedish, and a like number in Norwegian. Through the medium of the agents, who were assisted by the railroad companies in the matter of transportation, these leaflets were distributed and, being freely copied by newspapers at home and abroad, obtained a varied and wide-spread hearing.<sup>56</sup> To attract settlers was,

<sup>55</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. IV, pp. 77, 78; *Iowa State Register* (Weekly, Des Moines), August 17, 1870; *Council Bluffs Bugle*, May 19, 1870. There was also dissatisfaction expressed because the Irish element in the State had no representative on the Board along with the Dutch, German, and Scandinavian members. Consequently the Catholic clergy of Iowa addressed a letter to Honorable Richard O'Gorman of New York City pointing out the advantages of Iowa and the success of the Irish farmers who had already made their homes in the State. A list of many of the Catholic priests in the State was added, all of whom promised to faithfully answer any inquiries which might be addressed to them regarding opportunities and conditions in their communities.—*Iowa State Register* (Weekly, Des Moines), July 13, 1870.

<sup>56</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol.

however, not the only purpose. Fear was already being felt that the coming of large numbers of agricultural laborers would cause such a surplus of produce that prices would fall to an alarming extent. To prevent this condition the Board also emphasized the upbuilding of a home market to create a demand for farm products; capital and industries as well as homesteaders were to be invited to Iowa.<sup>57</sup>

Accordingly, H. S. Hyatt, editor and proprietor of the *Iowa Progress*, was given assistance in the compilation of a volume, *Manufacturing, Agricultural and Industrial Resources of Iowa*, and two thousand copies were ordered for distribution by the Board. Sketches of the physical features of the State that appealed to farmer and manufacturer, descriptions of the leading manufacturing and industrial centers—including the now forgotten cities of Cedar Bluffs and Boonsboro—and a statement of the laws of Iowa in reference to aliens were included in its pages.<sup>58</sup> With the same purpose in view the Board sanctioned the calling of an Iowa Industrial Convention, attended by members of boards of trade and other organizations, that met in Des Moines during January, 1873. Here the questions of encouragement of manufacturing, attraction of capital, cheaper transportation, river improvements, and changes in the usury, homestead, and other laws were considered.<sup>59</sup>

At the adjourned session of the Fourteenth General Assembly which met in Des Moines on January 15, 1873, there was presented for consideration the work of the Code Commission. In the Code as finally enacted the provisions relating to the Board of Immigration were not retained, but IV, p. 78; *Iowa State Register* (Weekly, Des Moines), May 15, December 20, 1872.

<sup>57</sup> See an editorial in the *Iowa City Republican*, January 29, 1873.

<sup>58</sup> Hyatt's *Manufacturing, Agricultural and Industrial Resources of Iowa*, pp. 28, 52-59, 61-69, 75, 127, 147; *Iowa State Register* (Weekly, Des Moines), May 15, 1872.

<sup>59</sup> *Iowa State Press* (Iowa City), January 22, 1873; *Iowa State Register* (Weekly, Des Moines), January 24, 1873.

this omission did not prevent its functioning during the succeeding spring and summer. In September, 1873, however, the Board went out of existence.<sup>60</sup>

At this time there remained in the custody of the Board about twelve thousand copies of various documents in the English and German languages. By a concurrent resolution at the next meeting of the legislature, Mr. Fulton was authorized to circulate these publications, the actual expense of distribution to be paid from the unexpended balance of the appropriation made two years earlier.<sup>61</sup> The subject of immigration, however, was not an important question at this session. An attempt to provide for the printing of the report of the Board did not succeed; and though the board of supervisors of Palo Alto County petitioned for the appointment of another body to encourage settlers, no bill with this end in view was introduced.<sup>62</sup>

THE "HONORARY" COMMISSIONERS OF IMMIGRATION, 1878-1880

From 1874 to 1878 there was in Iowa no board or commissioner to aid or solicit immigrants. During the latter part of the decade the number of aliens coming to the United States fell fifty per cent below the figures for the preceding five years,<sup>63</sup> and of those who went on to the West,

<sup>60</sup> *Journal of the House of Representatives*, 1873, p. 20; *Iowa State Register* (Weekly, Des Moines), January 24, 1873; Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. IV, p. 78.

<sup>61</sup> *Journal of the Senate*, 1874, p. 175; *Laws of Iowa* (Private), 1874, pp. 88, 89.

<sup>62</sup> *Journal of the Senate*, 1874, p. 253; *Journal of the House of Representatives*, 1874, p. 121.

<sup>63</sup> The figures on immigration for this decade are:

1870 — 387,203.	1875 — 227,498.
1871 — 321,350.	1876 — 169,986.
1872 — 404,806.	1877 — 141,857.
1873 — 459,803.	1878 — 138,469.
1874 — 313,339.	1879 — 177,826.

— *Report of the Commissioner General of Immigration in Reports of the Department of Labor* (United States), 1919, p. 494.

“warmer Kansas and cheaper Nebraska” were reported as attracting more than Iowa.<sup>64</sup> Conditions in Iowa were partly responsible for this movement to the trans-Missouri lands. The fall of 1877 was particularly depressing. “Rains have been nearly incessant”, wrote the Secretary of the Iowa State Agricultural Society, “sunshine has been the rare exception for a month; the roads are impassable; the mud unfathomable, and these conditions have laid an embargo on all sorts of trade. There is the curious spectacle of an interstate railroad suspending its freight trains because no products could be hauled to its depots. There is the marvellous fact that the pork packing season which should be nearly ready to close, has hardly had a beginning, and reducing prices to a figure much below that of many previous years. There is the startling phenomenon of corn rotting by thousands of acres in the field, and by thousands of bushels in the crib, rendered by the rains and mud nearly impossible to gather it; and so depreciated in quality as to be nearly unfit to be fed to stock.”<sup>65</sup>

As a result in the succeeding year there was even an exodus from the State. In his report for the year 1878 the Secretary of the Agricultural Society called attention to this emigration from Iowa and declared: “They have been induced to make this grand mistake by overdrawn sketches, and illuring pictures, which have been sent forth in pamphlets and scattered all over the land. Thousands of their advertisements are left upon car seats and are read with avidity by citizen and stranger. Railroad companies, emigrant societies, parties in Europe who want to invest in what they regard as money making enterprise, pool and buy large tracts of land on time, and a low rate of interest,

<sup>64</sup> *Iowa State Register* (Weekly, Des Moines), April 14, 1875.

<sup>65</sup> *Report of the Secretary of the Iowa State Agricultural Society*, 1877, p. 5.

and even then are using every exertion to get these lands into the hands of the actual settler.”<sup>66</sup>

Economy, a necessary result of the hard times, made impracticable any appropriation large enough to finance a systematic advertising campaign to retain present settlers and attract new ones; but agents of land and railroad companies who in the past had rendered acceptable service in cooperation with the State were still available, and it was to them that the legislature turned. It was felt that if such agents were given authority to use the name of Iowa in their efforts mutual benefits would come to both the State and the companies. Acting upon this principle a joint resolution empowered the Governor “to appoint one or more commissioners of immigration, provided that the commissioners so appointed shall serve without expense to the state.”<sup>67</sup>

Upon this authority a number of these “honorary” commissioners were designated—more than twenty being engaged in the activities before the legislature again assembled.<sup>68</sup> Their services, however, were not satisfactory to all the people, and the desire for more energetic State action was prevalent. “But enough of politics”, wrote a correspondent to the *Iowa State Register*, in the conclusion of a letter which was filled with the politics of the Greenbackers. “What we want in Guthrie county is immigration.”<sup>69</sup> Other parts of the State were similarly inclined, the people of Palo Alto County taking things into their own hands when in March, 1879, a convention at Emmetsburg organized a Board of Immigration of their own to forward

<sup>66</sup> *Report of the Secretary of the Iowa State Agricultural Society*, 1878, p. 8.

<sup>67</sup> *Laws of Iowa*, 1878, p. 177, Joint Resolution No. 4.

<sup>68</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. V, p. 84; *Iowa State Register* (Weekly, Des Moines), April 9, 1880.

<sup>69</sup> *Iowa State Register* (Weekly, Des Moines), January 17, 1879.

the development of northwestern Iowa.<sup>70</sup> After a decade filled with the stormy agitations of new political creeds it was with relief that attention was directed to the problem of securing laborers to construct the hundreds of miles of new railroads planned for the hitherto undeveloped counties and finding farmers to till the fields thus rendered accessible to markets.<sup>71</sup>

THE SECOND COMMISSIONER OF IMMIGRATION, 1880-1882

By January, 1880, it was evident that the tide of immigration would rise in that and succeeding years to unequalled heights. Citizens, who during preceding years had been lethargic, now began to covet immigrants when, in response to the alluring invitation of other States, they passed Iowa by.<sup>72</sup> Governor John H. Gear had been advised by American consuls in foreign countries of the prospective invasion and though admitting the good results of the endeavors of the "honorary" agents, in his biennial message of January, 1880, he urged an annual appropriation by the State "in order that Iowa may not only maintain its position in the race for empire, but may more speedily secure the development of its resources through a knowledge of their unlimited extent."<sup>73</sup> Many of these unofficial commissioners met in the capital during the legislative session and in comparing notes found that Kansas had been able to accomplish great things by means of an

<sup>70</sup> *The Cedar Falls Gazette*, March 21, 1879.

<sup>71</sup> *Iowa State Register* (Weekly, Des Moines), April 22, May 27, 1881.

<sup>72</sup> *Iowa State Register* (Weekly, Des Moines), January 2, 1880. The immigration figures for these years are:

1880 — 457,257.	1883 — 603,322.
1881 — 669,431.	1884 — 518,592.
1882 — 788,992.	1885 — 395,346.

— *Report of the Commissioner General of Immigration in Reports of the Department of Labor* (United States), 1919, p. 494.

<sup>73</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. V, p. 84.



annual appropriation and a law giving the county boards of supervisors authority to contribute additional sums to aid in the movement. Such a policy they recommended as worthy of adoption in Iowa.<sup>74</sup>

Their interference in the matter, however, put all measures proposed in the interest of increased immigration in a less favorable position in the eyes of the people, who in the recent Granger agitation had learned of the evils of monopoly and corporations. Nevertheless an act designed to attract new settlers to Iowa was passed but it came into operation under a cloud of suspicion. "It is easy to understand for whom this donation was made", declared the *Iowa State Register*, "as scores of land agents swarmed about the capitol and hotels all winter to accomplish this purpose. Each one had a private ax to grind. They were not men of enlarged philanthropy seeking to build up the State with manufacturing establishments, but generally such as were land poor, that is, with more land on hand than they could pay taxes on. Now we suppose the Governor will be besieged to appoint one of this class, who will spend this \$10,000 for his and his partner's interests . . . . But wait and see who will be fleecing emigrants by charging large fees."<sup>75</sup>

These dire prophecies were not fulfilled, for the position of Commissioner of Immigration was tendered to George D. Perkins and accepted. Mr. Perkins was the editor of the *Sioux City Journal*; enjoyed a wide acquaintance because of his newspaper interests, and from his location in the newer part of the State was well informed on the prospects and needs of the western counties.<sup>76</sup> The sum of five thou-

<sup>74</sup> *The Cedar Falls Gazette*, February 27, 1880.

<sup>75</sup> *Iowa State Register* (Weekly, Des Moines), April 9, 1880.

<sup>76</sup> *Iowa State Register* (Weekly, Des Moines), April 23, 1880. For a sketch of Mr. Perkins's career see *Past and Present of Sioux City and Woodbury County, Iowa*, 1904, p. 72.

sand dollars a year for two years had been appropriated of which twelve hundred dollars a year was designated as the remuneration of the Commissioner of Immigration, who was to use the remaining fund to show "to the people of the United States the natural advantages and resources of the state of Iowa."<sup>77</sup>

Immediately there arose a question as to the interpretation of this clause. Many had approved of the act but had failed to note carefully the expression "of the United States". When the Commissioner interpreted this phrase literally, an important group of those who had sponsored the act immediately objected. "We certainly thought the law was passed for the purpose of encouraging immigration not only from other States but also from Canada, from all the countries of Europe, and even from Asia and Africa," exclaimed the *Iowa Staats-Anzeiger*. "We had no idea that it was a kind of Know-Nothing law and was narrowed in its application to the people of this country."<sup>78</sup> Mr. Perkins, nevertheless, did not allow any of the appropriation to be used in foreign countries.<sup>79</sup>

One of the first acts of the new Commissioner was the holding of an immigration convention at Sheldon, O'Brien County, on June 22, 1880. Here, under the direction of the Commissioner, subjects such as tree culture, fruit raising, dairying, and stock-raising were discussed in formal lectures and in question periods. Under the title *Information for the Home-Seeker* the proceedings of this gathering were printed and ten thousand copies distributed among those who desired to know the condition of agriculture in north-

<sup>77</sup> *Laws of Iowa*, 1880, Ch. 168.

<sup>78</sup> *Iowa Staats-Anzeiger* (Des Moines), April 9, 1880.

<sup>79</sup> *Report of Commissioner of Immigration*, p. 3, in the *Iowa Legislative Documents*, 1882, Vol. I. In spite of Mr. Perkins's declaration there seems to have been an agent claiming to be commissioned by the State of Iowa soliciting settlers in England in 1881.—*Iowa State Register* (Weekly, Des Moines), February 11, 1881.

western Iowa. Other publications were later prepared. "Auxiliary sheets"—two page pamphlets filled with information regarding the State at large—were furnished in quantities to local land dealers who promised to print descriptions of their particular section on the reverse pages. One hundred and seven agents were thus secured who were instrumental in distributing 422,000 of these circulars. The history, resources, and character of the State were more formally set forth in a booklet *Homes in the Heart of the Continent*, of which 36,000 copies were placed in the hands of inquirers. Two other pamphlets, *Iowa as an Agricultural State* and *De Volksvriend*, as well as advertisements inserted in Eastern papers, presented the opportunities of Iowa to many others.<sup>80</sup>

But, unfortunately for the success of this endeavor, the same legislature that had created the office of Commissioner of Immigration also passed a joint resolution "Proposing to Amend the Constitution so as to Prohibit the Manufacture and Sale of Intoxicating Liquor as a Beverage Within this State."<sup>81</sup> Many of the leading citizens of foreign birth were most vehement in their opposition to the adoption of this amendment, an attitude which brought down upon them and upon all foreign-born residents the wrath of the temperance workers. On the one hand the pro-liquor press derided the inconsistency of trying to promote immigration to a State where "personal liberty" was so little regarded. "Had the General Assembly of Iowa passed a good license law instead of appropriating \$10,000 for an immigration commissioner, immigration would have been treble to what it promises to be in the next two years",

<sup>80</sup> *Report of Commissioner of Immigration*, pp. 3-5 in the *Iowa Legislative Documents*, 1882, Vol. I; *Iowa State Register* (Weekly, Des Moines), July 2, 1880.

<sup>81</sup> *Laws of Iowa*, 1880, p. 215, Joint Resolution No. 8.

stated the *Iowa Staats-Anzeiger*.<sup>82</sup> On the other hand, the prohibition press openly rejoiced that people who were kept away on *such* grounds did not become citizens of Iowa, and recommended the "putting up the bars in Iowa".<sup>83</sup>

The upshot of this prohibition campaign was the development of a strong anti-foreign sentiment throughout the State, with the result that measures to induce immigration received little support. "We no longer want people merely to count up in the census, or to make stopping places on our once wide and unsettled prairies" it was explained. "*We want the best.* For these we can afford to work or to wait. They will come in time."<sup>84</sup> The change that had taken place in the course of a few months is illustrated by the paper that had once been most eager to attract the oppressed peoples of Europe when it relapsed into the same vocabulary that the Eastern States had been making use of for fifty years and urged the legislature to pass a law prohibiting "pauper immigration" to Iowa.<sup>85</sup> Under these conditions the recommendations of the Governor and Mr. Perkins that the office of Commissioner of Immigration be retained and further supported met with no success at the session of 1884; and two years later when a bill was introduced to encourage immigration to Iowa, the House committee to which it was referred reported it back with the recommendation "that the same be indefinitely postponed."<sup>86</sup>

With the termination of Mr. Perkins' period of service, the official efforts of the State to attract new inhabitants to its cities and farms came to an end. More than eighty years

<sup>82</sup> *Iowa Staats-Anzeiger* (Des Moines), April 2, 1880.

<sup>83</sup> *Iowa State Register* (Weekly, Des Moines), January 21, 1881.

<sup>84</sup> *Iowa State Register* (Weekly, Des Moines), May 28, 1880.

<sup>85</sup> *Iowa State Register* (Weekly, Des Moines), May 20, 1881.

<sup>86</sup> *Journal of the House of Representatives*, 1886, pp. 185, 213.

have now passed since the peopling of Iowa began and in the course of those years a stream of virile manhood and womanhood has flowed in from the older Commonwealths east of the Mississippi and the still older lands beyond the sea. The call of the West, the attraction of cheap lands, the solicitation of commercial interests, and the invitation of the State itself were each responsible for the coming of some, and in many cases there was a mingling of all these factors. To declare which of these was the most effective agent in securing settlers is impossible until each has been the subject of thorough investigation. Here only a summary can be made of the efforts of the State of Iowa.

A consideration of the preceding facts indicates that there has been no consistent policy. Five acts<sup>87</sup> have been passed, but of these no two have been similar in all details. One provided for a Commissioner to reside in New York City and direct the newcomers to the State. Another located the Commissioner in Des Moines and his campaign of advertising was to be conducted from this place. An indefinite number of "honorary" commissioners was made possible by a third law. Two Boards of Immigration have been created — their activities from the spring of 1870 to 1873 marking the only period of any length when a continuous effort was made, and even this was brought to a premature end, leaving undistributed a great amount of literature. Nine and a half years is the total space of time covered by the terms of these boards and officials, yet they extended over a period of twenty-two years from 1860 to 1882. To carry on these activities total appropriations of \$29,500 have been made.

<sup>87</sup> The following is a summary of these efforts:

	Appropriation	Service
1860: Commissioner of Immigration	\$ 4,500	2 yrs.
1870: Board of Immigration	5,000	2 yrs.
1872: Board of Immigration	10,000	1½ yrs.
1878: Commissioners of Immigration		2 yrs.
1880: Commissioner of Immigration	10,000	2 yrs.
Total	\$29,500	9½ yrs.

Statistics give no clue to the effect of the State's endeavors. The increase in the total number of foreign-born was remarkably steady from 1850 to 1900, indicating a permanent movement rather than violent fluctuations caused by changed policies.<sup>88</sup> The dates of the establishment of these offices come shortly after the beginning of upward trends in the wave of immigration indicating that they were created as a result of the increase in immigration rather than that the movement was influenced by them. Indeed, contemporary sources would almost seem to show that the legislators were influenced not so much by a desire to get settlers for Iowa, as to keep other States from securing them. Too often politics came in to affect the decisions: some objected because a Governor belonging to the other party would have the appointment in his hands; others approved because they could thus secure the good will of voters of foreign birth.

The abolition of all fees at the seaports which was so vigorously urged by the Immigration Convention in 1870 was secured in 1876 when the Supreme Court of the United States declared the laws of New York and other coast

For these acts see *Laws of Iowa*, 1860, Ch. 53, Secs. 1, 3, 1870, Ch. 34, Secs. 1, 10, 1872, Ch. 23, Secs. 1, 2, 1878, Joint Resolution No. 4, 1880, Ch. 168, Secs. 1, 3.

<sup>88</sup> The total numbers of foreign-born in Iowa according to the census reports were:

1850 — 20,969.	1880 — 261,650.
1860 — 106,077.	1890 — 324,069.
1870 — 204,692.	1900 — 305,920.

These figures are printed in *Distribution of Immigrants, 1850-1900*, pp. 445-447, in *Reports of the Immigration Commission*, Vol. XX.

States, imposing fees on immigrants, unconstitutional. Immediately these States which were obliged to receive the newcomers but had no way of charging them with the expenses of such supervision began agitation for the imposition of a national tax which, however, was effectively opposed especially by the transportation interests.<sup>89</sup> In 1882, however, a law was passed which laid a duty of fifty cents on each passenger not a citizen of the United States. This sum was paid into an "immigrant fund" which was used to carry out the other provisions of the Act — the protection of newly-arrived aliens and the relief of those in distress. This tax was in no sense intended to act as a method of limiting immigration, the principle of unrestricted immigration upheld by the western States in 1870 still obtaining.<sup>90</sup>

Since 1882 there has been in Iowa no definite and official encouragement of immigration. Indeed, so far as the official opinion of the State is embodied in the Governor's biennial and inaugural messages the sentiment favors a restriction on the influx of foreigners.<sup>91</sup>

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<sup>89</sup> *Reports of the Immigration Commission*, Vol. XXI, pp. 30, 31.

<sup>90</sup> *United States Statutes at Large*, Vol. XXII, p. 214.

<sup>91</sup> Shambaugh's *Messages and Proclamations of the Governors of Iowa*, Vol. VI, p. 9, Vol. VII, p. 117.

## THE INTERNAL GRAIN TRADE OF THE UNITED STATES 1860-1890<sup>1</sup>

### I

The purpose of this study is to consider some of the distinctive features of the internal grain trade of the United States during the period from 1860 to 1890. Various movements and developments in the preceding period had resulted in the establishment, by 1860, of a mutual economic dependence between the three great sections of the Union — the manufacturing East, the plantation South, and the food producing West — and upon this the growing volume of internal trade depended.<sup>2</sup> The three decades following 1860 witnessed the rapid transformation of American agriculture from a primitive, pioneer, largely self-sufficing type of industry into a modern business organized on a scientific, capitalistic, commercial basis. The most significant result of this transformation was the rise of the United States to the leading place among the nations of the world in the production of grain and live stock — a position which

<sup>1</sup> This is the first of two articles covering the period 1860-1890. Other phases of the period will be treated in a later article. Attention is directed to an earlier article by the same writer on *The Internal Grain Trade of the United States, 1850-1860*, which appeared in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. XVIII, pp. 94-124.

<sup>2</sup> It is interesting to note that the Federal Government made no provision for the collection of information on the internal trade of the United States until 1876 when the first annual report was issued; while from the very beginning of the national period of our history full and complete statistics on foreign commerce had been collected and published in a document known as the *Annual Report on the Commerce and Navigation of the United States*. See the *Report of the Select Committee on Transportation Routes to the Seaboard* (Washington, 1874), Vol. I, p. 8, and the *Annual Report on the Internal Commerce of the United States* (Bureau of Statistics, Treasury Department), 1876, pp. 8, 9.



this country had already long since attained and still continued to hold with respect to cotton and tobacco. Grain was the most important American product and the leading item entering into the nation's domestic and foreign commerce. Its production and distribution therefore constitutes a subject of fundamental interest and significance in the study of American economic development.<sup>3</sup>

In undertaking a consideration of the internal grain trade of the United States during this period, attention will be given to the following aspects of the problem: first, the rapid expansion in the production of grain; second, the geographic distribution of population and grain production; third, the principal transportation routes connecting the surplus grain States of the North Central region with the consuming States of the East and the South; fourth, the growth of the great primary grain markets of the Middle West; and fifth, the movement of grain and flour from the primary markets to the Atlantic and Gulf ports. The grain trade of the Pacific coast will not be considered in this paper, inasmuch as this subject may more conveniently be treated in another article. A study of foreign grain trade of the United States during this period will also be presented in a subsequent paper.

#### THE RAPID EXPANSION IN THE PRODUCTION OF GRAIN

The rapid development of the grain growing industry in the United States is shown by Table I, which gives the production of the six leading cereals by ten-year periods from 1859 to 1889. It will be seen that the volume of corn production in 1859 amounted to 838,793,000 bushels. This was decreased in 1869 to 760,945,000 bushels, owing to the dis-

<sup>3</sup> See Schmidt's articles on *The Internal Grain Trade of the United States, 1850-1860*, in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. VIII, pp. 94-124; and *Some Significant Aspects of the Agrarian Revolution in the United States* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XVIII, pp. 371-395.

TABLE I

PRODUCTION OF THE SIX LEADING CEREALS OF THE UNITED STATES BY TEN-YEAR PERIODS FROM 1859 TO 1889 <sup>4</sup>				
CEREAL	1859		1869	
	BUSHEL	BUSHEL PER CAPITA	BUSHEL	BUSHEL PER CAPITA
CORN	838,792,742	26.6	760,944,549	19.8
WHEAT	173,104,924	5.5	287,745,626	7.4
OATS	172,643,185	5.4	282,107,157	7.3
BARLEY	15,825,898	.50	29,761,305	.77
RYE	21,101,380	.67	16,918,795	.43
BUCKWHEAT	17,571,818	.55	9,921,721	.25
TOTAL	1,239,039,947	39.22	1,387,299,153	35.95
CEREAL	1879		1889	
	BUSHEL	BUSHEL PER CAPITA	BUSHEL	BUSHEL PER CAPITA
CORN	1,754,591,676	34.9	2,122,327,547	33.8
WHEAT	459,483,137	9.2	468,373,968	7.4
OATS	407,858,999	8.2	809,250,666	13.0
BARLEY	43,997,495	.87	78,332,976	1.1
RYE	19,831,595	.39	28,421,398	0.4
BUCKWHEAT	11,817,327	.23	12,110,349	0.19
TOTAL	2,697,580,229	53.79	3,518,816,904	55.89

<sup>4</sup> The writer is indebted to Miss Mary Nicholson of Winterset, Iowa, a senior student in History and Economics at the Iowa State College of Agriculture and Mechanic Arts during the academic year of 1920-1921, for assistance in the preparation of the statistical tables used in this paper.

H The statistics used in Table I, giving the complete returns of each of the six leading cereals for the four census years included in this period, are taken from the tables of the *Twelfth Census of the United States*, 1900, Vol. VI, pp. 72-93. The per capita returns are based on these tables and on the statistics of population presented in Table II of this paper. For a brief historical sketch of American agriculture, particularly as related to grain production, see Brewer's *Report on the Cereal Production of the United States*, pp. 131-141, in the *Tenth Census of the United States*, 1880, Vol. III. For a brief statement of some of the more important aspects of grain production in the United States, see pp. 142-152 of the same report.

astrous effects of the Civil War on Southern agriculture which before 1860 had contributed a fair share of the total annual product. During the succeeding decade, however, production was more than doubled, amounting in 1879 to 1,754,592,000 bushels. This was further increased in 1889 to 2,122,328,000 bushels — an amount which represented about two and one-half times the returns of 1859. Wheat increased steadily from 173,105,000 bushels in 1859 to 287,746,000 bushels in 1869, mounted rapidly to 459,483,000 bushels in 1879, and then increased more slowly until 1889 when 468,374,000 bushels were produced. This represented an increase to more than two and one-half times the amount shown in the returns of 1859. Oats showed even a more remarkable proportionate increase than either corn or wheat, rising from 172,643,000 bushels in 1859 to 282,107,000 bushels in 1869. This was steadily increased to 407,859,000 bushels in 1879, after which production was expanded still more rapidly, amounting in 1889 to 809,251,000 bushels — nearly five times the volume of production in 1859. Barley showed a similar proportionate increase, although this cereal was of much less importance as to total volume of production which in 1859 amounted to only 15,826,000 bushels. This was increased to 29,761,000 bushels in 1869 after which there was a continued rise to 43,997,000 bushels in 1879. This was doubled during the succeeding decade, the volume of production in 1889 amounting to 78,333,000 bushels, or nearly five times the returns of 1859. Rye which was of greater importance than barley in 1859, amounting in that year to 21,101,000 bushels, decreased in both absolute and relative importance to 16,919,000 bushels in 1869, then increased to 19,832,000 bushels in 1879, thereafter rising to 28,421,000 bushels in 1889. This represented an increase to an amount less than one and one-half times the returns of 1859. Buckwheat was even of less impor-

tance than rye, decreasing from 17,572,000 bushels in 1859 to 9,922,000 bushels in 1869, and then increasing only slightly to 11,817,000 bushels in 1879 and amounting to but 12,110,000 bushels in 1889. The total volume of production of the six leading cereals amounted in 1859 to 1,239,040,000 bushels. This was increased to 1,387,299,000 bushels in 1869, in spite of the disturbances caused by the Civil War. The next ten years showed a marvellous expansion in cereal production, the returns of 1879 amounting to 2,697,580,000 bushels, while in 1889 the returns amounted to 3,518,817,000 bushels. This represented an increase to an amount three times that returned by the United States Census of 1860.

H The significance of the rapid expansion in the volume of grain production during this period is further emphasized by the increase in per capita production. It will be seen by reference to Table I that while the production of corn decreased from 26.6 bushels per capita in 1859 to 19.8 bushels in 1869, the returns for 1879 increased to 34.9 bushels and thereafter were maintained at the same high average until 1889 when 33.8 bushels were returned. Wheat production increased with marvellous rapidity, rising from 5.5 bushels per capita in 1859 to 7.4 bushels in 1869 and then to 9.2 bushels in 1879, thereafter decreasing to 7.4 bushels in 1889, which represented a return to the per capita production of 1869. Oats showed a consistent growth from 5.4 bushels per capita in 1859 to 7.3 bushels in 1869, rising further to 8.2 bushels in 1879, and finally reaching 13 bushels in 1889. Barley, although of minor importance, showed an increase of from five-tenths of a bushel in 1859 to nearly eight-tenths of a bushel in 1869, rising further to nine-tenths of a bushel in 1879, and then to one and one-tenth bushels in 1889. Rye decreased from seven-tenths of a bushel per capita in 1859 to four-tenths of a bushel in 1869,

which amount was maintained approximately in the returns of 1879 and 1889. Buckwheat showed a steady decline for each census period, decreasing from six-tenths of a bushel per capita in 1859 to two-tenths of a bushel in 1889. Finally, it will be seen that while the production of the six leading cereals combined was decreased from 39.22 bushels per capita in 1859 to 35.98 bushels in 1869, the returns for 1879 amounted to 53.79 bushels and finally reached 55.89 bushels in 1889.

The rapid expansion in the grain-growing industry of the United States during this period was due to the operation of the following forces: first, the existence of a vast empire of virgin land, the soil and climate of which were well adapted to the raising of grain, and the liberal policy of the Federal Government favoring the rapid transference of this land from public to private ownership under the homestead, preëmption, and various other acts; second, the rapid growth of population, including a great influx of European immigrants who helped recruit the labor forces necessary for the development of agriculture, industry, and commerce; third, the introduction into general use of improved labor saving farm machinery; fourth, the extension and development of transportation facilities; fifth, the growth of domestic and foreign markets; and, sixth, the development of agencies for the promotion of scientific knowledge relating to agriculture, among which may be mentioned the Federal and State departments of agriculture, the State colleges of agriculture and mechanic arts, experiment stations, farmers' organizations, and the agricultural press.<sup>5</sup>

Through the operation of these forces, the total area of land in farms was increased from 407,213,000 acres in 1860

<sup>5</sup> For a brief consideration of these forces, see Schmidt's article on *Some Significant Aspects of the Agrarian Revolution in the United States* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XVIII, pp. 371-395.

to 623,219,000 acres in 1890. Much more significant, however, is the fact that whereas the area of improved land in farms amounts to but 163,111,000 acres in 1860, this was rapidly expanded to 357,617,000 acres in 1890.<sup>6</sup> The increase in grain production was due in part to the cultivation of new lands in the West and Northwest; but it was more largely due to the gain in the farming regions already occupied by 1870, the statistics of production showing that most of the grain was recorded for regions which had for some time been under cultivation.<sup>7</sup>

THE GEOGRAPHIC DISTRIBUTION OF POPULATION AND  
GRAIN PRODUCTION

The North Central region became the granary of the nation. This section includes the twelve States of Ohio, Indiana, Illinois, Michigan, Wisconsin, Missouri, Iowa, Minnesota, Kansas, Nebraska, and North and South Dakota, which together have a land area of 756,368 square miles, or 484,075,520 acres — an area equal to one-fourth of the entire area of continental United States. It is an agricultural empire more than three and one-half times the area of the French Republic, more than five times the area of the United Kingdom of Great Britain and Ireland, and eleven times the area of the State of Iowa. This vast region is in turn divided into two geographic divisions by the Mississippi River: the five East North Central States of Ohio, Indiana, Illinois, Wisconsin, and Michigan, with a land area of 248,105 square miles, or 157,160,960 acres; and the seven West North Central States of Iowa, Minnesota, Missouri, Kansas, Nebraska, and the two Dakotas, with an area of 518,379 square miles, or 326,914,560 acres.<sup>8</sup> Here

<sup>6</sup> These statistics are taken from a table in the *Twelfth Census of the United States*, 1900, Vol. V, pp. xviii, xix.

<sup>7</sup> Brewer's *Report on the Cereal Production of the United States*, p. 2, in the *Tenth Census of the United States*, 1880, Vol. III.

<sup>8</sup> These statistics are taken from tables in the *Thirteenth Census of the United States*, 1910, Vol. I, pp. 39, 45.

in this great economic empire, the agricultural possibilities of which were only beginning to be realized in 1860, a great cereal kingdom was being founded upon which the East and the South became to an ever increasing extent dependent for the bread stuffs and provisions needed to fill the growing deficits in the home supplies.

The predominant importance of this region as the granary of the nation is shown by a comparative study of cereal production by geographic divisions during this period. The divisions adopted for this study are: first, the North Atlantic division comprising the six New England States of Massachusetts, Connecticut, Rhode Island, Maine, New Hampshire, and Vermont, and the three middle Atlantic States of New York, Pennsylvania, and New Jersey; second, the South Atlantic division, comprising the eight States of Virginia, North Carolina, South Carolina, Georgia, Florida, West Virginia, Delaware, and Maryland, with the District of Columbia included in this division; third, the North Central division, comprising the twelve States already mentioned; fourth, the South Central division, comprising the eight States of Kentucky, Tennessee, Alabama, Mississippi, Louisiana, Arkansas, Oklahoma, and Texas; and fifth, the Western division, comprising the eight mountain States and Territories of Montana, Wyoming, Colorado, New Mexico, Arizona, Utah, Nevada, and Idaho, and the three Pacific States of California, Oregon, and Washington.<sup>9</sup> The relative importance of these five divisions in population and grain production will now be considered.

It will be seen by reference to Table II, showing the geographic distribution of population in the United States by ten-year periods from 1860 to 1890, that the North At-

<sup>9</sup> These five geographic divisions are defined in accordance with the principle of classification adopted in the United States Census Reports of 1890 and 1900.

TABLE II

GEOGRAPHIC DISTRIBUTION OF POPULATION IN THE UNITED STATES BY TEN-YEAR PERIODS FROM 1860 TO 1890 <sup>10</sup>				
DIVISION	1860	1870	1880	1890
NORTH ATLANTIC	10,594,268	12,298,730	14,507,407	17,401,545
SOUTH ATLANTIC	5,564,703	5,853,610	7,597,197	8,857,920
NORTH CENTRAL	9,096,716	12,981,111	17,364,111	22,362,279
SOUTH CENTRAL	6,768,658	6,434,410	8,919,371	10,972,893
WESTERN	618,976	990,510	1,767,697	3,027,613
TOTAL	31,443,321	38,558,371	50,155,783	62,622,250

lantic division still maintained the lead in 1860 with a population of 10,595,000; while the North Central division was a close second with 9,097,000. The South Central division came next with 6,769,000, and the South Atlantic division followed with 5,565,000; while the Western division came last with only 619,000. By 1870, the population of the North Central division had been increased to 12,981,000, thus placing it in the lead by a small margin over the North Atlantic division which was now reduced to second place with 12,299,000. The South Central division had suffered a slight loss in population during the Civil War period but still retained third place with 6,434,000. The South Atlantic division came next with 5,854,000; while the population of the Western division now numbered 991,000. The lead in population which the North Central division had thus achieved over the North Atlantic division by 1870 was maintained by a considerable margin at the two succeeding census periods. By 1880 the population of this division had been increased to 17,364,000; while that of the North Atlantic division had been decreased to 14,507,000. The South Central division now had a population of 8,919,000; while

<sup>10</sup> These statistics are taken from a table in the *Twelfth Census of the United States*, 1900, Vol. I, pp. xxii, xxiii.



the South Atlantic division had 7,597,000. The Western division had meanwhile increased its numbers to 1,768,000. In 1890 the North Central division had a population of 22,362,000 — nearly 4,961,000 more than the population of the North Atlantic division which now numbered 17,402,000. The population of the South Central division now numbered 10,973,000, or less than half of the population of the North Central division; while the South Atlantic division had a population of 8,858,000. The population of the Western division numbered 3,028,000, or only about one-seventh of the population of the North Central division.

A study of the geographic distribution of corn production in the United States by ten-year periods from 1859 to 1889, as set forth by Table III, shows that the North Central division was in 1859 already far in the lead with 406,167,000 bushels which represented 48.4 per cent of the entire crop. This was increased in 1869 to 439,245,000 bushels — an amount only slightly in excess of that returned for this division in 1859, but which, due to the sharp decline in the corn production of the Southern States during the Civil War and Reconstruction period, represented 57.7 per cent of the entire corn crop of the nation. The next decade was a period of remarkable expansion in the corn growing industry of the North Central division, the returns for 1879 amounting to 1,285,285,000 bushels, which was nearly treble the amount returned by the previous census and represented 73.2 per cent of the entire crop. This was further increased in 1889 to 1,598,870,000 bushels which represented 75.3 per cent of the nation's product. The South Central division ranked second in the production of corn, the returns for 1859 amounting to 229,596,000 bushels, or 27.4 per cent of the whole crop. This was decreased in 1869 to 165,583,000 bushels, or 21.8 per cent of the entire crop, and then increased in 1879 to 245,520,000 bushels

which exceeded the returns for 1859, though this product represented but 14 per cent of the whole product. The further development of corn production in this division during the eighties brought the returns up to 314,701,000 bushels which represented 14.8 per cent of the entire crop. The South Atlantic division ranked third with a return of 134,493,000 bushels in 1859, or 16 per cent of the entire crop. This was decreased in 1869 to 86,527,000 bushels, or 11.4 per cent of the entire crop, and then increased in 1879 to 129,266,000 bushels, which amount, however, represented but 7.4 per cent of the entire crop. In 1889, this division showed but a slight increase over the previous decade, the returns for that year amounting to 131,456,000 bushels, which represented but 6.2 per cent of the entire crop. The North Atlantic division ranked fourth in the production of corn with a return in 1859 of 67,146,000 bushels, or 8 per cent of the entire crop. This amount was maintained in 1869 at almost exactly the same level, at the same time representing 8.8 per cent of the entire crop. During the next decade there was a slight increase in corn production, the returns for 1879 amounting to 91,039,000 bushels, which, however, represented but 5.2 per cent of the entire product. This was decreased in 1889 to 72,191,000 bushels representing but 3.4 per cent of the nation's crop. The Western division came last, being of almost negligible importance in the production of corn, as shown by the returns of 1859 which amounted to but 1,392,000 bushels representing only two-tenths of one per cent of the entire crop. In 1869, this was nearly doubled, the returns for that year amounting to 2,331,000 bushels and representing three-tenths of one per cent of the entire crop. This was steadily increased to 1879 when 3,482,000 bushels were produced, representing two-tenths of one per cent of the entire crop. Although production continued to increase steadily, the returns for 1889

amounted to but 5,109,000 bushels, which represented only three-tenths of one per cent of the nation's entire product.

The primary significance of the North Central division in the production of corn is further emphasized by a comparative analysis of the average per capita production of the several geographic divisions. It will be noted by reference to Table III that while the per capita production of this

TABLE III

GEOGRAPHIC DISTRIBUTION OF CORN PRODUCTION IN THE UNITED STATES BY TEN-YEAR PERIODS FROM 1859 TO 1889 <sup>11</sup>						
DIVISION	1859			1869		
	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA
N. ATLANTIC	67,145,711	8.0	6.3	67,257,881	8.8	5.4
S. ATLANTIC	134,492,952	16.0	25.6	86,527,333	11.4	13.0
N. CENTRAL	406,166,733	48.4	44.6	439,244,945	57.7	33.0
S. CENTRAL	229,595,558	27.4	38.5	165,583,195	21.8	25.7
WESTERN	1,391,788	0.2	2.2	2,331,195	0.3	2.3
DIVISION	1879			1889		
	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA
N. ATLANTIC	91,038,700	5.2	6.2	72,191,305	3.4	4.5
S. ATLANTIC	129,266,107	7.4	17.0	131,455,786	6.2	14.0
N. CENTRAL	1,285,284,661	73.2	73.9	1,598,870,008	75.3	71.5
S. CENTRAL	245,520,048	14.0	27.5	314,701,239	14.8	28.7
WESTERN	3,482,160	0.2	1.9	5,109,209	0.3	1.6

<sup>11</sup> The statistics used in this table giving the complete returns of corn production by geographic divisions for these four census periods, together with the percentage of the nation's entire product contributed by each division, are taken from a table in the *Twelfth Census of the United States, 1900*, Vol. VI, pp. 80, 81. The per capita returns are based on this table and on the statistics of population presented in Table II of this paper. For an extended review of

division was decreased from 44.6 bushels in 1859 to 33 bushels in 1869, this reduction was more than counter-balanced by the rapid expansion of the seventies which in 1879 brought the per capita production of this division up to 73.9 bushels. This high average was maintained during the succeeding decade with a reduction by only a slight margin to 71.5 bushels in 1889. Taking the period as a whole it will therefore be seen that the corn production of this division ran far ahead of the increase in population. The South Central division in 1859 produced 38.5 bushels of corn per capita, or nearly as much as the North Central division produced in the same year. This was reduced in 1869 to 25.7 bushels, then increased in 1879 to 27.5 bushels, and in 1889 to 28.7 bushels. Thus while the South Central division had by 1879 recovered sufficiently from the effects of the war to exceed the volume of corn which this division produced in 1859, the increased production did not keep pace with the growth of population, the per capita production declining from 38.5 bushels in 1859 to 28.7 bushels in 1889 — a decrease of 9.8 bushels per capita for this period; while the North Central division increased its per capita production from 44.6 bushels in 1859 to 71.5 bushels in 1889 — an increase of 26.9 bushels per capita during the same time. Or, to state it in another way: the North Central division in 1889 produced two and one-half times as much corn per capita as the South Central division produced in the same year. The South Atlantic division did not recover sufficiently by 1889 to produce the volume of corn which was

corn production in the United States according to the census returns of 1880, see especially: Brewer's *Report on the Cereal Production of the United States*, pp. 90-110, in the *Tenth Census of the United States*, 1880, Vol. III. Maps 6, 7, 8, and 9, showing the geographic distribution of corn production in the United States in 1879, are essential. See also: *Statistical Atlas of the United States: Eleventh Census*, 1890, maps 297, 298, 299, and 300, showing the geographic distribution of corn production in the United States according to the census of 1890.

returned for this division in 1859. Consequently, its per capita production, which suffered a sharp decline from 25.6 bushels in 1859 to 13 bushels in 1869, was increased in 1879 to only 17 bushels which in 1889 was decreased to 14 bushels. The per capita production of this division in 1889 was therefore but a little more than half of the amount returned in 1859; it was about half of the per capita production of the South Central division in 1889; and it was only one-fifth of the per capita production of the North Central division for the same year. The North Atlantic division, as already noted, occupied a position of relatively minor importance in the production of corn, the per capita returns reported for this division in 1859 amounting to but 6.3 bushels which were further decreased in 1869 to 5.4 bushels. This was increased again in 1879 to 6.2 bushels which however was reduced in 1889 to 4.5 bushels, or one-sixteenth of the per capita production of the North Central division for the same year. The Western division in 1859 showed the comparatively insignificant return of 2.2 bushels of corn per capita which was maintained in 1869, but reduced in 1879 to 1.9 bushels to be followed by a further reduction in 1889 to 1.6 bushels.

It will therefore be seen that while the production of corn was widely distributed throughout the vast region from the Great Lakes to the Gulf of Mexico and from the Atlantic Coast to the Western Plains and in scattered regions beyond, the North Central division contributed from one-half to three-fourths of the entire corn crop of the nation and registered the highest per capita production of the several geographic divisions. Of further significance is the fact that the bulk of the crop was produced by half a dozen States. These States in 1859 were, in order of their importance: Illinois, Ohio, Missouri, Indiana, Kentucky, and Tennessee, which together produced 53.5 per cent of the

entire crop. In 1869 the States of Illinois, Iowa, Ohio, Missouri, Indiana, and Kentucky produced 57.1 per cent of the whole crop. In 1879, the States of Illinois, Iowa, Missouri, Indiana, Ohio, and Kansas produced 64.8 per cent of the entire product. In 1889 the States of Iowa, Illinois, Kansas, Nebraska, Missouri, and Ohio together produced 65.6 per cent of the nation's product.<sup>12</sup> The region of greatest corn production extended from Ohio to the western plains of Kansas and Nebraska and northward from the thirty-sixth parallel of latitude.<sup>13</sup> It included the seven States of Ohio, Indiana, Illinois, Iowa, Missouri, Kansas, and Nebraska which have since become designated as "the corn-belt States". The center of corn production was located in these States, moving rapidly westward throughout this period. In 1849, it was about 86 miles east-southeast of Columbus, Ohio; in 1859 it was 47 miles west-southwest of New Albany, Indiana; in 1869, it was 90 miles southwest of Indianapolis, Indiana; 1879, it was 36 miles southeast of Springfield, Illinois; and in 1889, it was 55 miles southwest of Springfield, or about 480 miles west and 5 miles north of the center of production in 1850.<sup>14</sup>

The rapid growth of the corn belt States is well illustrated by Iowa. This State in 1859 produced 42,411,000 bushels of corn or 5 per cent of the entire crop; in 1869 it produced 68,935,000 bushels, or 9.1 per cent of the whole crop; in 1879, it showed the remarkably high return of 275,014,000 bushels, or 15.7 per cent of the entire product; and in 1889, it achieved first rank with 313,131,000 bushels, which represented 14.8 per cent of the nation's corn pro-

<sup>12</sup> These percentages are based on a table in the *Twelfth Census of the United States*, 1900, Vol. VI, pp. 80, 81.

<sup>13</sup> See Brewer's *Report on the Cereal Production of the United States*, pp. 90, 92, in the *Tenth Census of the United States*, 1880, Vol. III.

<sup>14</sup> *Twelfth Census of the United States*, 1900, Vol. VI, p. 24.

duction.<sup>15</sup> The per capita returns for this State amounted in 1859 to 62.8 bushels; in 1869, to 57.7 bushels; in 1879, to 169.2 bushels; and in 1889, to 163.8 bushels.<sup>16</sup> Illinois affords another good illustration. In 1859, this State produced 115,175,000 bushels, or 13.7 per cent of the entire crop; in 1869, it produced 129,921,000 bushels, or 17.1 per cent of the whole crop; in 1879, it contributed the greatly increased return of 325,792,000 bushels, or 18.6 per cent of the entire crop; and in 1889, when it was superseded by Iowa for first place, it made the decreased return of 289,697,000 bushels, or 13.7 per cent of the nation's product.<sup>17</sup> The per capita returns of Illinois amounted to 67.3 bushels in 1859, which was reduced to 51.2 bushels in 1869. This was rapidly increased to 105.9 bushels in 1879 and then again reduced in 1889 to 75.7 bushels.<sup>18</sup> The other States of the corn belt showed a similar rapid development.

“While various causes have conduced to this increased production in any one State,” observed W. H. Brewer, “among which are increase of population and better transportation facilities, yet the amounts grown in these late years could not have been produced and gathered by the population with the means and by the methods employed in growing the crop forty years ago. The relative increase of production is mostly on those soils of the West that admit the use of the most improved implements for the cultivation of the crop. The average yield per acre is about as large in some of the Eastern States, where the cultivation is more difficult, but a given amount of human labor producing a

<sup>15</sup> *Twelfth Census of the United States*, 1900, Vol. VI, pp. 80, 81.

<sup>16</sup> Blodgett's *Relations of Population and Food Products in the United States* (Bulletin No. 24, Division of Statistics, United States Department of Agriculture, 1903), p. 20.

<sup>17</sup> *Twelfth Census of the United States*, 1900, Vol. VI, pp. 80, 81.

<sup>18</sup> Blodgett's *Relations of Population and Food Products in the United States* (Bulletin No. 24, Division of Statistics, United States Department of Agriculture, 1903), p. 20.

H smaller result, the crop is not grown to so great an extent. Ease of tillage, capability of planting and gathering large crops with a minimum of hand labor, along with sufficient fertility of soil to grow fair crops, characterize all the regions of specially large production."<sup>19</sup>

Wheat is the second cereal in quantity of production, but the first in commercial importance. It will be seen by reference to Table IV, showing the geographic distribution of

TABLE IV

GEOGRAPHIC DISTRIBUTION OF WHEAT PRODUCTION IN THE UNITED STATES BY TEN-YEAR PERIODS FROM 1859 TO 1889 <sup>20</sup>						
DIVISION	1859			1869		
	BUSHELS	PER CENT ENTIRE CROP	BUSHELS PER CAPITA	BUSHELS	PER CENT ENTIRE CROP	BUSHELS PER CAPITA
N. ATLANTIC	24,569,681	14.2	2.3	35,153,555	12.2	2.8
S. ATLANTIC	28,737,216	16.6	5.3	22,326,598	7.8	3.8
N. CENTRAL	95,005,130	54.9	10.4	194,934,540	67.7	15.0
S. CENTRAL	17,123,600	9.9	2.9	14,413,921	5.0	2.2
WESTERN	7,664,297	4.4	12.4	20,917,012	7.3	21.1
DIVISION	1879			1889		
	BUSHELS	PER CENT ENTIRE CROP	BUSHELS PER CAPITA	BUSHELS	PER CENT ENTIRE CROP	BUSHELS PER CAPITA
N. ATLANTIC	34,178,947	7.4	2.3	32,012,544	6.8	1.8
S. ATLANTIC	28,534,367	6.2	3.7	27,435,104	5.9	3.1
N. CENTRAL	329,550,755	71.7	18.9	321,316,830	68.6	14.3
S. CENTRAL	24,278,499	5.3	2.7	24,502,856	5.2	2.2
WESTERN	42,940,569	9.4	24.3	63,106,634	13.5	20.7

<sup>19</sup> Brewer's *Report on the Cereal Production of the United States*, p. 91, in the *Tenth Census of the United States*, 1880, Vol. III.

<sup>20</sup> The statistics used in this table, giving the complete returns of corn production by geographic divisions, together with the percentage of the nation's



wheat production in the United States by ten-year periods from 1859 to 1889, that the North Central division in 1859 was already producing more than half of the nation's crop, the returns for that year amounting to 95,005,000 bushels, which represented 54.9 per cent of the entire product. The high price of wheat, occasioned by the growing foreign demand during the sixties, gave a great stimulus to the wheat growing industry, with the result that the production of this division was doubled during the decade, the returns for 1869 amounting to 194,935,000 bushels, representing 67.7 per cent of the entire crop. This was further increased in 1879 to 329,551,000 bushels, or 71.5 per cent of the whole crop; while the returns for 1889 showed a slight decrease to 321,317,000 bushels, representing 68.6 per cent of the entire product. The South Atlantic division in 1859 ranked second in the production of wheat with a return of 28,737,000 bushels, or 16.6 per cent of the whole crop. In 1869, this division was reduced to third place, the returns for that year amounting to but 22,327,000 bushels, or 7.8 per cent of the entire crop. In 1879, it was further reduced to fourth place, but with a slightly increased return of 28,535,000 bushels, which represented 6.2 per cent of the whole product. In 1889, it maintained the same rank with a return of 27,435,000 bushels, representing 5.9 per cent of the nation's crop. The North Atlantic division in 1859 ranked third in wheat production, the returns for that year amounting to

entire product contributed by each division, are taken from a table in the *Twelfth Census of the United States*, 1900, Vol. VI, pp. 92, 93. The per capita returns are based on this table and on the statistics of population given in Table II of this paper. For an extended review of wheat production in the United States according to the census returns of 1880, see, especially, Brewer's *Report on the Cereal Production of the United States*, pp. 60-89, in the *Tenth Census of the United States*, 1880, Vol. III. Maps 2, 3, 4, and 5, showing the geographic distribution of wheat production in the United States in 1879, are essential. See also: *Statistical Atlas of the United States: Eleventh Census*, 1890, maps 291, 292, 293, 294, showing the geographic distribution of wheat in the United States according to the census returns of 1890.

24,570,000 bushels, or 14.2 per cent of the entire crop. In 1869, this division advanced to second place with 35,154,000 bushels, or 12.2 per cent of the whole crop, thus superseding the South Atlantic division which now dropped to third place. In 1879, the North Atlantic division again dropped to third place, with a slightly decreased return of 34,179,000 bushels, representing but 7.4 per cent of the entire crop. In 1889, this division maintained the same rank with a continued decrease to 32,013,000 bushels, representing 6.8 per cent of the nation's product. The South Central division in 1859 ranked fourth in the production of wheat, with a return of 17,128,000 bushels, representing 9.9 per cent of the whole crop. In 1869, it was reduced to fifth place, the returns for that year being decreased to 14,414,000 bushels, or 5 per cent of the entire product. In 1879, and again in 1889, this division continued to hold the same rank, the returns for 1879 amounting to 24,278,000 bushels or 5.3 per cent of the whole crop, while the returns for 1889 maintained about the same level, amounting to 24,503,000 bushels, representing 5.2 per cent of the entire crop. The Western division in 1859 was at the bottom of the list, the production of wheat in that year being only 7,664,000 bushels, or 4.4 per cent of the whole crop. In 1869, it advanced to fourth place with 20,917,000 bushels, representing 7.3 per cent of the whole product, thus superseding the South Central division which was now reduced to fifth place. By 1879, the Western division had forged ahead to second place, having meanwhile doubled its returns which now amounted to 42,941,000 bushels, representing 9.4 per cent of the entire crop. The same rank was easily maintained in 1889 with a greatly increased return of 63,107,000 bushels, representing 13.5 per cent of the nation's product. Nearly all of the wheat reported for the Western division at these census periods was produced in the Pacific Coast States, California alone furnishing about two-thirds of the entire amount.

The ascendancy which the North Central division had thus achieved in the production of wheat assumes even a more remarkable significance by a comparison of the per capita returns of the several geographic divisions. It will be seen by further reference to Table IV that the North Central division in 1859 produced 10.4 bushels of wheat per capita. This was rapidly increased to 15 bushels in 1869, finally reaching 18.9 bushels in 1879, after which it was decreased to 14.3 bushels in 1889. The South Atlantic division in 1859 produced 5.3 bushels of wheat per capita. This was reduced in 1869 to 3.8 bushels which amount was maintained at practically the same level at the next census period when 3.7 bushels were returned. In 1889, this was further reduced to 3.1, or only about one-fifth of the per capita returns of the North Central division in the same year. The North Atlantic division in 1859 showed the comparatively small return of 2.3 bushels of wheat per capita which was increased by one-half a bushel per capita in 1869, then decreased in 1879 to 2.3 bushels, to be still further reduced to 1.8 bushels per capita in 1889, or only one-eighth of the per capita returns of the North Central division for that year. The South Central division reported about the same per capita returns of wheat for these census periods as the North Atlantic division, the returns amounting in 1859 to 2.9 bushels and decreasing in 1889 to 2.2 bushels, or nearly one-seventh of the amount returned for the North Central division in the same year. The Western division in 1859 showed the phenomenally high record of 12.4 bushels of wheat per capita which was nearly doubled during the next decade, amounting in 1869 to 21.1 bushels. This was still further increased in 1879 to 24.3 bushels, and then decreased in 1889 to 20.7 bushels. While these returns were considerably higher than the per capita returns of the North Central division, it is to be remembered that the

settlement of the Western division had hardly more than begun, its population numbers being far behind those of the other divisions, thus giving this division a relatively low volume of production. Even so, however, the high per capita returns furnished a considerable surplus which entered into the internal and export trade of the Pacific Coast.

The North Central division had thus become the great wheat emporium of the nation, producing more than two-thirds of all the wheat raised in the country. With this fact in mind, the relative importance of the East and West North Central sections in the production of wheat now commands our attention. In 1859, the East North Central section produced 46.1 per cent of the entire crop; while the West North Central section contributed but 8.8 per cent. In 1869, the East North Central section produced 44.3 per cent of the whole crop — a slight decrease as compared with the percentage returned by the previous census; while the West North Central section increased its contribution which now amounted to 23.4 per cent of the entire product. In 1879, the East North Central section returned 44.5 per cent of the whole product, or practically the same percentage reported for 1869; while the West North Central section showed a further increase of production to 27.1 per cent of the entire crop. In 1889, the proportion of the whole crop returned by the East North Central section was reduced to 31.4 per cent; while the returns for the West North Central section amounted to 37.4 per cent.<sup>21</sup> Thus by 1889, the West North Central section had wrested the leadership from the East North Central section in the production of wheat. This fact is further emphasized by the rapidity with which the center of the wheat growing industry moved westward during this period. In 1849, the center of production was 57 miles east-northeast of Columbus, Ohio; in

<sup>21</sup> These percentages are based on a table in the *Twelfth Census of the United States*, 1900, Vol. VI, pp. 92, 93.

1859, it was 18 miles north by east of Indianapolis, Indiana; in 1869, it was located 82 miles northeast of Springfield, Illinois; in 1879, it was 69 miles northwest of Springfield; and by 1889, it had crossed the Mississippi and was located in Missouri at a point 138 miles south by east of Des Moines, Iowa. At the close of the century, it was located 70 miles west of Des Moines, or about 99 miles north and about 680 miles west of the center of wheat production in 1850, which was nearly one and one-half times the westward movement of corn during the same period.<sup>22</sup> This shows, furthermore, that the center of wheat production was moving northward as well as westward; while the center of corn production was moving almost due westward — a fact of fundamental importance in the study of the internal grain trade of this period. A

Further study of the wheat returns for this period shows that more than half of this product was contributed by the six leading wheat producing States. These States in 1859, named in order of their importance, were Illinois, Indiana, Wisconsin, Ohio, Virginia, and Pennsylvania, which together produced 56.4 per cent of the entire crop. In 1869, the States of Illinois, Iowa, Ohio, Indiana, Wisconsin, and Pennsylvania produced 55.7 per cent of the whole product. In 1879, the States of Illinois, Indiana, Ohio, Michigan, Minnesota, and Iowa produced 53.4 per cent of the entire crop. In 1889, the States of Minnesota, California, Illinois, Indiana, Ohio, and Kansas contributed 50.2 per cent of the nation's product.<sup>23</sup> The region of greatest wheat production included the five East North Central States of Ohio, Indiana, Illinois, Michigan, and Wisconsin and the first tier of States beyond the Mississippi River in the West North

<sup>22</sup> *Twelfth Census of the United States, 1900, Vol. VI, p. 32.*

<sup>23</sup> These percentages are based on a table in the *Twelfth Census of the United States, 1900, Vol. VI, pp. 92, 93.*

Central section: Iowa, Missouri, and Minnesota. Kansas was added near the close of the period; while the two States of North and South Dakota (together known as Dakota Territory until 1889) were rapidly forging ahead to become listed among the six leading wheat growing States by the close of the century.<sup>24</sup>

The growth of the East North Central section in the production of wheat during this period may be illustrated by the State of Illinois; while Minnesota may be taken to represent the West North Central section. Illinois in 1859 produced 23,837,000 bushels of wheat which represented 13.8 per cent of the entire crop; in 1869, it produced 30,128,000 bushels, or 10.5 per cent of the whole product; in 1879, it showed the greatly increased return of 50,111,000 bushels representing 11.1 per cent of the entire crop; and in 1889, it produced 37,389,000 bushels, or 8 per cent of the entire crop.<sup>25</sup> An analysis of the per capita returns shows that this State in 1859 produced 13.9 bushels of wheat per capita, which in 1869 was decreased to 11.9 bushels, then increased in 1879 to 16.6 bushels, and finally decreased again in 1889 to 9.8 bushels.<sup>26</sup> Minnesota, on the other hand, showed the comparatively insignificant return in 1859 of 2,187,000 bushels of wheat which represented but 1.3 per cent of the whole crop; in 1869 this was increased to 18,866,000 bushels, or 6.6 per cent of the entire crop; in 1879 these returns were nearly doubled, amounting to 34,601,000 bushels, or 7.5 per cent of the entire crop; and in 1889, when this State superseded Illinois for first place, the returns were further increased to 52,300,000 bushels, which amount represented

<sup>24</sup> See the writer's article on *The Westward Movement of the Wheat Growing Industry in the United States* in THE IOWA JOURNAL OF HISTORY AND POLITICS, Vol. XVIII, pp. 396-412.

<sup>25</sup> *Twelfth Census of the United States*, 1900, Vol. VI, pp. 92, 93.

<sup>26</sup> Blodgett's *Relations of Population and Food Products in the United States* (Bulletin No. 24, Bureau of Statistics, United States Department of Agriculture, 1903), p. 30.

11.2 per cent of the nation's product.<sup>27</sup> A review of the per capita returns shows that Minnesota in 1859 was already producing 12.7 bushels of wheat per capita, which in 1869 was more than trebled, amounting in that year to 42.9 bushels, after which it was maintained at practically the same level, the returns amounting in 1879 to 44.3 bushels and in 1889 to 40.2 bushels.<sup>28</sup> Iowa affords another interesting illustration. In 1859 this State produced 8,449,000 bushels of wheat, or 4.9 per cent of the whole crop; in 1869, it produced 10,436,000 bushels, or 10.2 per cent of the entire crop; in 1879, it produced 31,154,000 bushels, or 6.8 per cent of the entire crop; and in 1889, it showed the abnormally low return of 8,250,000 bushels which represented but 1.8 per cent of the whole product.<sup>29</sup> The per capita returns of wheat for this State amounted in 1859 to 12.5 bushels; in 1869, to 24.7 bushels; in 1879, to 19.2 bushels; and in 1889, to 4.3 bushels, which, however, as already pointed out, was an abnormally low return, as shown by the fact that the per capita production of this State was increased to 10.2 bushels in 1899.<sup>30</sup> The rapid increase in the volume of wheat production, together with the high per capita returns received for these States, reflect in a general way the importance of all the States comprising the North Central division in the production of the growing surplus of wheat which entered into the internal trade of the nation during this period.<sup>31</sup>

<sup>27</sup> *Twelfth Census of the United States*, 1900, Vol. VI, pp. 92, 93.

<sup>28</sup> *Blodgett's Relations of Population and Food Products in the United States* (Bulletin No. 24, Bureau of Statistics, United States Department of Agriculture, 1903), p. 30.

<sup>29</sup> *Twelfth Census of the United States*, 1900, Vol. VI, pp. 92, 93.

<sup>30</sup> *Blodgett's Relations of Population and Food Products in the United States* (Bulletin No. 24, Bureau of Statistics, United States Department of Agriculture, 1903), p. 30.

<sup>31</sup> "The remarkable fact here seen is not the great increase in the production but the increase per capita of population, notwithstanding the fact that during this period the country gained in population as no country ever did before."

TABLE V

GEOGRAPHIC DISTRIBUTION OF OAT PRODUCTION IN THE UNITED STATES BY TEN-YEAR PERIODS FROM 1859 TO 1889 <sup>32</sup>						
DIVISION	1859			1869		
	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA
N. ATLANTIC	77,996,598	45.2	7.3	84,951,544	30.1	6.9
S. ATLANTIC	20,220,026	11.7	3.7	18,908,338	6.7	3.2
N. CENTRAL	62,953,218	36.5	6.09	159,804,821	56.7	12.3
S. CENTRAL	9,338,791	5.4	1.6	13,628,092	4.8	2.1
WESTERN	2,134,552	1.2	3.4	4,814,362	1.7	4.9
DIVISION	1879			1889		
	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA
N. ATLANTIC	83,967,199	20.6	5.9	86,891,504	10.8	4.9
S. ATLANTIC	21,992,934	5.4	2.9	23,736,705	2.9	2.6
N. CENTRAL	270,166,435	66.2	15.5	645,127,344	79.7	28.8
S. CENTRAL	21,645,208	5.3	2.4	37,859,361	4.7	3.4
WESTERN	10,087,223	2.5	5.7	15,635,752	1.9	5.1

The next important cereal is oats. It will be seen by reference to Table V, showing the geographic distribution of oat production in the United States by ten-year periods from 1859 to 1889, that while the North Central division

Brewer's *Report on the Cereal Production of the United States*, p. 61, in the *Tenth Census of the United States*, 1880, Vol. III. See also Brewer's review of the conditions under which the cultivation of wheat as a successful commercial product is regulated and controlled, pp. 61-64 of this report.

<sup>32</sup> The statistics used in this table, giving the complete returns of oat production in the United States by geographic divisions, together with the percentage of the nation's product contributed by each division, are taken from a table in the *Twelfth Census of the United States*, 1900, Vol. VI, pp. 84, 85. The per capita returns are based on this table and on the statistics of popula-



had by 1859 already achieved a great lead over the other divisions in the production of corn and wheat, it was still behind the other divisions in the production of oats, ranking second with a return of 62,953,000 bushels which represented 36.5 per cent of the entire crop. By 1869, however, this division had also achieved the lead in oat production with the greatly increased return of 159,805,000 bushels, representing 56.7 per cent of the entire product. This was further expanded in 1879 to 270,166,000 bushels which represented 66.2 per cent of the whole crop. In 1889, the North Central division reported 645,127,000 bushels of oats which was more than double the returns reported at the previous census and which represented 79.7 per cent of the nation's product. The North Atlantic division, as already stated, still held first place in 1859 in the production of oats, the returns for that year amounting to 77,997,000 bushels, representing 45.2 per cent of the entire crop. These returns were increased by only a slight margin in 1869 when 84,952,000 bushels were reported which, due to the rapid expansion of oat production in the North Central division, represented but 30.1 per cent of the entire crop, thus reducing the North Atlantic division to second place in the production of this cereal. Production was maintained at practically the same volume in 1879 when 83,967,000 bushels were returned representing a further decrease to 20.6 per cent of the whole crop, and in 1889 when 86,892,000 bushels were reported, representing a continued decrease to 10.8 per cent of the entire product. The South Atlantic division

tion given in Table II of this paper. For a brief review of oat production in the United States according to the census returns of 1880, see Brewer's *Report on the Cereal Production of the United States*, pp. 111-116, in the *Tenth Census of the United States*, 1880, Vol. III. Maps 10, 11, and 12, showing the geographic distribution of oat production in the United States in 1879, are essential. See also *Statistical Atlas of the United States: Eleventh Census*, 1890, maps 303, 304, 305, and 306, showing the geographic distribution of oat production in the United States according to the census returns of 1890.

in 1859 ranked third in the production of oats, the returns for that year amounting to 20,220,000 bushels, or 11.7 per cent of the entire crop. This was decreased in 1869 to 18,908,000 bushels, or 6.7 per cent of the whole crop, and then increased in 1879 to 21,993,000 bushels which, however, represented a decrease to 5.4 per cent of the entire crop. In 1889 this division was reduced to third place with a return of 23,737,000 bushels which represented but 2.9 per cent of the nation's product. The South Central division in 1859 ranked fourth in the production of oats with a return of 9,339,000 bushels, or 5.4 per cent of the whole crop. In 1869, this division reported 13,628,000 bushels, or 4.8 per cent of the entire product. This was increased in 1879 to 21,645,000 bushels, or 5.3 per cent of the entire crop. In 1889 this division advanced to third place, with 37,859,000 bushels, representing 4.7 per cent of the entire crop, thus superseding the South Atlantic division which was now reduced to fourth place. The Western division ranked fifth in the production of oats throughout the period, the returns in 1859 amounting to but 2,135,000 bushels, representing 1.2 per cent of the entire crop and thereafter increasing at each census period until 1889 when 15,636,000 bushels were reported for this division, representing 1.9 per cent of the entire product. It will therefore be seen that while the North Central division in 1859 produced but a little more than one-third of all the oats raised in the United States, in 1889 it contributed four-fifths of the entire product. The ascendancy which this division had thus achieved over the other divisions is also emphasized by the fact that the returns of 1889 amounted to nearly eight times the returns of the North Atlantic division, seventeen times the returns of the South Central division, twenty-seven times the returns of the South Atlantic division, and forty-one times the returns of the Western division.

The supremacy of the North Central division in the production of oats is further shown by the rapid growth in its per capita returns which greatly exceeded the returns of all the other divisions. In 1859, this division, as already noted, ranked only second in the volume of oats produced. This fact was reflected in the per capita returns for that year when but 6.1 bushels were produced which amount was exceeded by the North Atlantic division. During the next decade, however, the North Central division advanced rapidly to first place in the per capita production of oats, the returns for 1869 amounting to 12.3 bushels, or double the returns for the previous census year. This was further increased in 1879 to 15.5 bushels and in 1889 to 28.8 bushels. The North Atlantic division in 1859 ranked first with a per capita oat production of 7.3 bushels but at the next census period it was reduced to second place with a per capita return of 6.9 bushels. This was further reduced in 1879 to 5.9 bushels and finally to 4.9 bushels in 1889. The South Atlantic division reported a decreased per capita return throughout the period from 3.7 bushels in 1859 to 2.6 bushels in 1889. The South Central division, on the other hand, reported an increasing per capita return of from 1.6 bushels in 1859 to 3.4 bushels in 1889. The Western division reported an increase from 3.4 bushels in 1859 to 5.7 bushels in 1879 and then a slight decrease to 5.1 bushels in 1889.

Further consideration of the geographic distribution of oat production in the United States during this period shows that nearly two-thirds of the crop was returned by the six leading oat producing States. These States in 1859, in order of their importance, were New York, Pennsylvania, Ohio, Illinois, Wisconsin, and Virginia, which together contributed 66.3 per cent of the entire crop. In 1869, the States of Illinois, Pennsylvania, New York, Ohio, Iowa, and Wisconsin produced 64.2 per cent of the

whole crop. In 1879, the States of Illinois, Iowa, New York, Pennsylvania, Wisconsin, and Ohio produced 60.5 per cent of the entire crop. In 1889 the States of Iowa, Illinois, Wisconsin, Minnesota, Kansas, and Nebraska contributed 59.7 per cent of the nation's product.<sup>33</sup> The region of greatest oat production during this period included the States of New York, Pennsylvania, Ohio, Indiana, Illinois, Iowa, Wisconsin, Michigan, and Minnesota. Kansas and Nebraska were added near the close of the period. The rapidity with which the oat belt moved westward is further emphasized by the movement of the center of production. In 1849, the center of oat production was 80 miles east by south of Columbus, Ohio; in 1859, it was 48 miles southeast of Cleveland, Ohio; in 1869, it was 30 miles west by south of Fort Wayne, Indiana; in 1879, it was 62 miles south-southeast of Chicago, Illinois (in Indiana); and in 1889, it was 39 miles north-northwest of Peoria, Illinois. By 1899, it had moved to a point 58 miles north of Burlington, Iowa. This was about 575 miles west and 120 miles north of the center of oat production in 1850.<sup>34</sup>

The growth of oat production in this region may be illustrated by an analysis of the returns of New York and Iowa for the various census periods from 1859 to 1889. New York in 1859 ranked first with 35,175,000 bushels which represented 20.4 per cent of the entire crop; in 1869 this State was reduced to third place with 35,294,000 bushels, which represented a marked decrease to 12.5 per cent of the whole crop; in 1879 it maintained the same rank with a slightly increased return of 37,576,000 bushels, representing, however, a further decrease to 9.2 per cent of the whole crop; and in 1889, it was reduced to ninth place, the oat

<sup>33</sup> These percentages are based on a table in the *Twelfth Census of the United States*, 1900, Vol. VI, pp. 84, 85.

<sup>34</sup> *Twelfth Census of the United States*, 1900, Vol. VI, p. 38.

production for that year amounting to 38,896,000 bushels representing but 4.8 per cent of the entire product.<sup>35</sup> A review of the per capita oat production for this State shows a return of 9.1 bushels in 1859, which was decreased to 8.1 bushels in 1869, then 7.4 bushels in 1879, and finally to 6.5 bushels in 1889.<sup>36</sup> Iowa in 1859 ranked seventh in the production of oats, the returns for that year amounting to 5,888,000 bushels, or 3.4 per cent of the entire crop; in 1869 this State advanced to fifth place with 21,005,000 bushels, or 7.4 per cent of the whole crop; in 1879, it advanced to second place with 50,611,000 bushels, or 12.4 per cent of the entire crop; and in 1889, it achieved first place with 146,679,000 bushels, representing 18.1 per cent of the nation's product.<sup>37</sup> This remarkable expansion in the volume of oat production is further emphasized by the rapid growth in per capita production which was increased from 8.7 bushels in 1859 to 17.6 bushels in 1869, then to 31.2 bushels in 1879, and finally to 76.7 bushels in 1889.<sup>38</sup> These two States, together with the other States of the oat belt, furnished the great surplus that entered into the internal trade of the country during this period.

Barley and rye occupy a place of relatively minor significance in the internal grain trade of the United States, and so these two cereals will be more briefly considered. Reference to Table VI, giving the geographic distribution of barley production in the United States by ten-year periods from 1859 to 1889, shows that the North Central divi-

<sup>35</sup> *Twelfth Census of the United States*, 1900, Vol. VI, pp. 84, 85.

<sup>36</sup> Blodgett's *The Relations of Population and Food Products in the United States* (Bulletin No. 24, Bureau of Statistics, United States Department of Agriculture, 1903), p. 24.

<sup>37</sup> *Twelfth Census of the United States*, 1900, Vol. VI, pp. 84, 85.

<sup>38</sup> Blodgett's *The Relations of Population and Food Products in the United States* (Bulletin No. 24, Bureau of Statistics, United States Department of Agriculture, 1903), p. 24.

TABLE VI

GEOGRAPHIC DISTRIBUTION OF BARLEY PRODUCTION IN THE UNITED STATES BY TEN-YEAR PERIODS FROM 1859 TO 1889 <sup>39</sup>						
DIVISION	1859			1869		
	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA
N. ATLANTIC	5,941,416	37.6	.05	9,047,525	30.4	.73
S. ATLANTIC	128,003	0.8	.02	84,326	0.3	.01
N. CENTRAL	4,908,723	31.0	.54	10,612,507	35.7	.91
S. CENTRAL	383,783	2.4	.06	370,199	1.2	.05
WESTERN	4,463,973	28.2	7.2	9,646,748	32.4	9.7

DIVISION	1879			1889		
	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA
N. ATLANTIC	8,932,137	20.3	.61	9,587,050	12.2	.5
S. ATLANTIC	68,133	0.1	.01	84,482	0.1	.008
N. CENTRAL	19,007,888	43.2	1.9	47,257,785	60.3	2.1
S. CENTRAL	596,712	1.4	.06	282,552	0.4	.002
WESTERN	15,392,625	35.0	8.7	21,121,107	27.0	6.9

sion in 1859 ranked second in the production of barley, the returns for that year amounting to 4,909,000 bushels which represented 31 per cent of the entire crop. In 1869, this

<sup>39</sup> The statistics used in this table, giving the complete returns of barley production in the United States by geographic divisions together with the percentage of the nation's entire product contributed by each division, are taken from a table in the *Twelfth Census of the United States*, 1900, Vol. VI, pp. 72, 73. The per capita returns are based on this table and on the statistics of population given in Table II of this paper. For a brief review of barley production in the United States according to the census returns of 1880, see Brewer's *Report on the Cereal Production of the United States*, pp. 117-121, in the *Tenth Census of the United States*, 1880, Vol. III. Maps 13 and 14 are essential. See also *Statistical Atlas of the United States: Eleventh Census*, 1890, maps 313 and 314, showing the geographic distribution of barley production in the United States according to the census returns of 1890.

division achieved first place, thereafter maintaining the lead with a rapidly increasing volume of production which was practically doubled every census year until by 1889 it reported a return of 47,258,000 bushels representing 60.3 per cent of the entire product of the nation. The North Atlantic division in 1859 ranked first in barley production with 5,941,000 bushels, representing 37.6 per cent of the entire crop. In 1869, the returns were increased to 9,049,000 bushels, which, however, were exceeded by the returns reported for the North Central and Western divisions, thus reducing the North Atlantic division to third place. Thereafter, this division barely maintained its production of barley at the level of 1869, the returns for 1889 amounting to 9,587,000 bushels which represented but 12.2 per cent of the entire crop. The Western division, it is interesting to note, ranked third in 1859 in the production of barley with a return of 4,464,000 bushels representing 28.2 per cent of the entire crop. In 1869, it advanced to second place with more than double the returns reported in 1859. This was again more than doubled by 1889 when the returns reported for this division amounted to 21,121,000 bushels which, however, represented a slight decrease to 27 per cent of the entire crop. The South Central division ranked fourth in the production of barley throughout the period, the returns for this division amounting in 1859 to 384,000 bushels representing 2.4 per cent of the entire crop, then fluctuating at the next two census periods, but finally decreasing in 1889 to 283,000 bushels, representing but four-tenths of one per cent of the entire product. The South Atlantic division was at the bottom of the list in barley production, the returns for 1859 amounting to 128,000 bushels, or eight-tenths of one per cent of the entire crop. This was decreased at the next two census periods and then increased by a very small margin in 1889 when 84,000 bushels were reported, repre-

senting but one-tenth of one per cent of the entire product.

Further reference to Table VI shows that the Western division reported the highest per capita production of barley at these census periods. In 1859 it produced 7.2 bushels per capita which amount was further increased in 1869 to 9.7 bushels. This was decreased to 8.7 bushels in 1879 and finally to 6.9 bushels in 1889. The North Central division ranked second with a per capita production in 1859 of a little more than one-half a bushel which was increased at each succeeding census period until 1889 when it amounted to a fraction over two bushels. The North Atlantic division ranked third with a per capita production in 1859 of one-twentieth of a bushel which was increased in 1869 to nearly three-fourths of a bushel, then decreased in 1879 to nearly two-thirds of a bushel, and then decreased still further in 1889 to one-half a bushel. The South Atlantic and South Central divisions followed next in order with a decreasing per capita production which at the respective census years represented but a small fraction of a bushel.

Four-fifths of the barley grown in the United States was contributed by the six leading barley producing States. These States in 1859 were in order of their importance: California, New York, Ohio, Illinois, Maine, and Wisconsin, which together produced 81 per cent of the entire crop. In 1869, the States of California, New York, Illinois, Iowa, Ohio, and Wisconsin produced 80.7 per cent of the whole crop. In 1879, the States of California, New York, Wisconsin, Iowa, Minnesota, and Nebraska produced 77.4 per cent of the entire crop. In 1889, the States of California, Wisconsin, Iowa, Minnesota, New York, and Michigan contributed 84.2 per cent of the nation's entire product.<sup>40</sup> The region of greatest production therefore included: first, the

<sup>40</sup> These statistics are based on a table in the *Twelfth Census of the United States*, 1900, Vol. VI, pp. 72, 73.



State of California; and, second, the States of New York, Ohio, Wisconsin, Illinois, Indiana, Michigan, Iowa, and Minnesota; while the two Dakotas entered the list near the close of the century as important barley producing States. The center of production moved rapidly westward during this period. "Although no accurate mathematical calculation of that center has been made", the statistics of production show that in 1849, it was located "in the State of New York, and probably east of the center of that State"; while as a result of "the great development of barley growing in the States of California, Minnesota, Wisconsin, Iowa, South Dakota, and Washington" the center of production in 1899 "was somewhere near the junction of Iowa and South Dakota."<sup>41</sup>

California alone contributed about one-fourth of the entire barley product. The returns reported for that State in 1859 amounting to 4,415,000 bushels, or 27.9 per cent; in 1869 to 8,783,000 bushels, or 29.5 per cent; in 1879, to 12,464,000 bushels, or 28.3 per cent; and in 1889, to 17,548,000 bushels, or 22.4 per cent.<sup>42</sup> The reasons for this great production were: first, that the soil and climate were, of course, well adapted to the crop; and second, neither the soil nor the climate was so well adapted to the growth of either corn or oats. Consequently barley was raised on the Pacific Coast primarily for feeding purposes. The rapid growth of barley production in the North Central region was due to other causes: first, the growing demand occasioned by the increasing consumption of beer and ale; and second, that it frequently took the place of wheat as a crop in localities where the Hessian fly rendered wheat growing precarious. The latter fact had much to do with stimulating the production of barley in New York which State ranked next to

<sup>41</sup> *Twelfth Census of the United States, 1900, Vol. VI, p. 43.*

<sup>42</sup> *Twelfth Census of the United States, 1900, Vol. VI, pp. 72, 73.*

California until 1889, when it was replaced by Wisconsin. The same cause operated also in the States of Ohio and Iowa.<sup>43</sup> Wisconsin may be taken to illustrate the rapid growth of barley production during this period. In 1859, this State produced 707,000 bushels, or 4.5 per cent of the entire crop; in 1869, it produced 1,645,000 bushels, or 5.5 per cent; in 1879, it produced 5,043,000 bushels, or 11.5 per cent; and, in 1889, it ranked second to California with a return of 15,226,000 bushels, representing 19.4 per cent of the entire product.<sup>44</sup>

Rye, as shown by Table I, was in 1859 more important than barley as to quantity of production. Thereafter it declined in relative importance, ranking fifth among the cereals. Production, though gradually increased, did not keep pace with the growth in population. Consequently the per capita returns of this grain suffered a decline, the explanation for which may be stated as follows:

“With the opening up of transportation routes, and since wheat grown west of the Appalachians has been so abundantly and cheaply transported to the sea-coast, rye as a grain product has steadily declined in relative importance, until in many regions it has about ceased to be grown merely for its grain. So completely has this come about that in some districts where the previous generation knew it as their chief breadstuff now thousands of families, even the poorest ones, know not even the taste of rye bread.”<sup>45</sup>

A review of the geographic distribution of rye production in the United States, similar to that undertaken for barley, is presented by Table VII. The North Atlantic division in 1859 ranked first in the production of this cereal,

<sup>43</sup> Brewer's *Report on the Cereal Production of the United States*, p. 117, in the *Tenth Census of the United States*, 1880, Vol. III.

<sup>44</sup> *Twelfth Census of the United States*, 1900, Vol. VI, pp. 72, 73.

<sup>45</sup> Brewer's *Report on the Cereal Production of the United States*, p. 123, in the *Tenth Census of the United States*, 1880, Vol. III.

TABLE VII

GEOGRAPHIC DISTRIBUTION OF RYE PRODUCTION IN THE UNITED STATES BY TEN-YEAR PERIODS FROM 1859 TO 1889 <sup>46</sup>						
DIVISION	1859			1869		
	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA
N. ATLANTIC	13,127,041	62.2	1.2	7,325,920	43.3	.6
S. ATLANTIC	2,160,144	10.2	.44	1,652,310	9.8	.28
N. CENTRAL	4,105,858	19.5	.45	6,472,904	38.2	.49
S. CENTRAL	1,651,197	7.8	.28	1,423,247	8.4	.02
WESTERN	57,140	.3	.09	44,414	.3	.04
DIVISION	1879			1889		
	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA
N. ATLANTIC	7,997,590	40.3	.55	8,085,361	28.4	.46
S. ATLANTIC	1,152,226	5.8	.01	1,268,879	4.5	.14
N. CENTRAL	9,538,706	48.1	.54	17,951,629	63.2	.8
S. CENTRAL	906,804	4.6	.10	686,607	2.4	.006
WESTERN	236,269	1.2	.13	428,922	1.5	.14

the returns for that year amounting to 13,127,000 bushels, which represented 62.2 per cent or nearly two-thirds of the entire crop. In 1869, it still retained the same rank with a

<sup>46</sup> The statistics used in this table, giving the complete returns of rye production in the United States by geographic divisions, together with the percentage of the nation's entire product contributed by each division, are taken from a table in the *Twelfth Census of the United States*, 1900, Vol. VI, pp. 88, 89. The per capita returns are based on this table and on the statistics of population given in Table II of this paper. For a brief review of rye production in the United States according to the census returns of 1880, see Brewer's *Report on the Cereal Production of the United States*, pp. 122-125, in the *Tenth Census of the United States*, 1880, Vol. III. Map 15 is essential. See also *Statistical Atlas of the United States: Eleventh Census*, 1890, maps 309 and 310, showing the geographic distribution of rye production in the United States according to the census returns of 1890.

reduced production which amounted to but a little more than half of the returns reported for the previous census, but which nevertheless represented 43.3 per cent, or more than two-fifths of the entire crop. In 1879 it was reduced to second place with a return which amounted to 7,998,000 bushels, representing 40.3 per cent of the entire crop. Approximately the same volume of production was reported for 1889, representing, however, but 28.4 per cent of the entire product. The North Central division in 1859 ranked second in the production of rye with a return of 4,106,000 bushels, representing 19.5 per cent of the entire crop. In 1869, it reported 6,473,000 bushels, representing 38.2 per cent of the whole crop. In 1879, it achieved first place with a return of 9,539,000 bushels, representing 48.1 per cent, or almost half, of the whole crop. In 1889, it reported nearly twice this amount representing 63.2 per cent, or nearly two-thirds, of the entire product of the nation. The South Atlantic division ranked third in rye production throughout the period, the returns for that division in 1859 amounting to 2,160,000 bushels representing 10.2 per cent of the entire crop. This was reduced at each succeeding census period until by 1889, the returns amounted to only 1,269,000 bushels, representing but 4.5 per cent of the entire product. The South Central ranked fourth in rye production with a return in 1859 amounting to 1,651,000 bushels representing 7.8 per cent of the entire crop which was reduced at each succeeding census period until by 1889 it amounted to only 687,000 bushels, representing but 2.4 per cent of the entire crop. The Western division was at the bottom of the list with only 57,000 bushels in 1859 representing but three-tenths of one per cent of the entire crop, which, however, was increased in 1889 to 429,000 bushels, representing 1.5 per cent of the entire product. It will therefore be seen that while the rye production of the North Central division in

1859 was but one-third as large as that of the North Atlantic division, in 1889 it was more than twice as large. These two divisions together in 1859 produced 81.7 per cent of all the rye raised in the United States; in 1889, they contributed 91.6 per cent of all the rye production. The other three divisions were therefore of negligible importance in the production of this grain.

These facts are further emphasized by an analysis of the per capita production of rye of the several geographic divisions, as set forth by Table VII, to which only a brief reference needs to be made. It will be noted that the per capita rye production of the North Atlantic division was decreased from one and two-tenths bushels in 1859 to five-tenths of a bushel in 1889; while the per capita production of the North Central division was increased during the same period from five-tenths of a bushel to eight-tenths of a bushel. All the other divisions reported a per capita return which for the various census periods amounted to less than one-half a bushel.

More than two-thirds of the rye produced in the United States during this period was contributed by the six leading rye growing States. These States in 1859 were in order of their importance: Pennsylvania, New York, New Jersey, Kentucky, Illinois, and Virginia, which together produced 69.5 per cent of the entire crop. In 1869, the States of Pennsylvania, New York, Illinois, Wisconsin, Kentucky, and Ohio produced 69.7 per cent of the entire crop. In 1879, the States of Pennsylvania, Illinois, New York, Wisconsin, Iowa, and New Jersey produced 71.7 per cent of the entire crop. In 1889, the States of Wisconsin, New York, Kansas, Illinois, and Michigan contributed 65.9 per cent of the nation's product.<sup>47</sup> The region of greatest production

<sup>47</sup> The statistics are based on a table in the *Twelfth Census of the United States*, 1900, Vol. VI, pp. 88, 89.

included the States of Pennsylvania, New York, Ohio, Michigan, Wisconsin, Illinois, Kentucky, and Iowa; while Kansas entered the list near the close of the period as an important rye producing State. The center of rye production in 1849 was not far west of the center of the States of Pennsylvania and New York and near the boundary line between those States. At the close of the century it was located in the State of Illinois.<sup>48</sup>

Pennsylvania and Wisconsin may be taken to illustrate the growth of rye production in this region. Pennsylvania, as already noted, led in the production of rye at the first three census periods. In 1859, it produced 5,475,000 bushels, which represented 26 per cent of the entire crop; in 1869 it produced 3,578,000 bushels, or 21.1 per cent of the entire crop; in 1879, it produced 3,684,000 bushels, or 18.6 per cent of the whole crop and in 1889, when it was reduced to second place, it contributed 3,742,000 bushels which represented 13.2 per cent of the entire product. Wisconsin in 1859 ranked seventh in rye production with a return of 889,000 bushels representing 4.2 per cent of the whole crop; in 1869 it ranked fourth with 1,325,000 bushels, representing 7.8 per cent of the entire crop; in 1879, it maintained the same rank with 2,299,000 bushels, representing 11.6 per cent of the entire crop; and, in 1889, it achieved first place with 4,251,000 bushels which represented 15 per cent of the entire product of the nation.<sup>49</sup>

Buckwheat is the least important of the six leading cereals of the United States. Until about the middle of the century, it was a very important breadstuff over considerable areas of the country; but after 1850 its importance rapidly diminished. Buckwheat production decreased relatively both to population and to the other cereals, until by

<sup>48</sup> *Twelfth Census of the United States*, 1900, Vol. VI, p. 47.

<sup>49</sup> *Twelfth Census of the United States*, 1900, Vol. VI, pp. 88, 89.

1880 it became too insignificant in amount to produce any material effect on the bread supply of the country at large. Consequently, this grain is omitted from the list of cereals mentioned in the annual reports of the various commercial exchanges. Even so, however, buckwheat deserves brief mention in view of the fact that its production during this period was concentrated largely in the North Atlantic division, thus furnishing a small contribution to the supply of breadstuffs needed by that division.

TABLE VIII

GEOGRAPHIC DISTRIBUTION OF BUCKWHEAT PRODUCTION IN THE UNITED STATES BY TEN-YEAR PERIODS FROM 1859 TO 1889 <sup>50</sup>						
DIVISION	1859			1869		
	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA
N. ATLANTIC	12,366,529	71.5	1.1	7,979,599	81.2	.65
S. ATLANTIC	745,777	4.2	.13	228,037	2.3	.04
N. CENTRAL	4,140,622	23.6	.45	1,504,684	15.3	.12
S. CENTRAL	38,473	0.2	.006	83,173	0.9	.01
WESTERN	80,417	0.5	.13	26,228	0.3	.03
DIVISION	1879			1889		
	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA
N. ATLANTIC	9,560,233	80.9	.65	8,750,506	72.3	0.51
S. ATLANTIC	608,896	5.1	.08	277,899	2.3	0.003
N. CENTRAL	1,571,759	13.3	.09	3,042,395	25.1	0.13
S. CENTRAL	44,822	0.4	.005	22,251	0.2	0.0002
WESTERN	31,567	0.2	0.2	17,300	0.1	0.005

<sup>50</sup> The statistics used in this table, giving the complete returns of buckwheat production in the United States by geographic divisions, together with the percentage of the nation's entire product contributed by each division, are taken from a table in the *Twelfth Census of the United States, 1900*, Vol. VI, pp.

It will be seen by reference to Table VIII, showing the geographic distribution of buckwheat production in the United States by ten-year periods from 1859 to 1889, that the North Atlantic division maintained first place throughout the period. The returns for 1859 amounted to 12,367,000 bushels which represented 71.5 per cent of the entire crop. In 1869, the returns were decreased to 7,980,000 bushels representing, however, 81.2 per cent of the whole crop. This was increased in 1879 to 9,560,000 bushels, or 80.9 per cent of the entire crop and then decreased again in 1889 to 8,751,000 bushels which represented 72.3 per cent of the entire crop. The North Atlantic division therefore contributed from three-fourths to four-fifths of all the buckwheat produced in the United States during this period. The North Central division ranked second in buckwheat production with 4,141,000 bushels in 1859 representing 23.6 per cent of the entire crop. In 1869 it produced only 1,505,000 bushels or 15.3 per cent of the whole crop. This return was barely maintained in 1879, to be doubled however in 1889 when 3,042,000 bushels were reported, representing 25.1 per cent of the entire product. If the returns of the North Atlantic and North Central divisions be combined it will be seen that these two divisions contributed more than nine-tenths of all the buckwheat in the country. The South Atlantic division ranked third in buckwheat production; while the South Central and Western divisions came next; but the returns reported for these three divisions were too insignificant to be mentioned. The decline in buckwheat production is emphasized finally by the fact that the per capita returns of the North Atlantic division were reduced

76, 77. The per capita returns are based on this table and on the statistics of population given in Table II of this paper. For a brief review of buckwheat production in the United States according to the census returns of 1880, see Brewer's *Report on the Cereal Production of the United States*, pp. 126-129, in the *Tenth Census of the United States*, 1880, Vol. III. Map 16 is essential.



from 1.1 bushels in 1859 to one-half a bushel in 1889; while the per capita production of the North Central division was decreased during the same period from nearly one-half a bushel to a little more than one-tenth of a bushel. The other divisions reported but a small fraction of a bushel per capita at the various census periods.

More than one-half of the buckwheat raised in the United States was contributed by the two States of New York and Pennsylvania which together in 1859 produced 60.9 per cent of the entire crop; in 1869 they produced 65.6 per cent; in 1879, they produced 68.1 per cent; and in 1889, they furnished 64 per cent of the entire product.<sup>51</sup> Among the other buckwheat producing States during this period may be mentioned Maine in the East; and in the West, Ohio, Michigan, and Wisconsin. The center of buckwheat production at the close of the century remained practically where it was in 1849: somewhere in the western part of New York or Pennsylvania.<sup>52</sup>

The relative importance of the several geographic divisions in the production of the six leading cereals during this period may now be summarized. In 1859, the North Central division was first in wheat and corn — the two most important bread-stuffs; and second in oats, barley, rye, and buckwheat. The North Atlantic division was first in oats, barley, rye, and buckwheat; third in wheat; and fourth in corn. The South Atlantic division was second in wheat; third in corn, oats, rye, and buckwheat; and fifth in barley. The South Central division was second in corn; fourth in wheat, oats, barley, and rye; and fifth in buckwheat. The Western division was third in barley; fourth in buckwheat; and fifth in corn, wheat, oats, and rye. In 1869, the North

<sup>51</sup> These statistics are based on a table in the *Twelfth Census of the United States*, 1900, Vol. VI, pp. 76, 77.

<sup>52</sup> *Twelfth Census of the United States*, 1900, Vol. VI, p. 51.

Central division, in addition to the lead already gained in corn and wheat, also achieved first place in oats and barley, at the same time retaining second place in rye and buckwheat. The North Atlantic division (the nearest competitor of the North Central division at the previous census period) still retained first place only in rye and buckwheat; while it dropped to second in oats and to third in barley, rose to second in wheat, and remained fourth in corn. The South Atlantic division now held third place in corn, wheat, oats, and rye; third in buckwheat; and fifth in barley. The South Central division was second in corn; fourth in oats, barley, rye, and buckwheat; and fifth in wheat. The Western division was second in barley; fourth in wheat; and fifth in oats, corn, rye, and buckwheat. By 1879, the North Central division had acquired the lead in all the principal cereals, except buckwheat; while the North Atlantic division was first in buckwheat; second in oats and rye; third in wheat and barley, and fourth in corn. The South Atlantic division retained third place in corn, oats, rye, and buckwheat; while it dropped to fourth in wheat and to fifth in barley. The South Central division retained the same rank in each product as in the preceding census returns. The Western division gained second in wheat, retained second in barley, and remained fifth in corn, oats, rye, and buckwheat as before. In 1889, the relative importance of the several geographic divisions in the production of the six leading cereals remained unchanged, except for the rise of the South Central division from fourth to third place in oat production and the consequent reduction of the South Atlantic division from third to fourth place.

The important position achieved by the North Central division during this period as the granary of the nation is shown finally by a study of the relative importance of the several geographic divisions in the production of all the

TABLE IX

GEOGRAPHIC DISTRIBUTION OF THE SIX LEADING CEREALS OF THE UNITED STATES BY TEN-YEAR PERIODS FROM 1859 TO 1889 <sup>53</sup>						
DIVISION	1859			1869		
	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA
N. ATLANTIC	201,146,976	16.2	18.25	211,716,024	15.2	17.18
S. ATLANTIC	186,484,118	15.0	35.13	129,726,942	9.3	20.33
N. CENTRAL	577,280,284	46.7	62.53	812,674,401	58.7	61.82
S. CENTRAL	258,136,402	20.9	43.35	195,501,827	14.1	30.08
WESTERN	15,792,167	1.2	25.42	37,779,959	2.7	38.07

DIVISION	1879			1889		
	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA	BUSHEL	PER CENT ENTIRE CROP	BUSHEL PER CAPITA
N. ATLANTIC	225,674,856	8.4	15.21	207,518,270	6.0	11.92
S. ATLANTIC	181,622,663	6.7	23.70	184,258,853	5.3	20.80
N. CENTRAL	1,915,120,204	71.4	110.83	2,633,565,991	75.1	117.76
S. CENTRAL	292,992,093	10.8	32.77	378,054,866	10.6	34.45
WESTERN	72,170,413	2.7	40.93	105,418,924	3.0	34.81

leading cereals (corn, wheat, oats, barley, rye, and buckwheat) combined. It will be seen by reference to Table IX, giving the geographic distribution of cereal production in the United States by ten-year periods from 1859 to 1889,

<sup>53</sup> The statistics used in this table, giving the complete returns of grain production (corn, wheat, oats, barley, rye, and buckwheat combined) in the United States by geographic divisions, together with the percentage of the nation's entire product contributed by each division, are based on the tables in the *Twelfth Census of the United States, 1900*, Vol. VI, pp. 72-93. The per capita returns are based on these tables and on the statistics of population given in Table II of this paper. For a brief general review of grain production in the United States, according to the census returns of 1880, see Brewer's *Report on the Cereal Production of the United States*, pp. 9-18, in the *Tenth Census of the United States, 1880*, Vol. III. Map No. 1, showing the geo-

that the North Central division in 1859 was already far in the lead with the comparatively large return of 577,280,000 bushels representing 46.7 per cent, or nearly half, of the entire product. In 1869, it produced 812,674,000 bushels, or 58.7 per cent of the whole crop. In 1879, it reported a return of more than double that amount, representing 71.4 per cent of the entire crop. This was rapidly increased during the succeeding decade until by 1889 the North Central division was able to report 2,633,566,000 bushels of grain which represented 75.1 per cent, or three-fourths, of the entire cereal product of the nation. The South Central division in 1859 ranked second in the production of grain, the returns for that year amounting to 258,136,000 bushels, representing 20.9 per cent of the entire crop. In 1869, it was reduced to third place with a decreased return of 195,502,000 bushels, representing but 14.1 per cent of the whole product; by 1879, it had recovered sufficiently from the effects of the war to hold second place again with an increased return of 292,992,000 bushels, representing, however, due to the rapid expansion of cereal production in the North Central division, a decrease to 10.8 per cent of the entire product. In 1889, the South Central division further increased its volume of production to 378,055,000 bushels which represented substantially the same percentage of the nation's entire product at the previous census period. The North Atlantic division in 1859 ranked third in grain production with 201,147,000 bushels, representing 16.2 per cent of the entire product. In 1869, it advanced to second place with a slightly increased return of 211,716,000 bushels, representing 15.2 per cent of the whole product, thus superseding the South Central division, which, as already noted, graphic distribution of grain production, is essential. See also *Statistical Atlas of the United States: Eleventh Census, 1890*, map No. 317, showing the geographic distribution of grain production in the United States according to the census of 1890.

was temporarily reduced to third place. In 1879, the North Atlantic division reported only a slight increase in grain production which now represented but 8.4 per cent of the whole product, with the result that this division was again reduced to third place. In 1889, it reported a decreased production amounting to 207,518,000 bushels, representing but 6 per cent of the nation's entire product. The South Atlantic division ranked fourth in grain production throughout the period. In 1859 it reported a return of 186,484,000 bushels or 15 per cent of the whole product. This was decreased in 1869 to 129,727,000 bushels, representing a reduction to 9.3 per cent of the whole crop. In 1879, the South Atlantic division reported a slightly increased production amounting to 181,623,000 bushels but representing a decrease to 6.7 per cent of the entire product. The volume of production was barely maintained in 1889 when a return of 184,259,000 bushels representing but 5.3 per cent of the nation's entire product was reported. In volume of grain production and the percentage of the entire crop which this represented, the South Atlantic division in 1889 therefore began to crowd the North Atlantic division for third place. The Western division ranked fifth in grain production with the comparatively insignificant return in 1859 of 15,792,000 bushels representing but 1.2 per cent of the entire product. This was more than doubled in 1869, the returns reported for that year amounting to 37,780,000 bushels or 2.7 per cent of the whole product. The volume of production was again doubled in 1879, amounting to 72,170,000 bushels, which represented the same percentage of the whole product as that reported at the previous census. In 1889, this division contributed 105,419,000 bushels representing 3 per cent of the entire product. Finally, a comparison of the volume of grain production of the several geographic divisions at the close of the period, shows

that the North Central division produced thirteen times as much grain as the North Atlantic division; more than fourteen times as much as the South Atlantic division; seven times as much as the South Central division; and twenty-five times as much as the Western division.

The real significance of the position which the North Central division had thus achieved as the granary of the nation is to be found, however, in the remarkable expansion in its per capita production of corn, wheat, oats, barley, rye, and buckwheat combined. It will be seen by reference to Table IX that this division had by 1859 already achieved a considerable lead over all the other divisions with the relatively high per capita return of 62.5 bushels. In 1869, it reported practically the same amount, or 61.8 bushels. During the succeeding decade, grain production ran far ahead of the rapid growth in population, as shown by the greatly increased per capita return of 110.8 bushels which this division reported in 1879. The continued expansion in grain production after that date brought the per capita returns in 1889 up to 117.8 bushels. The South Central division in 1859 ranked second in grain production with a per capita return of 43.4 bushels. In 1869, it was reduced to third place with a per capita return of 30.1 bushels. This was decreased still further in 1879 to 32.8 bushels, and then increased by a small margin in 1889 to 34.5 bushels. The South Atlantic division in 1859 ranked third in the per capita production of grain, with a return of 35.1 bushels. In 1869 it was reduced to fourth place with a per capita production amounting to 20.3 bushels. In 1879, it reported an increased return of 23.7 bushels which in 1889 was again decreased to 20.8 bushels, or practically the same per capita return reported in 1869. The western division in 1859 ranked fourth with a per capita production of 25.4 bushels. In 1869, it achieved second place with 38.1 bushels, thus

superseding the South Central and South Atlantic divisions which were reduced to third and fourth places respectively. In 1879, it maintained the same rank with but a slight increase to 40.9 bushels which in 1889 was reduced to 34.8 bushels. The North Atlantic division ranked fifth in the per capita production of grain throughout the period. In 1859, it produced 18.3 bushels per capita. This was decreased in 1869 to 17.2 bushels and in 1879 to 15.2 bushels. By 1889 the per capita production of grain returned by the North Atlantic division amounted to but 11.9 bushels. This was only about one-eleventh of the per capita production of the North Central division which in thirty years had been expanded from 62.5 bushels to 117.8 bushels.

More than one-half of all the grain raised in the United States during this period was produced by the six leading grain growing States. These States in 1859 were in order of their importance: Illinois, Ohio, Indiana, Missouri, Pennsylvania, and New York, which together contributed 48.4 per cent of the entire product. In 1869, the States of Illinois, Ohio, Iowa, Missouri, Pennsylvania, and Indiana produced 53.1 per cent of all the grain. In 1879, the States of Illinois, Iowa, Missouri, Ohio, Indiana, and Kansas produced 57.6 per cent of the whole product. In 1889, the States of Iowa, Illinois, Kansas, Nebraska, Missouri, and Ohio contributed 57.1 per cent of the nation's entire product.<sup>54</sup> The rapidity with which the grain belt moved westward in the North Central division is shown by the fact that while the six leading grain growing States in 1859 included two North Atlantic States (New York and Pennsylvania), three East North Central States (Ohio, Indiana, and Illinois), and one West North Central State (Missouri),

<sup>54</sup> These percentages are based on a table in the *Twelfth Census of the United States*, 1900, Vol. VI, pp. 64, 65. This table includes rice and Kafir corn, which rank seventh and eighth respectively among the cereals, and so occupy a place of negligible importance in the present study.

in 1869 New York was dropped out and Iowa was added; in 1879, Pennsylvania was dropped out and Kansas was added; and in 1889, Indiana was dropped out and Nebraska was added. Or, to state it differently, whereas in 1859 but one West North Central State was listed among the six leading grain growing States, in 1889 four West North Central States were included in this group. "The region of greatest cereal production in the United States", said Brewer in his *Report on the Cereal Production of the United States* in 1880, "is oval in outline stretching westward from the Eastern borders of Ohio about 800 miles, and is about 600 miles wide near the Mississippi river."<sup>55</sup> It included the States of Ohio, Indiana, Illinois, Iowa, Missouri, the eastern half of Kansas and Nebraska, Minnesota (including the valley of the Red River of the North), the southwestern half of Wisconsin, Southern Michigan, and small sections of western Kentucky and Tennessee. The rapid growth of grain production in this region may be illustrated by Iowa which is located in the midst of the grain belt. In 1859, Iowa ranked tenth in grain production with 57,614,000 bushels, representing 46 per cent of the entire product. By 1869, it had advanced to third place with 121,952,000 bushels, representing 7 per cent of the whole crop. In 1879, it ranked second with 362,487,000 bushels, representing 13.4 per cent of the whole product. By 1889, this State had achieved first place in grain production with 483,198,000 bushels which represented 13.7 per cent, or more than one-eighth of the entire product of the nation.<sup>56</sup>

This comparative review of the several geographic divisions in the production of the six leading cereals has been

<sup>55</sup> Brewer's *Report on the Cereal Production of the United States*, p. 18, in the *Tenth Census of the United States*, 1880, Vol. III.

<sup>56</sup> These statistics are based on a table in the *Twelfth Census of the United States*, 1900, Vol. VI, pp. 64, 65.



presented somewhat in detail in order to show the extent to which the manufacturing-commercial East and the cotton-growing South had by 1890 given way to the food-producing West in the production of grain, thus illustrating that territorial division of labor (mentioned at the beginning of this paper) upon which the growing volume of internal trade depended. A great cereal and live-stock<sup>57</sup> kingdom had been founded in the North Central region, furnishing the huge surplus of grain and provisions which were required in ever increasing volume to fill the annually recurring deficits in the food supplies of the East and the South and of the countries of Western Europe. This surplus developed the great primary and provision markets of the Middle West, expanded the volume of internal commerce which found its way eastward and southward via the great interior waterways and the trunk line railroads, and contributed to the development of the Atlantic seaboard cities as distributing centers for western agricultural products. These aspects of the problem will be presented in the next article.

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<sup>57</sup> For a brief analysis of the relations of grain and live stock production, see Brewer's *Report on the Cereal Production of the United States*, pp. 150-152, in the *Tenth Census of the United States*, 1880, Vol. III.

## LETTERS OF GOVERNOR JOHN CHAMBERS ON INDIAN AFFAIRS, 1845

[John Chambers was Governor of the Territory of Iowa and Superintendent of Indian Affairs for the same jurisdiction, from 1841 to 1845. Among the papers of the Chambers family were found, some years ago, forty manuscript pages apparently belonging to a letter book kept for the transcription of outgoing correspondence on the subject of Indian affairs. The stitches and glue of the binding still hold these pages together, but since they are unnumbered, there is no clue to the size of the original volume. That this is a fragment of the official record is scarcely to be doubted, and its publication seems advisable, especially in view of the fact that extended search has not resulted in the discovery of the balance of the record, or of the Executive Journals of either Governor Chambers or his successor James Clarke.

This fragment includes fifty-one letters covering the brief period from May 5, 1845, to July 11, 1845. All relate to the Indians in the Territory except three—one of these three exceptions being a long letter to President James K. Polk regarding troubles over the boundary between Missouri and the Territory of Iowa. Practically no change has been made in the spelling, punctuation, or capitalization of the original manuscript.—THE EDITOR.]

Executive Office, Iowa City, Iowa<sup>1</sup>  
5th May 1845

Sir

I received the enclosed letter from Mr Mac Gregor Sub-Indian Agent at Turkey River last evening by private conveyance. I think it probable that there will be great suffering among the Winnebagoes before their annuity provisions will reach them; but the danger that, in case their request is complied with they may be instigated to refuse to receipt to him for the amount expended for them, and the necessity of advertising for contracts for the supplies

<sup>1</sup> Immediately preceding this letter, on the first page of the fragmentary manuscript, appear the last few lines of a letter, addressed to James MacGregor, United States sub-agent at the Turkey River sub-agency, in which Governor Chambers gives the advice which he mentions in his letter of May 5th to Mr. Crawford. The sub-agency on the headwaters of the Turkey River in what is now Winneshiek County, Iowa, was established in 1840 for the benefit of the Winnebagoes who had moved to the Neutral Ground.

they need and the consequent delay in obtaining them has constrained me to decline giving Mr Mac Gregor directions to purchase for them. But I have said to him that if he has perfect confidence that they will receipt to him for the amount of provisions procured for them when their annuity payment is made, and is willing to incur the risk, it would be an act of humanity, and I presume he will do so, for I learn from the bearer of his letter that he has already lent them a considerable proportion of the provisions laid in for the use of the labourers on the farms. It would perhaps be well to sanction any expenditure he may make for them within the limit of [the]<sup>2</sup> \$4000, and to authorize him to retain [that much]<sup>2</sup> out of their annuity for this year,— of this however you will be the best judge.

I enclose you the written request of the “Chiefs and Head Men” to Mr Mac Gregor to purchase provisions for them — If they could be taught by experience in suffering, their present condition would make them feel the absurdity and folly of their opposition to the measure you authorized last autumn to guard them against the condition they are now in.

Very respectfully

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR

Com<sup>r</sup> of Ind<sup>n</sup> Aff<sup>s</sup>

War Department

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Executive Office, Iowa City, Iowa

5<sup>th</sup> May 1845

Sir

The enclosed letters — one from Mr Olmstead the Superintendent of the Winnebago Farms, and one from Mr

<sup>2</sup> The manuscript is torn at this point and the above substitutions are conjectural.

Mac Gregor Sub. Ind. Agt, both (I presume) relate to the same subject the employment of a mechanic to repair the building at the Sub Agency, and keep the farming utensils in repair—It is with you to decide on their application.

Very respectfully

Your obt sert

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Ind<sup>n</sup> Aff<sup>s</sup>  
War Department

JOHN CHAMBERS

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Executive Office, Iowa City, Iowa  
10<sup>th</sup> May 1845

Sir

I send you enclosed a copy of a letter from the Commissioner of Indian Affairs approving your recent nominations

Respectfully

Your obt sert

COL<sup>o</sup> A J. BRUCE U. S. Ind. Agt<sup>3</sup>  
St Peters  
Iowa.

JOHN CHAMBERS

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Executive Office, Iowa City, Iowa  
10<sup>th</sup> May 1845

Sir

The receipt of your accounts &c per 1<sup>st</sup> Qr of this year is acknowledged from the office of Indian Affairs.

Your letter covering your monthly abstracts for last month followed me here, and was received last night.—I

<sup>3</sup> Amos J. Bruce was the agent in charge of the Sioux Indians on the St. Peter's River (now the Minnesota River) near Fort Snelling. This territory was included within the jurisdiction of Iowa from 1838 to 1846 and the Governor of the Territory of Iowa was in charge of the Indian agencies.

shall probably be detained here throughout this month, if I remain in office so long.

With great regard  
Your obt sert

CAPT J BEACH U. S. Ind. Agt<sup>4</sup>  
Raccoon River Agency, Iowa

JOHN CHAMBERS

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Executive Office, Iowa City, Iowa  
18<sup>th</sup> May 1845

Sir

You will find enclosed a letter which I received last night from Capt Beach Sac and Fox Agent, relative to the removal of that tribe to their new residence, which removed all difficulty as to the payment of their Annuities in advance of their removal — they are acting with great prudence and I feel an increased attachment to them — they are manly and confiding. In another letter Capt Beach informs me of the death of Pash-epaho (the Stabbing Chief) he was a restless, turbulent fellow and possessed of a good deal of influence — Keokuk will feel relieved by his departure. If the tribe was rid of Wolf Skin and Crow of the Fox band, there would be no jealousy or collision among them and the Sacs — those fellows ought to be closely watched about the time of their removal or they will carry off a good many of the Foxes and render them troublesome.

With great respect  
Your obt sert

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Ind<sup>n</sup> Aff<sup>s</sup>  
War Department

JOHN CHAMBERS

<sup>4</sup> John Beach was the agent for the Sac and Fox Indians from 1840 until 1846. At the time this letter was written the agency was located about a mile east of Fort Des Moines which had been established at the junction of the Raccoon and Des Moines rivers.

Executive Office, Iowa City, Iowa  
18<sup>th</sup> May 1845

Sir

Capt Beach, Sac and Fox Indian Agent reports under date of 6<sup>th</sup> inst. that on the 3<sup>rd</sup> two Indians of the Fox band made an attack upon a white man named Lamb, Contractor for the supply of forage for the dragoon horses at Fort Des Moines and demanded money of him, and beat him with their horse whips until he was somewhat bruised — a third Indian rescued him — the assailants were drunk. Capt Beach called the Chiefs together and demanded them, and they were immediately surrendered, and put under guard at the Fort to wait my instructions, but the fellows appearing very penitent the Chiefs begged very hard to have them released, promising to surrender them again if I required it, and after detaining them one night they were released, Mr Lamb joining in the request that they should not be further punished.

I shall inform Capt Beach that I approve his course and request him to inform the Chiefs that their general good character and conduct has saved their men from punishment, but that the next offence of that kind will be severely punished.

With great respect

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department

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Executive Office, Iowa City, Iowa  
18<sup>th</sup> May 1845

Sir

I received your letters of the 6<sup>th</sup> and 9<sup>th</sup> inst last night

— The course you pursued in relation to the abuse of Mr Lamb by the two drunken Indians was in all respects proper — Please to say to the Chiefs in relation to that affair, that the general good conduct of the tribe has saved these men from punishment, but that a similar occurrence will be visited with severe punishment.

Their prudence in relation to the payment of their annuity in advance of their removal deserves the highest commendations, and if a proper occasion occurs I wish you would tell them that I think very highly of their conduct, and that they are acting wisely, as I have always told their Great Father they would do — And say to them that if it is in my power I will take them by the hand before they leave the Des Moines, but that if I do not see them again I will pray the Great Spirit to be kind to them.

Very respectfully

Your obt sert

JOHN CHAMBERS

CAPT JOHN BEACH U S Ind Agt  
Raccoon River Agency  
Iowa

---

Executive Office, Iowa City, Iowa  
20<sup>th</sup> May 1845

Sir

The enclosed letter from Jas Mac Gregor Sub Indian Agent at Turkey river and the communication made to him by a man by the name of Alaxander with Mr. Wilcox<sup>s</sup> letter to me, came to me by the last mail (we have but two mails a week here) and I beg permission to refer them to you. These people “connected by marriage to the tribe”

<sup>s</sup> Letters further explaining the charge made by L. G. Alexander are found on pp. 267, 272. The Mr. Wilcox mentioned here is perhaps the Nathaniel Wilcox referred to on p. 273.

are always making mischief — the time consumed by the Blacksmith in getting fuel cannot be of much importance as the wood is within a half mile of his residence, and there has been no complaint from the Indians of a neglect to do their work. Mechanics employed among the Indians must be permitted to pay some attention to their families, as they have no market to resort to and the price of labour is very high, but care should be taken by the Agents to see that they do not neglect their proper duties.

I remain with great respect

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> Indian Affairs  
War Department

---

Executive Office Burlington Iowa

19<sup>th</sup> May 1845

Sir

Since I had the honor to address you under date of 19<sup>th</sup> ult<sup>o</sup>, and to enclose a copy of my letter of the same date to the Governor of Missouri, I have learned from gentlemen from the southern part of the territory, that the conciliatory course I had deemed it my duty to adopt in relation to the contested jurisdiction of Missouri and this Territory over the narrow slip of land within the limits assigned by congress to the territory, has not produced the effect I had hoped for, but that on the contrary the Sheriff of the Territorial County of Davis has been arrested by the Sheriff of Schuyler County in Missouri and taken before a Justice of the peace of that State, charged with violating the laws of Missouri in arresting the Sheriff and deputy Sheriff I had pardoned, and who had not in fact been committed to prison before they were released from



custody. The Sheriff of Davis was detained in custody about twenty four hours while his prosecutors were in search of witnesses and then discharged for want of evidence. On his return home he obtained process against the Sheriff who had arrested him, and in turn brought him before a Justice of the Peace of Davis County, who upon a hearing required him to give bail for his appearance before the territorial court at its next session, and upon his refusal to do so committed him to the jail of Van Buren County there being no prison in Davis.

This perseverance in arresting the citizens of this territory within the boundary to which its jurisdiction extends under the laws of the United States, has now in three recent instances led to the arrest and detention of the civil authorities of Missouri, and the release of one of them after conviction and another before he was tried, seems to have produced no other effect than to embolden them to persevere in the attempt to subject citizens claiming the protection of the territorial government to the laws of Missouri.

I have not yet received from Gov<sup>r</sup> Edwards any acknowledgement of the receipt of the letter of which I had the honor to enclose you a copy and until I can entertain a reasonable hope that the efforts of the authorities of Missouri to punish our Sheriffs for the faithful discharge of their duties, will not be further prosecuted, their citizens must, so far as depends on my official action, abide the consequences of violating our laws. But I have serious apprehensions that the contest will lead to consequences which every good citizen will deplore: these repeated arrests and rescues will ere long I fear be participated in by a number of the excited population residing on and adjacent to the disputed territory, and blood will in that case almost certainly be shed.

I took the liberty of sending you a copy of my message to

the territorial legislature now in session, it expresses my feelings on this unpleasant subject. I have not the least ambition to figure in a civil war, and am fully sensible that such a controversy would afford the enemies of our institutions cause for exultation, but a sense of duty will compel me to afford such protection as may be in my power to the people who reside upon the disputed ground, and claim the protection of the territorial government.

I am sorry sir to trouble you with this controversy, but consequences may grow out of it which will render it important that you should be fully informed of its rise and progress.

I have the honor to be

With great respect

Your obedient servant

JOHN CHAMBERS

JAS K. POLK President of the U. S.

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Executive Office, Iowa City, Iowa  
20<sup>th</sup> May 1845

Sir

You will receive enclosed a nomination from Jas Mac Gregor Esqr. of a Striker in the Winnebago Black Smiths shop, with the certificate of character &c of the nominee by two of the teachers of the Winnebago school. I recommend the confirmation of the nomination.

Very respectfully

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> Indian Affairs  
War Department

Executive Office, Iowa City, Iowa  
22<sup>d</sup> May 1845

Sir

I send you enclosed a letter from James Mac Gregor jr Esqr Sub Indian Agent at Turkey River together with the papers therein refered to, evidencing the claim of James Beatty and George Van doren against the Winnebagoes for an alleged destruction by some of them of some stacks of oats.

Very respectfully

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department

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Executive Office, Iowa City, Iowa  
22<sup>d</sup> May 1845

Sir

You will find enclosed a letter which I received by the last mail from Jas Mac Gregor jr Esqr Sub Indian Agent at Turkey River giving an account of an Assault and Battery committed by a Winnebago Indian upon Mr Snyders wife one of the Blacksmiths employed for the tribe.

I suppose Mr Mac Gregor has "delivered them up *to the civil law*" as he *thought* of doing.

The insolence of these Indians in committing such an outrage in sight of the agency house is I fear the result of Mr Mac Gregors timidity, and want of controul over them even when in his presence. It will not be worth while to give him any instructions relative to this affair as he will have

disposed of it some way or other before a letter can reach him.

Very respectfully

Your obt sert

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department

JOHN CHAMBERS

---

Executive Office, Iowa City, Iowa  
22<sup>d</sup> May 1845

Sir

The enclosed letter from Mr Mac Gregor Sub Indian Agent gives an account of a "spec of War" in the Winnebago horizon, which has fortunately been dispersed without bloodshed. If the contemplated expedition had been prosecuted those concerned in it would probably never have returned to give an account of its fate — Keokuk would have made but "a breakfast spell" of scalping them.

Very respectfully

Your obt sert

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department

JOHN CHAMBERS

---

Executive Office, Iowa City, Iowa  
24<sup>th</sup> May 1845

Sir

I have received your letter of the 8<sup>th</sup> inst directing me to make a report of all persons employed in my superintendency up to the 30<sup>th</sup> of September next, with their names &c.

I will immediately instruct the agents to prepare and

forward the reports required in time to enable whoever may exercise the office of Superintendent to make the full report by the time indicated by your letter, which I understand to embrace *all* the employees of the government in the Superintendency and not barely those employed at the Superintendents office.

I remain with great respect

Your obt servant

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR

Com<sup>r</sup> Indian Affairs

War Department

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Executive Office, Iowa City, Iowa

24<sup>th</sup> May 1845

Sir

I have received your letter of the 15<sup>th</sup> inst with its enclosures. While my attention is devoted to Executive duties at this place (the Legislature being in Session) it is not possible for me to dispose of your case. On my return to Burlington (if I remain in office) I will compare the evidence and decide the matter.

It is not true, I presume, that any papers relative to this matter have been sent to Washington, for they would have been referred to me if such had been the case.

Respectfully

Your obt sert

JOHN CHAMBERS

H M RICE ESQR

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Executive Office, Iowa City, Iowa Tery

24<sup>th</sup> May 1845

Sir

I have this day granted leave of absence for sixty days

to Mrs. Lucy Davis, one of the female teachers long employed in the Winnebago School, (and recently married) The measure was recommended by the other teachers and the Sub Agent.

Very respectfully

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Ind<sup>n</sup> Aff<sup>s</sup>  
War Department

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Executive Office, Iowa City, Iowa  
31<sup>st</sup> May 1845

Sir

I send you with this what purports to be the account current, abstract and voucher of Jas Mac Gregor Esqr Sub Indian Agent at Turkey river for the quarter, ending with the month of March last, and also the reports of the principal Teacher of the Winnebago School, and of the Farmer employed for the benefit of the tribe. These papers came to Burlington since I left there on the 3<sup>d</sup> inst and being marked with the enormous postage (including duplicates) of \$21.00, my private Secretary retained them a few days for a private conveyance to me. The presure of legislative duties while the legislature is in session deprives me of the time to examine them, but I would respectfully suggest the propriety of having the whole of his accounts strictly examined without loss of time. Mr Mac Gregor is in my opinion very little qualified for the discharge of the duties of the office he holds and it may save trouble to have his accounts strictly scrutinized as soon as may be convenient.

It is probable our Legislature will adjourn in about ten days, in the mean time I shall, if rumour may be credited,

be relieved from my duty by the arrival of my successor in office.

I remain with great respect  
Your obt sert

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department

JOHN CHAMBERS

---

Executive Office, Iowa City, Iowa  
3<sup>d</sup> June 1845

Sir

I have had the honor to receive your letter of the 12<sup>th</sup> ult<sup>o</sup>, requesting me to furnish you with a list of the names of the counties of this territory, and the names of the Seats of Justice thereof. I enclose you the information you request. The counties not yet organized are severally attached to one of those that are — for Judicial purposes, and have no established Seats of Justice.

I have the honor to be Sir  
Your obedient servant

HON R I. WALKER  
Secretary of the Treasury  
Washington City

JOHN CHAMBERS

The following are the names of the Counties in the Territory of Iowa, with the names of the Seats of Justice of such of them as have been organized —

COUNTIES	SEATS OF JUSTICE
Cedar	Tipton
Clayton	Jacksonville
Clinton	Dewitt
Davis	Bloomfield

COUNTIES	SEATS OF JUSTICE
Delaware	Delhi
Des Moines	Burlington
Dubuque	Dubuque
Henry	Mt Pleasant
Jackson	Andrew
Jefferson	Fairfield
Johnson	Iowa City
Iowa	Edinburgh
Keokuck	Sigourney
Lee	West Point
Linn	Marion
Louisa	Wappello
Mahaska	Ouscaloosa
Muscatine	Bloomington
Scott	Davenport
Washington	Washington
Wappello	Ottumwah
Van Buren	Keosauqua

#### Unorganized Counties

Appanoose	Iowa
Burton	Kishkikosh
Black Hawk	Powesheik
Buchanan	Tama
Fayette	

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Executive Office, Iowa City, Iowa  
4<sup>th</sup> June 1845

Sir

The enclosed letter from Capt Beach Sac and Fox Agent reached me yesterday by private conveyance. You will see from it that the difficulties among the Foxes about their removal, which I have several times suggested to you



as probable are begining to develope themselves, and I incline to think are more matured than Capt Beach supposes. It is not very probable that I shall have any controul over or agency in their removal when the time for action arrives, but you will pardon me for saying (perhaps repeating) that the Fox Chief Powesheik, and his braves Wolf Skin and Crow ought in case of opposition to the removal of the tribe be promptly seized and secured, so as to make their removal certain — the rest of the band would then cease to resist.

My health continues decidedly bad and my Executive duties are at this time sufficient to occupy every moment in which I am able to attend to business, you will therefore I hope excuse me for not further remarking upon the subjects of Capt Beaches letter. It will be important that he should hear from you at your earliest convenience. The territorial legislature will probably adjourn in eight or ten days.

With great respect  
Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department

---

Executive Office, Burlington, Iowa  
June 6<sup>th</sup> 1845

Sir

I send you enclosed the papers relative to a claim made by Beatty and Van doren for damages for depredations alleged to have been committed by Winnebago Indians upon them, in destroying some stacks of oats — these papers have been transmitted to the office of Indian affairs and are now returned and disallowed. The Commissioner says the claim is not sustained by the evidencé — You will

please so to inform the claimants when they call on you.

Respectfully

Your obt sert

JOHN CHAMBERS

Gen<sup>l</sup> J E FLETCHER<sup>6</sup>

U. S. Sub-Indian Agent

Turkey River Sub Agency

Iowa

---

Executive Office, Burlington, Iowa

13<sup>th</sup> June 1845

Sir

The enclosed letter from Mr Mac Gregor Sub Indian Agent at Turkey River and the accompanying voucher and letter from the Supt Indian Farms, all relative to the item of his acct for 4<sup>th</sup> Quarter 1844 of hay purchased for the use of the Stock at the Sub Agency

Very respectfully

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR

Com<sup>r</sup> of Indian Affairs

War Department

---

Executive Office, Burlington, Iowa

13<sup>th</sup> June 1845

Sir

I have received a letter from Capt E V Sumner<sup>7</sup> of the 1<sup>st</sup> Regt of dragoons enclosing me a copy of a letter

<sup>6</sup> Jonathan E. Fletcher was appointed sub-agent for the Winnebagoes on June 2, 1845.

<sup>7</sup> Captain Edwin V. Sumner was in command of the troops at Fort Atkinson located near the the Winnebago Indian agency. The incident for which the punishment was inflicted is mentioned in a letter found on p. 255.

3<sup>d</sup> Military Department dated 11<sup>th</sup> ult<sup>o</sup>, reporting the course pursued by him towards a Winnebago Indian who had committed a brutal outrage upon a white woman at the Sub Agency on Turkey river.

The circumstances of this case had reached me some time ago — You will remember that I enclosed you a letter from Mr Mac Gregor the Sub Indian Agent stating the arrest of the two Indians mentioned by Capt Sumner in his letter to the Asst Adj<sup>t</sup> Genl, who were released — This case having taken the proper military direction it is perhaps not necessary that I should trouble you with it. But I do decidedly approve of the conduct of Capt Sumner in inflicting the lash upon this villian that I deem it a duty to express through you to the Hon Secretary of War, my entire conviction that but for the prompt punishment inflicted in this case it would soon have become impossible for a white woman to reside with the families of the employees of the government at the Turkey River Sub Agency, and even under this example there will be constant danger of personal violence to families residing near this beastly tribe. Capt Sumner mentions another similar case since that for which he inflicted punishment.

I hope the conduct of that prompt and excellent office[r] in this instance will meet the thanks which it deserves — I have always found him prompt efficient and prudent in the performance of his duties. I have not deemed it necessary to enclose a copy of this letter to the Asst. Adj<sup>t</sup>. Genl. as it will of course have reached the department before this time.

Very respectfully

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department

Executive Office, Burlington, Iowa  
14<sup>th</sup> June 1845

Sir

I returned to this place from the Seat of the territorial government on the 11<sup>th</sup> inst. By this evenings mail I have received your letter of 3<sup>d</sup> inst informing me of the appointment of Jonathan E Fletcher in place of James Mac Gregor jr. as Sub Indian Agent for the Winnebagoes — and without waiting for Gen<sup>l</sup> Fletcher to report himself, have written to him requesting that he will enter upon the duties of his office as soon as he can make his arrangements to do so, and in the mean time, if in his power, to give me an opportunity of a full and free communication with him in relation to the state of things among the Winnebagoes, and the duties of his office. He lives about six hours run of Steam Boat above this place on the river.

Very respectfully

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> Indian Affairs  
War Department

---

Executive Office, Burlington, Iowa  
June 14<sup>th</sup> 1845

Sir

I received the enclosed letters dated 21<sup>st</sup> and 29<sup>th</sup> inst from Mr Mac Gregor Sub Indian Agent at Turkey river, by the last mail from the North From the first of which you will see that he considered himself authorized to grant “permits” to Missionaries and Teachers to erect churches and schools in the Indian country without even communicating the fact to his official superiors, and that he has so

grossly misunderstood my letter to him on the subject of which I enclosed you a copy with my letter of 22<sup>d</sup> April last. In that letter I informed him that such establishments could not be made in the Indian country but by the permission of the department, and he has, or pretends to have understood that I had "prohibited all Missionaries from establishing a school on the Neutral Ground" I now believe that this mans stupidity or viciousness has in a great degree given rise to the complaints made by the Catholic Bishop of Iowa, about the rejection and expulsion of Catholic Priests as teachers.

The enclosed letter of the 29<sup>th</sup> ult<sup>o</sup> quoting a part of a communication from Rev<sup>d</sup> Jos Cretin<sup>s</sup> to Mr Mac Gregor shews a spirit on the part of that Rev<sup>d</sup> gentleman, which induces me to think it is well that the Winnebago school did not fall into his hands. You will please direct what disposition shall be made of his Reverence. I hope however that he will not be permitted to become a Martyr, which he is evidently seeking to do.

Very respectfully

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department  
Washington City

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Executive Office, Burlington, Iowa  
14<sup>th</sup> June 1845

Sir

I have received your letter of the 21<sup>st</sup> ult<sup>o</sup> in explanation of a suspended item of your account for the 4<sup>th</sup> Quarter

<sup>s</sup> Further references to Reverend Jos. Cretin are found in letters on pp. 266, 278, 279, 285, 286.

1844, and have forwarded it with the accompanying papers to the office of Indian Affairs. I have also received another letter from you of the same date in which you say that "not being aware that the general government had any objection to the effort of any missionary of respectable standing and character," &c you had granted "a Permit" to Rev<sup>d</sup> Joseph Cretin to establish a school &c — and again, you say that on receiving my letter you "lost no time in communicating to Mr Cretin my order prohibiting all missionaries from establishing a school on the Neutral Ground"— So that you seem not to be aware of what is not the fact — that the general government *has objections* to the efforts of Missionaries to establish schools among the Indians — and you have informed the Rev<sup>d</sup> Mr Cretin, what the letter, which you call my order, in no rational construction of it, can justify. You had better look at it again, and instead of "prohibiting all Missionaries from establishing a school on the Neutral Ground" you will find that I informed you that such establishments could only be made with the consent of the Indian department, which if you had taken any pains to understand your duties you would have known, and instead of assuming the authority to grant "Permit" yourself, would have referred the application to the Commissioner.

Your obt servant

JOHN CHAMBERS

JAS MAC GREGOR JR ESQR

Sub Indian Agent

Turkey River Sub Agency

Iowa

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Executive Office, Burlington, Iowa

June 18<sup>th</sup> 1845

Sir

Your predecessor in office Mr Mac Gregor, some time last month forwarded to me a complaint made by a man by

the name of Alexander that the Blacksmiths employed for the Indians were wasting the time in which they ought to be at work for the Indians in getting fuel and other necessaries for their families. I forwarded the complaint to the Commissioner of Indian Affairs and now enclose you a copy of his answer for your government in relation to the matter.

This Alexander who made the complaint is a white man with an Indian wife, and I incline to think you will find him a troublesome fellow, if you indulge him, interfering with the business of the Indians. Your best course with such men will be to let them understand at once, firmly and decisively that they must not annoy you in any way

Respectfully

Your obt sert

JOHN CHAMBERS

Gen<sup>l</sup> J E FLETCHER Sub. Ind. Agt.

Turkey River Sub Agency

Iowa

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Executive Office, Burlington, Iowa

18<sup>th</sup> June 1845

Sir

I send you enclosed a copy of a letter which I have just received from the Commissioner of Indian Affairs in relation to a purchase of provisions made by Mr Mac Gregor, your predecessor in office, for the Winnebago Indians. The letter will be your guide in endeavouring to save Mr Mac Gregor from loss and at the same time put you on your guard against the recurrence of a similar state of things. In this instance Mr Mac Gregors intentions were good — the Indians were in a starving condition and made a written application to him to expend some money in advance of this annuity of this year in purchasing provisions for them.

It would therefore be well to retain the amount of Mr Mac Gregors purchases not exceeding four thousand dollars (that being the limit of the purchases as stated in the request of the chiefs) and altho Mr Mac Gregor can have created no obligation upon the government to pay the amount of his purchases, the fact of his being a public officer, will have created the impression that the money was to be paid by the government and if from any cause it should not reach the hands of those to whom it is payable much dissatisfaction and complaint will result from it; it will therefore be proper to ascertain accurately the amount of Mr Mac Gregors purchases and the names of the persons to whom the money is payable, and pay them yourself, without permitting the money to go into Mr Mac Gregors hands, except when he may have made payments out of his own purse. To enable you to do this it will be proper to retain the amount out of the Indian annuity of this year, treating it as a matter of course with them, without they positively refuse to permit the application of it in that way, and even then you will remonstrate with them against the injustice and dishonesty of refusing to pay for provisions purchased at their own request.

Respectfully

Your obt sert

JOHN CHAMBERS

Gen<sup>l</sup> J E. FLETCHER U. S. Sub-Ind. Agt  
 Turkey River Sub Agency  
 Iowa

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Executive Office, Burlington, Iowa  
 18<sup>th</sup> June 1845

Sir

I have received your letter of the 6<sup>th</sup> inst enclosing a copy of a paper purporting to be a petition from the chiefs



and head men of the Winnebago Indians to the Secretary of War, and requesting me to "report fully upon all the points contained in it"—I proceed at once to do so—

The first position assumed by the petitioners is, that being a free people they ought to be permitted to build churches and school houses on their own land at their own expense without let or hindrance from the Agent or any other person— If this claim be conceded, it will amount to a virtual abandonment of the guardianship assumed by the government over the tribe, and would lead to the introduction of numerous vagabonds among them under the characters of teachers &c, and would be the entering wedge to enlarged demands for settling traders and others among them without the License of the government, and because the land on which they live is their own. This tribe is decidedly the most profligate, worthless and ignorant of all the tribes in this Superintendency, and perhaps of all west of the Mississippi river, are less qualified to judge of their own interests than any other, and are consequently the mere creatures of malign influences.

Secondly— They request that white men who have become connected with the tribe by marriage and have families, may be preferred in appointments to "office" in the tribe, to men not so connected with them.— To this request it is objected that a very large proportion of the white men who marry among the Indians, and especially among such Indians as the Winnebagoes are idle and worthless fellows, who either to avoid labour and live in savage idleness, or because their association with their own race has become dangerous to themselves, have sought a residence with the Indians, and are in most cases the instigators of discontent and turbulence among the tribe. Where exceptions to these remarks are found they have generally been preferred.

Under the third head they request to be informed why

“the present teachers in the government school” are continued in office when they have in national council requested the Sub Agent to have them removed? for reasons —

1<sup>st</sup> That the children that have attended that school are more immoral than others of the Same tribe — 2<sup>d</sup> That they “are all one way of thinking on the subject of religion, and do not wish to have their children taught different from what they themselves believe to be right” — 3<sup>d</sup> That the present teachers have had the management of the school a sufficient length of time to satisfy the petitioners that no good is to result to the Indians under their management — 4<sup>th</sup> That over forty thousand dollars of their money has been paid for the support of that school contrary to their wish and that not a scholar has left the school but is a disgrace to the tribe — Upon all which I beg leave to remark, that I have never before heard of a “National Council of the tribe” to request the Sub Agent to remove the Teachers. Heretofore this business has been managed in the name of certain half breeds, but the same influences that instigated them could no doubt get up a National Council and dictate its course.

They repeat the allegations made by Bishop Loras as represented by Mr Mudd on which I had the honor to report under date of 29<sup>th</sup> April last — That the children who have attended the school are more immoral than others of the tribe who have not attended it — Since I made the report above alluded to, I have made inquiries in relation to this allegation from several person who are employed in the Neutral Ground or are there frequently, and am satisfied that it is totally without foundation as is that (which is naturally connected with it) that the scholars from that school are a “disgrace to the tribe”. Indeed it is hardly possible to conceive how they could disgrace such a tribe.

They allege that they are all of one way of thinking on

the subject of religion and object to their children being taught "different from what they believe to be right" This idea to one who knows the character of the Winnebagoes or has been among them is absolutely farcical, for with the exception of a few half breeds educated at Prairie du Chein there is, perhaps, not ten adults in the tribe who either know or care any thing about religion.

Until the late Sub Agent Mr Mac Gregor went among the tribe, no complaint was heard from the tribe or any portion of them against the Teacher or an expression of a preference in favour of any sect of Christians — but as soon as Mr Mac Gregor found that he could not succeed in dismissing the employees of the Indian department generally at his Sub agency, these complaints were got up and have been perseveringly continued up to this time; and without the department thinks it proper to yield to the pertinacious efforts of a few managers of this business it will, I think, be found necessary to put it down by a decisive assurance that they cannot and will not be indulged in further prosecuting it.

Under date of 14<sup>th</sup> inst I enclosed you a letter from Sub agent Mac Gregor stating that a Priest who had located himself near the Sub Agency, had determined to remain there until carried out of the country by force — Since that time I have received a private communication from a gentleman residing in the Neutral Ground confirming Mr Mac Gregors statement — the object of this movement, must be, I presume, to break up or interfere with the Winnebago School, otherwise this man would have selected some one of the numerous camps of the tribe remote from the school. At a distance of about fifteen miles from the Agency on the Red Cedar river is a considerable number of the tribe located, who might derive from such an establishment all the benefits which a Missionary school would afford them. But

it is due to candour to say that the character of the tribe must undergo a great change before missionaries or schools will benefit them to any great extent.

The petition to which this report relates is certified by four persons — one of whom L G. Alexander, I know is a white man married to a squaw, the same who some time ago complained that the Blacksmiths were permitted to get fuel &c for their families — a troublesome fellow I presume — of the others I know nothing. Such papers to entitle them to attention ought to be authenticated by the agents and officers of the Army where such are stationed — otherwise the department will be subject to be greatly annoyed by white men connected with the tribe by marriage, taking upon themselves to express the feelings and wishes of the tribe.

Very respectfully

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department

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Executive Office, Burlington, Iowa  
18<sup>th</sup> June 1845

Sir

I wrote by the last mail to inform you of the necessity of your repairing to your Sub Agency as early as possible. I have since been informed of the shipment of the annuity provisions of the Winnebagoes from St Louis for Prairie du Chein — they left on the 10<sup>th</sup> inst, and if Mr Mac Gregor should have heard of his removal from office, he may decline to take charge of them, and in that case great waste and loss may happen; it is therefore the more important that

you should go up immediately, and in case it should be necessary to return you will please inform the officer in command at Fort Atkinson, and request his attention to the business of the Agency until you can return. The provisions must not be delivered in mass, or they will pass immediately into the hands of the traders and whiskey sellers. Give each band as much as may be necessary for their immediate use and deliver it to them in that way from time to time, keeping an account of the quantity delivered to each band and finally taking vouchers for the whole.

Respectfully

Your obt sert

JOHN CHAMBERS

Gen<sup>l</sup> J. E. FLETCHER Sub. Ind. Agt  
Bloomington  
Iowa

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Executive Office, Burlington, Iowa  
19<sup>th</sup> June 1845

Sir

Nathaniel Wilcox was nominated last month by your predecessor in office for the place of striker in the Blacksmith shop worked for the Winnebagoes at your Sub-Agency, and the nomination has been confirmed by the Commissioner of Indian Affairs under date of 6<sup>th</sup> inst. Mr. Wilcox will be entitled to pay from the time he commenced work.

Respectfully

Your obt sert

JOHN CHAMBERS

Gen<sup>l</sup> J. E. FLETCHER U S Sub Ind Agt  
Turkey River Sub Agency  
Iowa

Executive Office, Burlington, Iowa  
22<sup>d</sup> June 1845

Sir

General Jonathan E Fletcher Sub Indian Agent for the Winnebagoes has just left the enclosed Official Bond in my hands to be forwarded to you. I have had an hours conversation with him and am pleased with the indications he gives of intelligence and candour.

With great respect

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department.

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Executive Office, Burlington, Iowa  
23<sup>d</sup> June 1845

Sir

I have this moment received a letter from the Commissioner of Indian Affairs dated 12<sup>th</sup> inst. enclosing a letter from Capt Backus Commanding at Fort Snelling to Assistant Adjutant General H S. Turner 3<sup>d</sup> military department with a copy of a Report made by Lieut Hall to Capt Backus dated 23<sup>d</sup> April, in which he stated that Duncan Campbell and others engaged as Lieut Hall learned in selling whiskey to the Indians are residing at Wabashaws on the Sioux half breed tract so called, where they consider themselves protected from the laws applicable to their practices in the Indian country. The Commissioner of Indian Affairs entertains no doubt that those laws apply in full force to that tract of country and that to all legal purposes it is Indian country and requests that I will give you such directions as may be necessary to break up this infamous

den of whiskey sellers. You will therefore please to apply to Capt Backus or the officer in command at Fort Snelling (to whom I have written on the subject for such military assistance as may be necessary[]) and proceed with as little delay as practicable to make a thorough search for the persons resident on the half breed tract suspected of selling whiskey and for their liquors, which you will destroy at once and institute prosecutions against the offenders under the laws of the United States. You will also give notice to all white men of suspicious character or habits who reside at that place or elsewhere in the Indian Country to withdraw immediately from the Sioux Country You will please report fully your proceedings in this business as early as possible with any information or remarks you may deem necessary.

Respectfully

Your obt sert

JOHN CHAMBERS

COL<sup>o</sup>. A J. BRUCE U. S. Ind. Agt  
St Peters  
Iowa.

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Executive Office, Burlington, Iowa  
23<sup>d</sup> June 1845

Sir

I have this moment received a letter from the Commissioner of Indian Affairs dated 12<sup>th</sup> inst enclosing a copy of your letter of the 23<sup>d</sup> April last to St H S. Turner Ass<sup>t</sup> Adj<sup>t</sup> Gen<sup>l</sup> 3<sup>d</sup> Mil<sup>y</sup> Dep<sup>t</sup>, with a copy of the Report of that date made to you by Lt Hall relative to Mr Duncan Campbell and other whiskey sellers resident upon the land granted the half breed Sioux. The Commissioner of Indian Affairs entertains no doubt "that the half breed tract is as much Indian country as the circumjacent lands west of the

river", and requests me to give such directions as will effectually put a stop to the infamous practises of these men. I have therefore to request that you will give such assistance to A J Bruce Esqr Sioux Agent at St Peters as will effectually break up this den of whiskey sellers, and bring them to punishment.

With great respect

Your obt sert

JOHN CHAMBERS

CAPT E BACKUS U. S. Army  
Commanding at Fort Snelling<sup>9</sup>  
Iowa

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Executive Office, Burlington, Iowa  
23<sup>d</sup> June 1845

Sir

I send you enclosed a letter from Col<sup>o</sup> Bruce Sioux Agent relative to the payment by the Quarter Master at Fort Snelling, of the claim of the Sioux Chiefs for wood cut off their land by the troops of that Post.

Very respectfully

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department

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Executive Office, Burlington, Iowa  
23<sup>d</sup> June 1845

Sir

Enclosed herewith I send you a letter from Col<sup>o</sup> Bruce

<sup>9</sup> The jurisdiction of the Iowa Territorial government included the site of Fort Snelling.



of the Sioux Agency, reporting that the two Indians charged with the murder of a Mr Samuel Watson last October have been brought down by the Chiefs according to promise, and delivered to the Commanding Officer at Fort Snelling.

I shall advise the Commanding Officer to send them to Dubuque for trial as there is not any prison at Prairie La Porte.

Very respectfully

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department

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Executive Office, Burlington, Iowa  
23<sup>d</sup> June 1845

Sir

Your two letters of the inst have been received and forwarded to the Office of Indian Affairs.

The two Indians charged with the murder of Mr Watson had better be taken as soon as the necessary testimony can be obtained, to some place in the territory where the proper officers to receive them can be found, and delivered up. It is probable there will be no prison found at Prairie La Porte, but the civil authorities having them in their possession may send them to Dubuque if necessary to serve them.

Respectfully

Your obt sert

JOHN CHAMBERS

COL<sup>o</sup> A J. BRUCE U. S. Ind. Agt  
St Peters Agency  
Iowa

Executive Office, Burlington, Iowa  
25<sup>th</sup> June 1845

Sir

I received by the last mail your letter of the 12<sup>th</sup> inst. enclosing a copy of the letter of Capt Backus of the U. S. Army to Asst. Adj<sup>t</sup>. Gen<sup>l</sup> Turner of the 3<sup>d</sup> Military department, and a copy of the Report of Lieut Hall in relation to the whiskey sellers who have sought refuge in in the Half breed Sioux lands at Wabashaw — I fully concur in your opinion that those lands can be considered in no other light than as Indian country, and have instructed Mr Bruce Ind Agt at St Peters to apply to the officer in command at Fort Snelling for a sufficient force, and to make a thorough search for these miscreants and their poison and secure and prosecute them and destroy it, and to give all the whites of bad character or suspicious habits in relation to their intercourse with the Indians, against whom there is not sufficient evidence to sustain a prosecution, [orders] to leave the Indian country immediately. I have also written to Capt Backus requesting him to give Mr Bruce the necessary assistance. These letters will go this evening to St Peters by a Boat ascending to that point.

With great respect

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department

---

Executive Office, Burlington, Iowa  
3<sup>d</sup> July 1845

Sir

I send you enclosed a letter dated 10<sup>th</sup> ult<sup>o</sup> from Rev<sup>d</sup> Jos Cretin a Catholic Priest the same of whom I wrote you

some time ago, that he had determined to remain in the Indian country until taken out by force. You will see from his letter that his tone is somewhat softened, and but for the strong impression on my mind that his residence in the vicinity of the Winnebago School may effect its prosperity, I should be entirely willing that he should prosecute his religious objects any where in the Neutral Ground. You however will please give such instructions on the subject as you may think proper.

Very respectfully

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department

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Executive Office, Burlington, Iowa  
July 6<sup>th</sup> 1845

Sir

I send enclosed a letter which I have just received from A J Bruce Esqr Indian Agent at St Peters, relative to the murder of a Sioux by some Chippewas. I shall wait further information relative to the surrender of the perpetrators of the offence before I reply to Mr Bruces letter. The surrender of hostages by the Chippewa Chiefs has a favourable aspect.

Respectfully

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department

Executive Office, Burlington, Iowa  
6<sup>th</sup> July 1845

Sir

I send you herewith the account current with abstracts and vouchers, return of property &c of A J Bruce Esqr Indian Agent at St Peters for the 2<sup>d</sup> Quarter of the present year.

Very respectfully

Your obt sert

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department

JOHN CHAMBERS

---

Executive Office, Burlington, Iowa  
6<sup>th</sup> July 1845

Sir

I send you enclosed the answer of A J Bruce Esqr U. S. Ind. Agt at St Peters to my letter communicating to him your opinion of the legal character of the half breed Sioux lands and directing how to proceed in relation to the whiskey sellers who have located themselves there.

Very respectfully

Your obt sert

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department

JOHN CHAMBERS

---

Executive Office, Burlington, Iowa  
6<sup>th</sup> July 1845

Sir

I send you enclosed a duplicate of a letter from A J. Bruce Indian Agent at St Peters transmitting duplicate

contracts "for two farmers and a Striker for the Blacksmith" for the Sioux, of which I send herewith one set.

Very respectfully

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR

Com<sup>r</sup> of Indian Affairs

War Department.

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Executive Office, Burlington, Iowa

6<sup>th</sup> July 1845

Sir

I send you herewith the account current Abstracts and vouchers, return of property, and list of persons employed, of Capt John Beach U. S. Indian Agent at the Raccoon river Agency, for the quarter ending 30<sup>th</sup> June, which have this moment reached me by private conveyance — they will be found in his usual neat and business like manner.

Very respectfully

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR

Com<sup>r</sup> of Indian Affairs

War Department

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Executive Office, Burlington, Iowa

10<sup>th</sup> July 1845

Sir

I have received your letter of the 26<sup>th</sup> ult<sup>o</sup> enclosing one of the same date to Capt Beach Sac and Fox Indian Agent, which will be forwarded by the first mail going west, with my earnest recommendation to the Chiefs to comply with

the wishes of the Department, that they send some of their boys to the Choctaw Academy in Kentucky.

Very respectfully

Your obt sert

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department

JOHN CHAMBERS

---

Executive Office, Burlington, Iowa

10<sup>th</sup> July 1845

Sir

I send you herewith a letter addressed to you from the Office of Indian Affairs "by the special direction of the Secretary of War" — with it I received a letter from the same source requesting that in forwarding the letter I would "add the weight of my influence and exertions to forward the object in view" I would therefore beg that you will please represent to the influential of the tribe that, feeling, as I really do, a very sincere interest in their well fare, and convinced that they have the material among them for making truly great and useful men I earnestly advise them in the spirit of friendship to select from six to ten of their most promising boys and send as directed. The greater the number they send the better, as they will on their return to the tribe sustain each other more effectually than one or two would do. If they conclude to send them, and I go, as I hope to do about the 1<sup>st</sup> of Sept<sup>r</sup>, I would like to take them and their conductor with me and would go out of my way to see them properly placed.

Very respectfully

Your obt sert

CAPT J. BEACH U. S. Ind. Agt  
Des Moines River Agency<sup>10</sup>  
Iowa.

JOHN CHAMBERS

<sup>10</sup> See note 4 above.

Executive Office, Burlington, Iowa  
10<sup>th</sup> July 1845

Sir

I have received your account current, Abstracts and vouchers &c for the Quarter ending with last month, and your monthly Report for June ult<sup>o</sup>.

Very respectfully

Your obt sert

JOHN CHAMBERS

CAPT JOHN BEACH U. S. Ind. Agt  
Des Moines River Agency  
Iowa.

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Executive Office, Burlington, Iowa  
10<sup>th</sup> July 1845

Sir

I have received a letter from Capt J Beach Sac and Fox Agent of which the enclosed is a duplicate, from which you will find that \$500 have been received by him from the representatives of the late Genl. Street for the use of the half breed child of Amos Farrow.

Very respectfully

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department.

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Executive Office, Burlington, Iowa  
10<sup>th</sup> July 1845

Sir

I have omitted to acknowledge the receipt of your letter of the 7<sup>th</sup> ult<sup>o</sup> directing a deposite of the balance of the

proceeds of the sale of the Sac and Fox Farm in the Bank of the State of Missouri, to the credit of the Treasurer of the United States, until I could send you the evidence of the deposite. I enclosed a check to the cashier of the Bank for the amount payable to the Treasurer which he has just returned to me informing me that it is necessary that I inform him on what account the money is deposited, a fact which I did not before know. I will give him the necessary information and send the check with it, and will be able then to send you the proper voucher. The money is in Bank.

Very respectfully

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department

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Executive Office, Burlington, Iowa  
10<sup>th</sup> July 1845

Sir

I have received your letter of the ult<sup>o</sup> recommending economy in the matter of postage. Your instructions shall be strictly attended to as far as depends upon me. How will the plan I now adopt do? See another letter on this sheet. It will lessen your files as well as save expense.

Very respectfully

Your obt sert

JOHN CHAMBERS

T HARTLEY CRAWFORD ESQR  
Com<sup>r</sup> of Indian Affairs  
War Department



Burlington, Iowa

10<sup>th</sup> July, 1845

Cashier of the Bank of the State of Missouri pay to the Treasurer of the United States, Fifteen hundred and fourteen dollars and fifty one cents.

Dolls 1514.51/100

(signed) JOHN CHAMBERS

Executive Office, Burlington, Iowa

10<sup>th</sup> July 1845

Sir

The above sum of Fifteen hundred and fourteen dollars 51/100 is the proceeds of the Sale of the Sac and Fox farm, in this territory, sold by me under the direction of the Secretary of War, by whom I am instructed to deposite it in your Bank to the credit of the Treasurer of the United States. You will please therefore pass it to his credit and send me your duplicate certificate of deposite.

Respectfully

Your obt sert

JOHN CHAMBERS

Cashier of the Bank of Missouri

St Louis

Mo

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Executive Office, Burlington, Iowa

11<sup>th</sup> July 1845

Sir

I send you enclosed a letter to Rev<sup>d</sup> Jos Cretin, a Catholic Priest, who has located himself somewhere near your Sub Agency, which, having read, you will please seal and deliver to him.

The pertinacity with which this man and some of his coadjutors have attempted to get possession of the Winne-

bago School renders it necessary that they should be prevented from withdrawing or causing the Indians to withdraw the children from the established school. You will please therefore to keep an eye to that subject and if you become satisfied that such is the object of Mr Cretin, or if such should be the effect of his residence near the school, you will please remind him that such consequences of his residence must be prevented, and that he can no longer reside near the school unless all interference with it or influence over it is strictly abstained from.

Very respectfully

Your obt sert

JOHN CHAMBERS

Gen<sup>l</sup> J E FLETCHER U. S. Sub. Ind. Agt  
Turkey River Sub Agency  
Iowa

## SOME PUBLICATIONS

*A History of the People of Iowa.* By Cyrenus Cole. Cedar Rapids: The Torch Press. 1921. Pp. 572. Plates, maps. For many years those interested in the history of Iowa have wished for an adequate, one-volume history of the State. Numerous books, monographs, collections of source material, and magazine articles have treated of various phases or periods of political, economic, military, and educational history of the Commonwealth. Brigham's *Iowa: Its History and Its Foremost Citizens*, and Gue's *History of Iowa* tell the story in three and four volumes respectively. Salter's *Iowa: The First Free State in the Louisiana Purchase* deals with the period prior to 1846. Mr. Cole's book, the product of long years of preparation, covers the entire period from the earliest times to 1920, and it presents the story in a single volume. The author divides the book into nine parts: "Discovery and Possession", "The Indians (1804-1833)", "Settlements and Territorial Governments (1833-1846)", "The First State Constitution (1846-1857)", "The Remaking of the State (1854-1859)", "The Civil War and After (1860-1867)", "The Years Between (1865-1885)", "Social and Economic Legislation (1884-1896)", and "Unto this Last (1897-1920)". The proportion of space given to the various periods is excellent, although one could wish that the period of the last quarter century with which the author has been intimately connected by reason of his personal participation in public affairs might have been given more than the forty-six pages allotted to it.

The entire account is written with vigor and with much color and life, which makes the book more than usually readable. It is the work of a man thoroughly in sympathy with the subject in hand, and possessed of an ability to see and write the history of two and a half centuries with clear perspective and fine historical imagination. He has read widely, and weighed evidence judiciously, and the result is a valuable addition to the historical literature of the

State. It is certain to be read both widely and profitably. The book is excellent in its physical make-up, and its contents are made usable by an adequate index.

*Publications of the Nebraska State Historical Society.* Volume XIX. Edited by Albert Watkins. Lincoln: The Nebraska State Historical Society. 1919. Pp. 357. Plates, maps. This volume contains the following articles relating to the Indians of Nebraska and the settlement and territorial history of the Commonwealth: *Incidents of the Indian Outbreak of 1864*, by James Green, E. B. Murphy, and John Gilbert; *The Beginning of Red Willow County*, by Albert Watkins; *The True Logan Fontenelle*, by Melvin R. Gilmore; *At Bellevue in the Thirties*, by Mrs. E. Anderson; *Swedes in Nebraska*, by Joseph Alexis; *Clan Organization of the Winnebago*, by Oliver Lamere; *Women of Territorial Nebraska*, by Mrs. Kittie McGrew; *First Settlement of the Scotts Bluff Country*, by Grant L. Shumway; *The Omaha Indians Forty Years Ago*, by Jacob Vore; *Earliest Settlers in Richardson County*, by Sarah E. Wilhite; *Some Indian Place Names in Nebraska*, by Melvin R. Gilmore; *Bohemians in Nebraska*, by Sarka B. Hrbkova; *Incidents in the Impeachment of Governor Butler*, by Ebenezer E. Cunningham; *The Mescal Society Among the Omaha Indians*, by Melvin R. Gilmore; *Reminiscences of William Augustus Gwyer*; *Nebraska in the Fifties*, by David M. Johnston; and *Contested Elections in Nebraska*, by Albert Watkins. The proceedings of the Society for 1917 are also included in the volume which is provided with an index.

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*American Industry in the War — A Report of the War Industries Board* has been compiled by Bernard M. Baruch, the chairman of the Board, and published by the United States government.

*Europe in the Summer of 1920*, by Lucy E. Textor, *The Coldward Course of Progress*, by S. C. Gil Fillan, and *The Bibliographer as Historian*, by Elbridge Colby, are three of the papers in the January issue of *The Historical Outlook*. The February number contains an account of the *Thirty-Fifth Annual Meeting of the American Historical Association*. In addition to this there is *A*

*Letter from Europe*, by Justin H. Smith, and a *Short Sketch of Party History*, by O. F. Grubbs.

The discussion entitled the *City-Manager Movement*, by Harrison Gray Otis, in the March number of the *National Municipal Review* contains reports of various Iowa cities under this form of government.

*The Mennonites: A Brief History of Their Origin and Later Development in Both Europe and America*, by C. Henry Smith, is a contribution to the religious history of both Europe and America. A number of the adherents of this sect are located in Iowa. One chapter, devoted to the Church and the State, contains a discussion of the problem raised by the refusal of the Mennonites to do military service. Although the total number of all branches of the Mennonites in Canada and the United States is given as less than 100,000, it is estimated that a large per cent of the conscientious objectors came from among this sect.

*America's Munitions, 1917-1918*, by Benedict Crowell, Assistant Secretary of War and Director of Munitions during the period of the participation of the United States in the World War, is a volume of almost six hundred pages presenting a non-technical account of munition production during the war. It is divided into seven books or sections dealing with the following subjects: ordnance, the air service, the engineer corps, chemical warfare, quartermaster activities, the construction division, and the signal corps. Numerous illustrations and charts add to the interest and usefulness of the volume which tells the story of the production and transportation of vast quantities of war supplies. Nothing appears to have been omitted — not even the buttons for which the government spent some three million dollars.

#### WESTERN AMERICANA

*The University of California Chronicle* for January, 1921, appears in an enlarged size, with a new cover design. The scope of this magazine is indicated by the following titles of some of the contributions to this number: *Mesopotamia and Persia and Eng-*

*land*, by Roland S. Vaile; *An Apology for Ethics*, by George P. Adams; *Financial Support for Our Universities*, by Charles B. Lipman; and *Climate in Geological Time*, by Andrew C. Lawson

*The Western Reserve and Early Ohio*, by P. P. Cherry, is a volume recently issued by the Western Reserve Company. It is especially designed for schools and libraries.

*Michigan at Shiloh*, a report of the Michigan Shiloh Soldiers' Monument Commission, has been issued as Bulletin No. 13 by the Michigan Historical Commission. It was Representative David B. Henderson of Iowa who was largely instrumental in securing the Federal appropriation for the Shiloh National Military Park.

The University of Minnesota has begun a *Bibliographical Series* in the *Research Publications of the University of Minnesota*. The first number is a compilation of *Sources of English History of the Seventeenth Century, 1603-1689, in the University of Minnesota Library*, by James Thayer Gerould.

*The Colonization of North America, 1492-1783*, by Herbert Eugene Bolton and Thomas Maitland Marshall, represents an attempt to unify and expand the history of the settlements down to 1783, without the usual emphasis on the thirteen English colonies. The authors believe that a knowledge of the Spanish settlements in the southwest, the French in Canada, and the English colonies outside the United States is essential to the understanding of American history. They have, therefore, shifted the historical searchlight from the Atlantic coast to other sections of the country. The volume is divided into three parts: the Founding of the Colonies; Expansion and International Conflict; and the Revolt of the English Colonies. Students of western history will find this study of great value in its presentation of this early period.

#### IOWANA

The February number of *Autumn Leaves* contains an account of the "Cutlerite" faction of the Mormons, by Hallie M. Gould, under the title *Like Sheep That Went Astray*. This branch of the church settled at Clitherall, Minnesota.

A recent number of the *Cornell College Bulletin* is in the form of a memorial to Hamline Hurlburt Freer who died at Mount Vernon on August 26, 1920.

*The Teaching of Citizenship*, compiled by Henry J. Peterson, is a syllabus issued by the Extension Division of The Iowa State Teachers College as one of the college bulletins.

The January issue of the *Annals of Iowa* contains a reprint of *Galland's Iowa Emigrant: Containing a Map, and General Descriptions of Iowa Territory*, published in 1840. The author, Isaac Galland, was a prominent character in early southeastern Iowa. The map is also reproduced. In addition there is a biographical sketch of *Major-General Lewis Addison Grant*, by Charles Keyes, *Letters of General Joseph M. Street to Dr. Alexander Posey*, and a brief article entitled *How Boonesboro Lost a Railroad Station*, by Alonzo J. Barkley.

Volume twenty-six of the *Proceedings of the Iowa State Bar Association* contains, in addition to the various reports, a number of addresses and papers delivered at the meeting at Cedar Rapids, in June, 1920. Among these the following may be noted: *The Jones County Calf Case*, by Charles E. Wheeler; *Government and Its Menace*, by Emmet Tinley; and *Court Organization, Procedure, and the Psychopathic Laboratory*, by Harry Olson.

*The Alumnus of Iowa State College* for March contains a biographical sketch of Henry C. Wallace, the Secretary of Agriculture, contributed by Harlan Miller.

*Should We Have a New Federal Constitution?*, by Jesse Macy, *The Fetish of Sovereignty*, by Harold F. Strong, and *Panama and Its People*, by Lloyd W. Taylor, are three short papers in *The Grinnell Review* for January. *Europe Judges America*, by Henry York-Steiner, is an article of current interest in the February issue. Among the contributions in the March number are the following: *The New History*, by Cecil Fairfield Lavell; *America's Opportunity*, by Garrett P. Wyckoff; *D'Annunzio*, by John S. Nollen; and *The Esch-Cummins Act*, by Eliot Jones.

*Gleanings in Ancestry of Joseph Smith and Emma Hale*, by Heman Hale Smith, is continued in the *Journal of History* for October, 1920. *A Biographical Sketch of G. M. Hinkle*, by S. J. Hinkle, and *History of the Cutlerite Faction of the Latter Day Saints*, by Emma L. Anderson, are other contributions to this issue.

The *Iowa Law Bulletin* for January contains the following papers: *Executor of His Own Wrong*, by D. O. McGovney; *General Limitation of Real Estate Actions*, by Donald McClain; *Code Annotations*, by U. G. Whitney; and *Scope of the Denial in Iowa Code Pleading*, by Frank H. Randall. "*Illusory*" *Promises and Promisors' Options*, by Edwin W. Patterson, and *The Industrial Court Bill*, by John T. Clarkson, are the two articles in the March number.

Frank C. Lake and Lloyd N. Prince are the pioneers in the compilation and publication of the initial volume of *Who's Who in Iowa* for the years 1920-1921. This volume supplies a long-felt want in Iowa for there are many persons whose lives are of interest in the State whose names are not found in the larger volume of *Who's Who in America*. The difficulties of such an undertaking are obvious: first the names of those who are included must be secured and selected, and secondly the necessary biographical material concerning them must be collected. Neither of these tasks is easy, even in case of a well established series, and the difficulties of the first venture are even greater. For this volume the publishers have secured biographies of some 1100 Iowans which have been arranged alphabetically in two sections. This arrangement is due in some degree to the delay in receiving replies to requests for biographical information, and it is the more to be regretted since the supplementary section contains the names of a number of prominent men. Difficulties of this sort will diminish as the people of Iowa become more familiar with the idea. Lack of appreciation of the purpose and value of the work is likewise probably responsible for the fact that certain localities in the State are more largely represented than others and a number of men and women of State wide importance are not included at all. The volume also contains brief sketches of leading educational institutions.



## SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Agg, T. R., (Joint author)

*The Use of Iowa Gravel for Concrete.* Ames: The Iowa State College of Agriculture and Mechanic Arts. 1920.

Aldrich, Bess Streeter,

*How I Mixed Stories with Doughnuts* (The American Magazine, February, 1921).

Anderson, Emma L.,

*History of the Cutlerite Faction of the Latter Day Saints* (Journal of History, October, 1920).

Aurner, Nellie Slayton,

"Men and Days" (The Iowa Alumnus, February, 1921).

Baldwin, Bird T.,

*Studies in Experimental Education* (The Johns Hopkins University Studies in Education, No. 3).

Bender, Wilbur H.,

*Vocational Education and New Legislation on Industrial Rehabilitation* (Proceedings of the Twenty-first Iowa State Conference of Social Work, 1920).

Bennett, George,

*The American School of Wild Life Protection and Propagation* (Iowa Conservation, July-September, 1920).

*Dedication of the Keosauqua State Park* (Iowa Conservation, July-September, 1920).

Brant, Irving N.,

*The Wild Rose* (The Midland, February, 1921).

Brewer, Luther A.,

*The Delights of a Hobby: Some Experiences in Book Collecting* (Reprinted from the Nineteenth Year Book of the Bibliophile Society, 1920).

Briggs, John E.,

*Along the Old Military Road* (The Palimpsest, February, 1921).

Brindley, John Edwin,

*History of Taxation in Iowa, 1910-1920* (The Iowa Journal of History and Politics, January, 1921).

Brown, Bernice,

*Double Barriers* (McCall's Magazine, March, 1921).

*Stranger — My Dog* (Collier's Magazine, February 5, 1921).

*The Wild Un* (Green Book, April, 1921).

Brown, Howard Clark,

*Bradford — A Prairie Village* (The Palimpsest, March, 1921).

Brownell, Mrs. Fred D.,

*The Farm Bureau Movement* (Proceedings of the Twenty-first Iowa State Conference of Social Work, 1920).

Butler, Ellis Parker,

*The Man Who Murdered a Fairy* (Pictorial Review, April, 1921).

Byfield, Albert H., (Joint author)

*Investigations in the Artificial Feeding of Children.* Iowa City: The State University of Iowa. 1921.

Campbell, Macy,

*Legislative Sidelights on Consolidation* (Midland Schools, February, 1921).

*Sidelights on Consolidation* (Midland Schools, January, 1921).

Carver, Thomas Nixon,

*Is There Such a Thing as Right Thinking* (Weekly Review, January 5, 1921).

Clarkson, John T.,

*The Industrial Court Bill* (Iowa Law Bulletin, March, 1921).

Daniels, Amy, (Joint author)

*Investigations in the Artificial Feeding of Children.* Iowa City: The State University of Iowa. 1921.

Devine, Edward Thomas,

*Uniform Trust for Public Uses* (The Survey, February 12, 1921).

Douglas, James Lee,

*The Father of Creation* (The Grinnell Review, January, 1921).

*The Gorilla Man* (The Grinnell Review, January, 1921).

*The Mother of the Plains* (poem) (The Grinnell Review, March, 1921).

Eslick, T. P.,

*Probation in Relation to Juvenile Courts* (Proceedings of the Twenty-first Iowa State Conference of Social Work, 1920).

Evermann, Barton Warren,

*Can the Alaska Salmon Fisheries Be Saved* (Scientific Monthly, February, 1921).

Ficke, Arthur Davison,

*Don Quixote* (North American Review, December 20, 1920).

*Leaf-Movement* (Poetry, April, 1921).

Gallaher, Ruth Augusta,

*The English Community in Iowa* (The Palimpsest, March, 1921).

Germane, Charles E.,

*Value of the Controlled Mental Summary as a Method of Studying* (School and Society, December 11, 1920).

*Value of the Corrected Summary as Compared With the Re-reading of the Same Article* (Elementary School Journal, February, 1921).

Gessler, Clifford Franklin,

*Sonnets of Memories* (The Grinnell Review, January, 1921).

Gittens, Ann,

*Troubles and Travels in China* (The Iowa Alumnus, March, 1921).

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*Present Prices of Farm Products Will Cripple All Business* (The Northwestern Banker, January, 1921).

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Sketch of the life of Amos Hiatt, in the *Des Moines Register*, January 2, 1921.

Early history of Jackson County, by T. E. Blanchard, in the *Sabula Gazette*, January 6, 13, 20, and 27, and February 3, 1921.

Early settlers in Elk Township, in the *Aurelia Sentinel*, January 6, 1921.

Memories of Pella, by C. M. Moore, in the *Pella Chronicle*, January 6, 1921.

Reminiscences of Clarke County, by W. H. Kegley, in the *Osceola Tribune*, January 7, 1921.

Sketch of the life of Ramey Kindred, said to be oldest settler in Iowa, in the *Fairfield Tribune*, January 7, 1921.

Reorganization of Dodge's company, in the *Des Moines Register*, January 9, 1921.

Sketch of the life of Matthew Henry McElroy, in the *Sidney Herald*, January 13, 1921.

- Lincoln and Vinnie Ream Hoxie, in the *Iowa City Press-Citizen*, January 14, 1921.
- Sketch of the life of John McAllister, in the *Cedar Rapids Gazette*, January 18, 1921.
- How the town of Charlotte was named, in the *Oakland Acorn*, January 20, 1921.
- Early Osage history, in the *Osage News*, January 20, 1921.
- Pioneer prices, in the *Independence Bulletin-Journal*, January 20, 1921.
- Sketch of the life of George B. Stewart, in the *Keokuk Gate City*, January 21, 1921.
- Seventy-seventh anniversary of the founding of Mahaska County, in the *Oskaloosa Times*, January 21, 1921.
- Sketch of the life of Abbie Gardner Sharp, in the *Des Moines Capital*, the *Des Moines Register*, *Marshalltown Times-Republican*, January 24, 1921, the *Council Bluffs Nonpareil*, January 25, 1921, the *Sioux City Journal*, the *Fort Dodge Messenger*, and the *Estherville Republican*, January 26, 1921, the *Spirit Lake Beacon*, the *Grinnell Register*, the *Manson Journal*, and the *Forest City Summit*, January 27, 1921, the *Traer Star-Clipper*, January 28, 1921, and the *Cedar Rapids Republican*, January 30, 1921.
- Historical sketch of Fort Dodge, in the *Fort Dodge Messenger*, January 26, 1921.
- Reminiscences of Hancock County, by Mrs. Lavina Avery, in the *Britt News*, January 27, 1921.
- Sketch of the life of Darwin Maltby, in the *Council Bluffs Nonpareil*, January 27, 1921.
- "Captain" George W. Streeter was former Iowan, in the *Bedford Times-Republican*, January 27, 1921.
- Old families of Fort Madison, by Edward M. Roberts, in the *Fort Madison Democrat*, January 31, 1921.

Sketch of the life of A. H. Guzman, in the *Davenport Democrat*, February 1, 1921.

Birmingham and Keosauqua landmarks, by William Harrison, in the *Keosauqua Republican*, February 3, 1921.

James, John, and David Condon, early settlers of Webster County, in the *Fort Dodge Messenger*, February 5, 1921.

Daughter of Betsy Ross lived at Fort Madison, Iowa, in the *Des Moines Register*, February 6, 1921.

How Clarinda was named, in the *Clarinda Journal*, February 10, 1921.

Sketch of the life of George M. Curtis, in the *Davenport Democrat*, February 10, 1921.

Sketch of the life of C. W. Strother, oldest man in Hardin County, in the *Eldora Herald*, February 10, 1921.

When Abraham Lincoln came to Council Bluffs, in the *Council Bluffs Nonpareil*, February 13, 1921.

Sketch of the life of Mrs. R. E. Rarick, early settler of Waterloo, in the *Waterloo Times-Tribune*, February 13, 1921.

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How Waukon became the county seat in 1853, in the *Waukon Standard*, February 16, 1921.

Reminiscences of Emmetsburg, by Henry Funkley, in the *Emmetsburg Reporter*, February 17, 1921.

Early land sales in Lee County, in the *Keokuk Gate City*, February 17, 1921.

A glimpse of pioneer days, by P. C. Chambers, in the *Osceola Sentinel*, February 17, 1921.

Ancient gun found in oak tree near Fertile, in the *Britt News*, February 17, 1921.

Lyon County fifty years old, in the *Rock Rapids Review*, February 17, 1921.

- Struggle over timber on lands of Des Moines Navigation Company, in the *Madrid News*, February 17, 1921.
- Carr and Musick's drove of cattle, in the *Keokuk Gate City*, February 19, 1921.
- Sketch of the life of D. O. Stone, in the *Des Moines Capital*, February 19, 1921, and the *Hawarden Independent*, February 24, 1921.
- Sketch of the life of Henry Bruce Scott, in the *Burlington Hawk-Eye*, February 23, 1921.
- "Monticello House", landmark of Monticello, in the *Monticello Express*, February 24, 1921.
- Two Indian Wars in Cerro Gordo County, in the *Clear Lake Mirror*, February 24, 1921.
- Soldiers' Monument at Fort Des Moines, in the *Des Moines Register*, February 27, 1921.
- Old Winnebago Indian mission, in the *Des Moines Register*, February 27, 1921.
- Was Samuel Isaac North the first white child born in Iowa, in the *Oskaloosa Herald*, February 28, 1921, and the *Burlington Hawk-Eye*, March 6, 1921.
- Indian towns in Lee County, in the *Keokuk Gate City*, March 1, 1921.
- Early history of Emmet County, in the *Estherville Vindicator-Republican*, March 2, 1921.
- William Graham, oldest lawyer in Dubuque, in the *Dubuque Telegraph-Herald*, March 3, 1921.
- A Civil War incident, in the *Osceola Sentinel*, March 3, 1921.
- Oldest living resident of Iowa, in the *Griswold American*, March 3, 1921, the *Vinton Eagle*, and the *Cedar Rapids Gazette*, March 4, 1921, and the *Waterloo Times-Tribune*, March 6, 1921.
- Iowans who have served in the cabinet, in the *Des Moines Evening Tribune*, March 4, 1921.

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Early schools in Iowa, by Carrie Bailey-Letchford, in the *Waukon Standard*, March 9, 1921.

Humorous reminiscences of Bloomfield, by Dillon H. Payne, in the *Bloomfield Republican*, March 10, 31, 1921.

Early settlement at Steam Boat Mound, in the *West Union Union*, March 10, 1921.

Prices of commodities in 1877, in the *Winterset Madisonian*, March 16, 1921.

Early days in Indianola, by E. W. Perry, in the *Indianola Herald*, March 17, 1921.

Sketch of the life of Caroline A. Davis, in the *Bloomfield Republican*, March 17, 1921.

The boundaries of Iowa, in the *Madrid News*, March 17, 1921.

Civil War letters, by R. B. Leighton, in the *Griswold American*, March 17, 1921.

Sketch of the career of George A. Ide, in the *Afton Star-Enterprise*, March 17, 1921.

Sketch of the life of H. M. Pickell, in the *Des Moines Capital*, March 18, 1921.

Marquette and Joliet in Iowa, in the *Madrid News*, March 24, 1921.

Old house at Cascade, in the *Cascade Pioneer*, March 24, 1921.

Sketch of the life of Mrs. Anson Avery, the first woman settler in Hancock County, in the *Marshalltown Times-Republican*, March 26, 1921.

Reminiscences of the Sioux massacre in 1862, in the *Dubuque Telegraph-Herald*, March 27, 1921.

How Boonesboro lost a railroad station, in the *Boone News-Republican*, March 29, 1921.

Narrow gauge railroads, in the *Adel News*, March 30, 1921.

Early days in Ottumwa, by C. M. Work, in the *Ottumwa Courier*, March 30, 1921.



## HISTORICAL SOCIETIES

### PUBLICATIONS

Publication number 102 of the *Transactions of The Western Reserve Historical Society* contains the annual reports of the Society for the years 1919 and 1920.

The annual report of the Society makes up the issue of *The Quarterly Publication of the Historical and Philosophical Society of Ohio* for October-December, 1920.

*Constitutions and Constitutional Conventions in Missouri*, a monograph by Isidor Loeb, has been published by the State Historical Society of Missouri.

The second volume of the *Annual Report of the American Historical Association* for the year 1918 which has recently been distributed, contains the *Autobiography of Martin Van Buren*, written in 1854 when the author was seventy-one years of age. Unfortunately the work is carried down only to the year 1832 although there are occasional references to events occurring after this date. Volume one has not yet been issued.

A number of documents and papers make up the issue of *The Virginia Magazine of History and Biography* for October, 1920. Among these are *Documents Relating to the Boundaries of the Northern Neck*, contributed by Charles E. Kemper, *Minutes of the Council and General Court, 1622-1629*, and a continuation of the *Preston Papers*.

A third volume of *The Papers of Thomas Ruffin*, collected and edited by J. G. de Rouillac Hamilton, have been published as one number of the *Publications of the North Carolina Historical Commission*. The letters included in this volume relate chiefly to the Civil War period and present interesting comments on the men, conditions of life, and problems in North Carolina during the war.

The Oklahoma Historical Society has launched a new quarterly magazine to which the name, *Chronicles of Oklahoma*, has been given. James S. Buchanan is the editor of the new publication and Edward E. Dale associate editor. The first number bears the date, January, 1921, and contains four articles as follows: *Separation of Kansas and Nebraska from Indian Territory*, by Roy Gittinger; *Some Letters of General Stand Watie*, edited by Edward E. Dale; *The History of No-Man's Land, or Old Beaver County*, by Morris L. Wardell; and *The Cheyenne Dog Soldiers*, by Walter S. Campbell. In addition there is an editorial, a number of book reviews, and a section entitled *Historical News Items*.

*The Washington Historical Quarterly* for January contains the following papers: *A New Log of the Columbia*, by John Boit; *Authorship of the Anonymous Account of Captain Cook's Last Voyage*, by F. W. Howay; and a continuation of the paper by Edmond S. Meany on the *Origin of Washington Geographic Names*. *The Nisqually Journal*, edited by Victor J. Farrar, is also continued in this number.

*The Mississippi Valley Historical Review* for December, 1920, contains the following papers and addresses: *The Pilgrims and the Melting Pot*, by Carl Russell Fish; *Jane Grey Swisshelm: Agitator*, by Lester Burrell Shippee; *The First Push Westward of the Albany Traders*, by Helen Broshar; and *Historical Activities in the Trans-Mississippi Northwest*, by John C. Parish. Under the heading Notes and Documents is a *Report of Inspection of the Ninth Military Department, 1819*.

*Hindustan, Greenwich and Mt. Pleasant: The Pioneer Towns of Martin County — Memoirs of Thomas Jefferson Brooks*, edited by George R. Wilson, *A Pioneer Wedding*, edited by Esther U. McNitt, *The Pocket in Indiana History*, by Thomas James de la Hunt, and *The History of Madison*, by The Women's Club of Madison, are four of the papers presented in the *Indiana Magazine of History*, for December, 1920. The "Pocket" discussed in Mr. de la Hunt's paper includes the counties bounded by the Blue, Ohio, Wabash, and White rivers.

*An Historical Retrospect*, an address delivered by Edward Channing at the meeting of the American Historical Association, December 27, 1920, and a third installment of *New Light on the Origins of the World War*, by Sidney B. Fay, are two of the papers in *The American Historical Review* for January.

*The Louisiana Background of the Colonization of Texas, 1763-1803*, by Mattie Austin Hatcher, *Mirabeau Buonaparte Lamar*, by A. K. Christian, and *A Ray of Light on the Gadsden Treaty*, by J. Fred Rippy, are the three articles in *The Southwestern Historical Quarterly* for January.

The January issue of *The Missouri Historical Review* is a Missouri centennial number, like the one for October, 1920. It contains the following papers and articles: *The Missouri Tavern*, by Walter B. Stevens; *A Century of Missouri Agriculture*, by F. B. Mumford; *A Century of Education in Missouri*, by C. A. Phillips; *A Century of Missouri Politics*, by C. H. McClure; *A Model Centennial Program for Local Celebrations*, by E. M. Violette; and *One Hundred Years of Banking in Missouri*, by Breckenridge Jones.

*The Republican Party Originated in Pittsburgh*, by Charles W. Dahlinger, *The Lincolns of Fayette County, Pennsylvania*, by John S. Ritenour, and *The American Indian in the Great War*, by George P. Donehoo, are three articles of general interest in the January number of the *Western Pennsylvania Historical Magazine*.

The January issue of *The Register of the Kentucky State Historical Society* contains a brief sketch of *The Kentucky State Historical Society*, a fourth installment of the *History of Woodford County*, by William E. Railey, and *A Relic of Indian Days*, by Geo. A. Lewis. There are also a number of biographical sketches.

The January-March, 1920, number of *Nebraska History and Record of Pioneer Days* contains an article by Albert Watkins on the *Genesis of the Great Seal of Nebraska* and some further information is contributed by Addison E. Sheldon. The issue for April-June, 1920, contains a story of Pawnee history by George Bird Grinnell,

and an address by B. W. Atkinson on "General Atkinson, founder of Fort Atkinson".

In addition to the report of the meeting of the New York State Historical Association in October, 1920, *The Quarterly Journal of the New York State Historical Association* for January contains a paper on *Bear Mountain*, by G. A. Blauvelt, and one entitled *Some Historical Aspects of Relief in New York State*, by Homer Folks.

*The Adventures of De Sota*, by W. A. Henderson, *Andrew Johnson and the Early Phases of the Homestead Bill*, by St. George L. Sioussat, and *The North Carolina-Tennessee Boundary Line Survey, 1799*, by Sam'l C. Williams, are three articles of general interest in the *Tennessee Historical Magazine* for July, 1920.

*The Military Education of Grant as General*, by Arthur L. Conger, *Doctor William Beaumont: His Life in Mackinac and Wisconsin, 1820-1834*, by Deborah Beaumont Martin, *Chronicles of Early Watertown*, by William F. Whyte, and *An Historical Museum*, by Carl Russell Fish, are some of the papers and articles in *The Wisconsin Magazine of History* for March. A sixth installment of *Historic Spots in Wisconsin*, by W. A. Titus, bears the subtitle *Meeme, A Frontier Settlement That Developed Strong Men*. There is also a continuation of the *Letters of a Badger Boy in Blue: Into the Southland* and a short discussion by M. M. Quaife, entitled *More Light on Jonathan Carver*.

The *Michigan History Magazine* for April-July, 1920, contains a large number of papers and articles among which are the following: *Michigan in the Great War*, by Chas. H. Landrum; *Reminiscences of Life at Mackinac, 1835-1863: A Tribute to Old Memories of the "Isle of Beauty"*, by Constance Saltonstall Patton (Mrs. William Ludlow); *Work of the Michigan Committee, National League for Women's Service, 1919-1920*, by Mrs. R. C. Sherrill; *The Joys and Sorrows of an Emigrant Family*, by Joseph Ruff; *The Woman's Relief Corps as a Pioneer*, by Franc L. Adams; and *The Story of a Famous Mission (L'Arbre Croche Mission)*, by H. Bedford Jones. *Fort Gratiot* (a poem), *Our Society: How Help It to Serve*, by Alvah H. Sawyer, *The Minnesota Historical Society*, by Solon J.

Buck, *Aid to Education by the National Government*, by Jonathan L. Snyder, *War Patriotism in a Michigan Prison*, by James Russell, and *Michigan War Legislation, 1917*, by Charles H. Landrum, are some of the contributions to the October issue. This number also contains accounts of the "Soo" pageant at Sault Ste. Marie, on June 15 and 16, 1920, and the Marquette pageant presented near Marquette, Michigan, on July 5, 1920.

#### ACTIVITIES

The State Historical Department at Des Moines has recently received from Ole Nelson of Slater, Iowa, a collection of arrow points and flints made by H. L. Skavlem, a Norse arrow maker of Stoughton, Wisconsin.

The annual meeting of the Hawkeye Natives was held at Burlington on February 22, 1921. C. C. Clark gave the principal address.

In November, 1920, the State Historical and Natural History Society of Colorado began the publication of a quarterly bulletin for the purpose of informing the public of the activities of the Society.

The Kentucky State Historical Society held its annual meeting at Frankfort on October 2, 1920. H. V. McChesney was reelected first vice president and Edgar E. Hume second vice president for the ensuing year. The Governor of Kentucky is ex officio president of the Historical Society.

The Michigan Historical Commission has made arrangements to distribute complete sets of the *Michigan Pioneer and Historical Collections* to members of the American Historical Association and college and university libraries, which do not already possess the set. The transportation charges are to be paid by the recipients. Other individuals may obtain desired numbers of the series for a dollar a volume and transportation. The set includes forty-one volumes, two of which contain general indices.

## THE STATE HISTORICAL SOCIETY OF IOWA

The Thirty-ninth General Assembly added \$20,500 to the permanent annual support fund of The State Historical Society of Iowa. With this generous financial support the Society expects to continue its work of preserving and publishing the history of Iowa.

The following persons have recently been elected to membership in the Society: Dr. John W. Billingsley, Newton, Iowa; Mrs. Carrie S. Buechele, Waterloo, Iowa; Mr. D. S. Chamberlain, Des Moines, Iowa; Mr. W. C. Children, Council Bluffs, Iowa; Mr. W. B. Coltman, Independence, Iowa; Mr. George E. Cottrell, Des Moines, Iowa; Mr. D. M. Douglass, Des Moines, Iowa; Mr. S. E. Fackler, Prescott, Iowa; Mr. J. J. Ferguson, Council Bluffs, Iowa; Mr. H. C. Hargrove, Des Moines, Iowa; Mr. Frank C. Lake, Sioux City, Iowa; Mr. John M. McDonald, Sioux City, Iowa; Mr. John B. McDougal, Des Moines, Iowa; Mr. C. E. Narey, Spirit Lake, Iowa; Mr. W. C. Scott, Farragut, Iowa; Dr. M. L. Turner, Des Moines, Iowa; Mr. A. H. Wright, Ames, Iowa; Mr. Geo. A. Anderson, Clarinda, Iowa; Mr. Henry Bregman, Paullina, Iowa; Mr. Thomas Farrell, Iowa City, Iowa; Mr. F. C. Gilchrist, Laurens, Iowa; Mrs. E. W. Neasham, Fairfield, Iowa; Mr. Wm. B. Parrott, Manning, Iowa; Mr. Frederick S. Rice, Waterloo, Iowa; Mr. H. H. Schulte, Manly, Iowa; Mr. Vincent Starzinger, Des Moines, Iowa; Rev. Thos. Batho, Rock Rapids, Iowa; Dr. W. L. Bierring, Des Moines, Iowa; Dr. Robert L. Borland, Vinton, Iowa; Miss Ella M. Dungan, Perry, Iowa; Mr. W. W. Dunsmoor, Britt, Iowa; Mr. Gordon L. Elliott, Des Moines, Iowa; Mrs. D. E. Graham, Ottumwa, Iowa; Mr. A. G. Thurman, Oskaloosa, Iowa; and Mr. Louis L. Varner, Ames, Iowa.

## NOTES AND COMMENT

A portrait of former Judge W. H. Tedford was recently presented to the District Court of Wayne County and will hang in the court room where he presided for so many years. Judge Tedford died in 1917.

The early history of Ames was the topic at a meeting of the Daughters of the American Revolution on February 22, 1921.

The buildings and grounds of old Fort Atkinson in northern Iowa will be preserved in a State park if the arrangements now in progress are carried out. Fort Atkinson was established in 1840.

The *Des Moines Capital* is making a search for the most famous tree in Iowa in order that its record may be preserved in the hall of fame — for trees — established by the American Forestry Association.

A portrait of Mrs. Cyrus C. Carpenter, the wife of the late Governor Carpenter, has been presented to the State Historical Department at Des Moines and will be hung in the Historical Building beside that of the Governor.

A meeting of the pioneers of Lyon County, to be held at Rock Rapids in June, has been suggested by George Moonlux in a letter to a local paper, with the idea of organizing a Lyon County pioneers association.

An historical pageant of Henry County will be one of the features of the county fair at Mount Pleasant on August 17, 1921.

The twenty-second annual conference of the Daughters of the American Revolution was held at Grinnell March 23 and 24, 1921. Plans were made to mark the camping place of Lewis and Clark at Blue Lake near Onawa, Iowa.

Charles R. Hall, a painter of Council Bluffs, is planning a painting of Council Bluffs as Lincoln saw it in 1859.

The Yale University Press has discontinued the publication of *Writings on American History* and this bibliography will hereafter be printed in the annual reports of the American Historical Association as it was in 1909, 1910, and 1911.

The eighteenth biennial session of the Iowa Pioneer Lawmakers' Association was held at Des Moines on March 16, 1921. Among those present was J. H. Peters, the only surviving member of the constitutional convention of 1857. Former Governor Warren Garst was chosen chairman for the next two years, Major Fleming was reappointed secretary, and Ruth Dennis was continued as honorary assistant secretary. All persons who were members of the legislature prior to 1911 are eligible to membership in this association.

An additional appropriation of \$15,000 was voted by the Thirty-ninth General Assembly for the completion of the war roster which was authorized by the preceding legislature. The Governor and the Adjutant General are the members of the commission and the work is in charge of the Adjutant General.

A pageant representing the history of Boone County will be given in June if the present plans mature. The undertaking is financed by the American Legion Post and the Thurston Management, Incorporated, of Minneapolis will have charge.

The Department of Historical Research in the Carnegie Institution of Washington is collecting the material for an edition, in several volumes, of the correspondence of Andrew Jackson, to be edited by Professor John Spencer Bassett of Smith College, who has written a biography of Andrew Jackson. All persons who possess letters of General Jackson or important letters to him, or who know where there are collections of his correspondence or even single letters, are requested to communicate with Dr. J. F. Jameson, the Director of the Department of Historical Research at 1140 Woodward Building, Washington, D. C.

Three laws concerning State and local historical activities were enacted by the recent session of the Indiana legislature. One pro-



vides that county commissioners in each county where there is an historical society may appropriate a maximum of \$1500 a year for the payment of a curator and other expenses incurred for the purpose of collecting and preserving historical materials. A second act authorizes county commissioners to appropriate the sum of \$1000 for the printing of county war histories. Each public library and each American Legion post in the county is to receive a copy free, all other copies are to be sold at cost. It is expected that every county in Indiana will publish a county war history. A third act authorizes the State Historical Commission to present one copy of the State Gold Star Volume to the family or next of kin of each of the 3,353 soldiers and 15 nurses, whose records appear in this memorial volume.

MRS. ABBIE GARDNER SHARP

No other incident in Iowa history possesses the tragic interest of the Spirit Lake Massacre in March, 1857, and the story of the woman who for many years survived the experiences of those days of massacre and servitude is unique in the annals of the State. Abbie Gardner was born in the State of New York in 1843 and came to Iowa in 1856 with her parents who were among the earliest settlers on the shores of Lake Okoboji. At the time of the massacre Abbie was one of the four women who were taken prisoner by the Indians after being compelled to witness the murder and mutilation of their relatives and friends. The experiences of the captives during the days of captivity have been told by Mrs. Sharp in her *History of the Spirit Lake Massacre and Captivity of Miss Abbie Gardner*. Two of the captives were later murdered by the Indians but one of the older women and the fourteen year old girl were finally purchased by friendly Indians and turned over to their friends. Soon after her release Abbie Gardner married Casville Sharp. In 1891, she returned to the region of the lakes and purchased the lot on which stood the cabin in which her family had been massacred and from which she had been dragged as a captive. Here she made her home until her death which occurred January 21, 1921.

## CONTRIBUTORS

MARCUS LEE HANSEN, Research Associate in The State Historical Society of Iowa. Born at Neenah, Wisconsin, December 8, 1892. Received the degree of B. A. from the State University of Iowa, 1916, and the degree of M. A. from the same institution in 1917. Author of *Old Fort Snelling, Welfare Campaigns in Iowa*, and several magazine articles.

LOUIS BERNARD SCHMIDT, Professor of History in the Iowa State College of Agriculture and Mechanic Arts. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for October, 1912, p. 593.)

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## IOWA AND THE DIPLOMATIC SERVICE

History may be studied from several viewpoints. First, the element of time may be made the basis of investigation. That is, all events of whatever nature that occur during a particular period of time whether it be a day or a century may be taken into consideration. Another standard for limiting the field of historical research is that of place. A student may confine his endeavor to the events that have occurred within a particular area, and the chosen area may be large or small. Again, history may be approached through the consideration of the thoughts and actions of those who have participated in an event or a series of events. Usually the study of the past is limited in all of these ways — in respect to time, place, and participants combined — though one element may be selected as the primary limitation. Thus, the history of the United States is studied during the Civil War period; or the history of Iowa is studied from the earliest times to the present; or attention is centered upon a biography.

The history of a relatively small area can not be adequately understood except in relation to larger areas of which it is a part or with which it is associated. The history of Iowa is somewhat dependent upon the history of the nation and at the same time constitutes a part of it. Iowa history is the resultant of external as well as internal events: it can not be limited by State boundaries. Wherever citizens of Iowa may be, especially in official capacity, there Iowa history is being made. As the history of any country includes the exploits of its citizens both at home and abroad, so it is proper to include in the history of this

Commonwealth not only the acts of the people living within the borders of the State but also the deeds of those who participate in national and international affairs. In this sense there is a relationship between Iowa and the diplomatic service.

During the time that Iowa has been a State, at least eleven residents of this Commonwealth have been heads of embassies or legations in foreign countries. Some of these men have served for many years and in several countries. Some have also acted as special commissioners on various occasions. There have been a few Iowans who, having been nominated for a post in the diplomatic service, have declined acceptance. The first appointment of an Iowan to the head of a foreign mission was made in 1855 and the last in 1910.<sup>1</sup>

Partly due to the fact that the rank of ambassador was not established by the United States until 1893, there have been only two appointments of Iowans to that grade: Edwin H. Conger was ambassador to Mexico in 1905, and Thomas C. Dawson held that rank on a special mission to Venezuela in 1911. There have been twelve appointments of Iowans to the rank of envoy extraordinary and minister plenipotentiary, four appointments to the rank of minister resident, and two appointments to the rank of minister resident and consul general; while on special missions there have been six appointments bearing the title of commissioner, two with the title high commissioner, three delegates, one delegate plenipotentiary, one representative, and two agents.

In addition to the Iowans who have been heads of embas-

<sup>1</sup> The list of diplomatic appointments from Iowa used in connection with this article was obtained for the State Historical Society of Iowa by Dr. Newton D. Mereness from the files in the Department of State, Washington, D. C.

sies or legations, or who have served as special diplomatic agents, there have been several who have served as secretaries of legations, a few of whom have later become envoys. There have also been a few student interpreters sent to China and one to Turkey. As many if not more Iowans have received appointments to the consular as to the diplomatic branch of the foreign service. Indeed, it has been said that Philip C. Hanna of Waterloo was, at the time of his retirement, the dean of the United States consular service. The contribution of Iowa to the consular service, however, will not be considered in this article. A list of Iowa diplomats is given below:

DIPLOMATS FROM IOWA

<i>Name and Title</i>	<i>Diplomatic Post</i>	<i>Date</i>
<b>BAINBRIDGE, WILLIAM E.</b>		
Second Secretary of Legation	China	1898-1903
Commissioner	U. S. and Venezuela Claims Commission	1903
<b>BUCHANAN, WILLIAM I.</b>		
Minister Plenipotentiary Delegate	Argentine Republic Second International American Conference	1894-1899 1901
Minister Plenipotentiary Delegate	Panama Third International American Conference	1903-1904 1906
Delegate Plenipotentiary	Second Hague Peace Conference	1907
Representative	Central American Peace Conference	1907
High Commissioner	Central American Court of Justice	1908
High Commissioner	Venezuela — American claims	1908-1909

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<i>Name and Title</i>	<i>Diplomatic Post</i>	<i>Date</i>
Agent	Hague arbitration, Orinoco Steamship Company	1909
<b>CLARK, ALEXANDER</b>		
Minister Resident and Consul General	Liberia	1890-1891
<b>CONGER, EDWIN H.</b>		
Minister Plenipotentiary	Brazil	1890-1893
Minister Plenipotentiary	Brazil	1897-1898
Minister Plenipotentiary	China	1898-1905
Ambassador	Mexico	1905
<b>DAWSON, THOMAS C.</b>		
Secretary of Legation	Brazil	1897-1904
Minister Resident and Consul General	Dominican Republic	1904-1907
Minister Plenipotentiary	Colombia	1907-1909
Minister Plenipotentiary	Chile	1909
Chief of Division of Latin American Affairs	State Department	1909-1910
Minister Plenipotentiary	Panama	1910-1911
Agent	Nicaragua	1910
Ambassador	Venezuela Centennial Celebration	1911
Resident Diplomatic Officer	State Department	1911-1912
<b>DODGE, AUGUSTUS C.</b>		
Minister Plenipotentiary	Spain	1855-1859
<b>HUDSON, SILAS A.</b>		
Minister Resident	Guatemala	1869-1872
<b>IRWIN, JOHN N.</b>		
Minister Plenipotentiary	Portugal	1899-1901



<i>Name and Title</i>	<i>Diplomatic Post</i>	<i>Date</i>
JONES, GEORGE W. Minister Resident	New Grenada— Colombia	1859-1861
KASSON, JOHN A. Commissioner	International Postal Conference, Paris	1863
Commissioner	Postal conventions, European countries	1867
Minister Plenipotentiary	Austria-Hungary	1877-1881
Minister Plenipotentiary	Germany	1884-1885
Delegate	Congo Conference, Berlin	1884-1885
Commissioner	Samoan Conference, Berlin	1889
Commissioner	Reciprocity treaties	1897-1903
Commissioner	British American Joint High Commission	1898-1899
WARREN, FITZ HENRY Minister Resident	Guatemala	1866-1869
WULLWEBER, CHRISTIAN Minister Resident	Ecuador	1875-1877

Why have there been only twelve diplomats from Iowa in seventy-five years? A number of reasons may be suggested, some of which have exerted slight influence, if any at all, while others may very nearly explain the situation. So far as this article is concerned they are all speculative, the chief purpose here being to suggest possibilities. Perhaps the exact importance of any particular reason for few appointments to the diplomatic service from Iowa can not be determined. The few instances in which appointments have been refused throw little light on the subject. They serve to explain in particular instances why certain

Iowans have not been attracted to specified foreign posts at particular times, but offer no explanation as to why the appointment was tendered to a resident of Iowa. To reason conversely from the circumstances that have led to appointments produces only suggestions of causes in the exceptional instances when Iowans have received diplomatic positions, and not general reasons why the exception has occurred or why it does not happen more frequently.

One of the most plausible explanations of appointments, independent of personal considerations, is the practice in the United States of paying some attention to distribution of diplomatic positions among the several States according to population. There is no written rule governing such apportionment of the more important diplomatic posts, nor is the practice strictly observed in the appointment of heads of missions. But according to an executive order issued by President Taft in 1909 persons appointed to the diplomatic service after examination shall be distributed as far as possible according to the population of the different States. Under this rule Iowa in 1912 was entitled to 2.59 positions in the diplomatic service filled by appointment after examination. There was only one such representative from Iowa that year; and while representation of the States west of the Mississippi has increased since 1906, this region (including Iowa) has usually been under-represented. In the consular service, however, Iowa was over-represented in 1912, eleven positions filled by appointment after examination being held by Iowans, whereas the quota for this State was only 8.88.<sup>2</sup>

A very obvious reason why the total number of diplomats appointed from Iowa is relatively small is because the

<sup>2</sup> *Report on the Foreign Service*, pp. 42, 272, 273. This report was made under the auspices of the National Civil Service Reform League and was published in 1919.

population of this State, compared with that of New York and Pennsylvania, has been small. From the standpoint of numbers alone it is reasonable to expect that Iowa would furnish only about one-fourth or one-fifth as many candidates for diplomatic posts as New York or Pennsylvania, even though this State should have a full quota at all times.

Diplomacy has not yet become a profession in the United States. One reason why men do not fit themselves for a career in the diplomatic service is because the tenure of office depends upon politics. Appointments are dependent not so much upon ability to execute properly the functions of a diplomat as they are upon the services of the person in the political party that is successful in a presidential campaign. Moreover, United States diplomats are expected to resign at the end of each administration, especially if there is a change of the party in power.

Since diplomatic appointments are somewhat dependent upon politics, politics may explain to some extent the appointments that have been made from Iowa. In the first place Iowa has seldom been a pivotal State in a presidential election. Consequently, Iowans have not profited as extensively as party workers in some other States in the distribution of public offices by the national administration. The fact that distinguished political services have led directly or indirectly to positions in the diplomatic service in some instances would seem to indicate that more appointments of that character might have been made if there had been greater opportunity for notable party work in the State.

Another political consideration is the fairly well established custom in Iowa of reëlecting members of Congress who have shown conspicuous ability. John Hay once said that a quiet legation "is a stuffed mattress which the political acrobat wants always to see ready under him in

case of a slip."<sup>3</sup> Not many Iowans of outstanding ability in public life have had need of a soft job in the foreign service in the event of losing a seat in Congress. The few exceptions seem to prove the rule.

It sometimes occurs that a man in politics becomes *persona non grata* to his party, either because he does not agree with the policy of administration and stirs up discord, or, if he happens to be in office, because an influential faction disagrees with his policies. It might occur, for example, that a Governor and the congressional delegation from his State could not work in harmony. In that case the members of Congress might connive to have the objectionable person removed from politics for the time by obtaining his appointment to the foreign service. William H. Seward while Secretary of State summarized such a situation admirably: "Some persons are sent abroad because they are needed abroad, and some are sent because they are not wanted at home."<sup>4</sup> Almost continuously since the first Iowans were appointed to the diplomatic service by a Democratic President, this State has been one of the Republican strongholds; and while there have been times of party discord, few if any appointments have been made on that account.

There is probably considerable truth in the notion that the people in those parts of the United States which are remote from the seacoast or border are less interested in foreign affairs than those who by virtue of their location tend to come in contact with the people and problems of foreign countries. Residents of the great eastern sea ports are constantly and directly exposed to foreign influences. There immigrants are landing; there merchants are im-

<sup>3</sup> Hay's *Franklin in France* in *The Century Magazine*, Vol. LXXI, p. 448, January, 1906.

<sup>4</sup> Foster's *The Practice of Diplomacy*, p. 13.

porting or exporting goods to Europe and South America; there the greater part of the customs revenue is collected; there the newspapers feature foreign news much more extensively than the papers published in interior cities because most of their subscribers are more vitally interested in that sort of news; there the well-to-do vacationists and business men take passage for Europe as commonly as an Iowan visits Chicago; there only the vacant spaces of the sea lie between the old world and the new. England is next door to the residents of Boston, but between Iowa and England live millions of people and the contact is seldom direct. We see through the eyes of the Easterners. People in Florida usually appreciate West Indian conditions much better than Iowans do, because the climate and products are similar and because events there come very close home. So with Americans who live near the Mexican border: to them a Mexican bandit raid is a very real thing but to Iowans it is only a newspaper headline. Perhaps there was truth in the charge that residents of the Mississippi Valley were slow to appreciate the necessity of entering the World War, not because they were less intelligent or less patriotic but because remoteness dimmed the reality of the conflict. So it may be that though there are plenty of Iowans who are properly qualified to occupy diplomatic posts there are few who have had sufficient direct contact with foreign affairs to be interested in such positions.

But aside from the geographical position of Iowa there are probably other equally important causes for lack of interest in diplomacy as a field for public service. Not many decades have elapsed since pioneer conditions prevailed in parts of this State. The residents of Iowa have devoted their energy almost completely to internal development. Cultivation of the soil, fencing the fields, erection of houses and barns, reclamation of swamp lands, construction

of railroads, grading of highways, mining of coal, manufacture of implements, and preparation of food have been the principal concerns of the people of Iowa. Until very recently Iowa has not been particularly interested in foreign markets or the political affairs of foreign countries. Why should an Iowan seek an ill-paying and exacting political position in a strange land when such splendid opportunities for service and fortune were clamoring for his attention at home?

A general desire to remain at home may in itself be a partial explanation of few diplomatic appointments. Perhaps Iowans are preëminently a home folk, little inclined to globe-trotting. To the people of Iowa, content to respond to the "throbbing Iowa Home Note", the lure of strange places and residence among people of a different race offers slight attraction. No native born Iowan has ever been appointed to a diplomatic office while a citizen of this State.

The relatively small population of Iowa, unfavorable political conditions, and lack of interest in foreign affairs all serve to explain partially the small number of appointments to the diplomatic service from this State. There is another group of reasons, however, that may be even more influential. The foreign service is of such a character that only a few are by nature and training fitted to succeed in such a career. There is no branch of the civil service which calls for so many positive qualities of character and personality, which requires such a mass of practical knowledge and general information, and at the same time is so highly specialized and technical. Many of the requirements could be met by the residents of this State as well as any others, but there are some qualities that a good diplomat ought to possess which as a rule are lacking among Iowans.

In diplomacy as in any other field, experience and training in the functions of the office are valuable assets, and

while the United States has been notoriously negligent in keeping experienced men in diplomatic posts it can not be gainsaid that previous appointments have often led to re-appointments, although most of the diplomats from Iowa have been appointed to only one position. On the other hand there have been no experienced diplomats originally appointed from other States who have moved to Iowa and later continued their diplomatic career while maintaining a legal residence in this State. One or two who have received their first appointment from Iowa have later been appointed from other States, usually in the East.

Another qualification which most Iowans, especially in recent years, might find difficulty in fulfilling is intimate knowledge of the history, laws, and customs of foreign countries. In the earlier years there were of course large numbers of immigrants to this State from foreign countries who were thoroughly familiar with their native country, but most of them were not of the class of people from whom diplomats are selected. Few were wealthy and few were men of affairs in their native land. They came to this country seeking their fortune and usually had no desire to return except for a temporary visit. Some who became wealthy and returned have never come back to America and have lost their American citizenship — if indeed they were ever naturalized. In this connection it should be said that the United States appoints none but American citizens to the diplomatic service and usually only native born citizens — a practice which eliminates the immigrants almost entirely. Aside from the naturalized citizens in this State there are few Iowans who have traveled or studied sufficiently to possess much knowledge of the history, laws, and customs of foreign countries.

There is another field of information which is an essential part of a diplomat's stock in trade. He can scarcely

perform a single official function that does not involve some principle or practice of international law or a treaty provision. It is important therefore that the head of a mission be thoroughly familiar with the treaties of the United States and international law. Very few Iowa lawyers ever have occasion, in the course of their practice or because the interests of Iowans are affected, to read a treaty; while cases in international or maritime law are practically unknown to the courts in this State. In maritime States and in sea ports on the contrary such cases are very common. It is a natural conclusion, therefore, that attorneys practicing in such places are more familiar with the legal functions of a diplomatic officer than those from interior places.

The language requirement would probably seriously handicap if not entirely exclude a great many Iowans from the diplomatic service. It is certain that the percentage of Iowans eligible for a diplomatic post who are conversant with French, the language of diplomacy, or some other foreign language, has been comparatively low, though the number has no doubt increased materially since the World War.

It was discovered in 1914 that twenty-five out of thirty-seven appointments to the British diplomatic service were given to men who have attended the very exclusive private school of Eton. The principal reason is that these men, reared in the wealthiest and most aristocratic families in England and educated in companionship with others of their class, are best versed in the fine art of being gentlemen.<sup>5</sup> While American diplomats have been criticised abroad for their "shirt sleeve" manners, it is also true that the most successful of our representatives abroad have been the most refined and cultured. There have always been men in Iowa who would rank with the best of them in

<sup>5</sup> Satow's *A Guide to Diplomatic Practice*, Vol. I, p. 183.



this respect, but the facilities for training in high society have not been generally available in this State.

The final qualification which may have proved a stumbling block to the ambition of many an Iowan is that of compensation. The salary of American diplomats has never been sufficient to pay their expenses, especially in more recent years since the establishment of the rank of ambassador. Only those who have a large independent income can afford to accept an appointment as head of a diplomatic mission. While the per capita wealth of Iowa is very high it has always been fairly evenly distributed and the number of Iowa millionaires has been relatively small. Most of those who have been financially able to accept a diplomatic appointment have probably been reluctant to scatter their fortune in that manner.

It is not the purpose of this article to discover or even suggest all of the possible circumstances which have affected the appointment of Iowans to the diplomatic service. Neither is it the purpose of this article to demonstrate the relative importance or the bearing in particular instances of the reasons already mentioned. That may be left to those who write the biographies of Iowa diplomats, and it is hoped that the foregoing speculations may be suggestive. The principal purpose of this article is to sketch very briefly the diplomatic services of the men from this State as a phase of Iowa history. In this sense Iowa has played a part in some of the most important and unique events in American diplomacy.

AUGUSTUS CAESAR DODGE

To Augustus C. Dodge belongs the honor of being the first Iowan to receive an appointment as head of a United States legation at a foreign court. One of the most conspicuous

leaders of the Democratic party in Iowa, he held public office almost continuously from the organization of the Territory of Iowa until the Democrats lost control of the State. First he was Register of the Land Office at Burlington from 1838 to 1840, then for six years he was Delegate to Congress from Iowa Territory, and from 1848 until 1855 he served as United States Senator from Iowa. When Mr. Dodge failed to be reëlected to the Senate he, like so many other Congressmen before and since, found it convenient to accept the appointment offered by President Franklin Pierce as Envoy Extraordinary and Minister Plenipotentiary to Spain. The appointment was confirmed on February 9, 1855, and he arrived with his family in Madrid on June 7th.<sup>6</sup>

During four years of stormy Spanish history Mr. Dodge represented the United States at Madrid with credit to himself and the nation. He succeeded in reëstablishing the pleasant relations between Spain and the United States that had been threatened by his predecessor, the rash and tactless Pierre Soulé; he settled the "Black Warrior" affair; and he endeavored to negotiate the purchase of Cuba, but was not able to accomplish that result on account of the intermittent revolutions which convulsed the Spanish nation. On March 12, 1859, he took leave of Queen Isabella II and returned to Iowa, thus terminating his diplomatic career.<sup>7</sup>

GEORGE WALLACE JONES

As the decline of the Democratic party in Iowa had caused the defeat of Augustus C. Dodge for the United

<sup>6</sup> *Iowa Official Register*, 1919-1920, pp. 41, 115; Pelzer's *Augustus Caesar Dodge*, pp. 51, 61, 196, 197, 201.

<sup>7</sup> For a detailed account of the diplomatic work of A. C. Dodge, see Pelzer's *Augustus Caesar Dodge*, pp. 196-234, especially 199, 204, 233, 234; and Pelzer's *The Diplomatic Correspondence of Augustus Caesar Dodge* in the

States Senate in 1854, so also Senator George W. Jones was replaced by a Republican in 1859 and another Democratic President, James Buchanan, proffered to him the office of Minister Resident to New Granada. The appointment was confirmed on March 8, 1859, before Mr. Jones had been advised that he was being considered. He immediately declined, but after returning to his home in Dubuque he reconsidered and accepted the mission. By the end of April he was on his way to Bogotá.

During the two years that Mr. Jones represented the United States in South America the country to which he was accredited was almost constantly in a state of revolution. It was at this time that Tomas C. D. Mosquera overthrew the established government and set up a new federal system under the name of the United States of Colombia. Mr. Jones succeeded in maintaining friendship with all factions and when he was succeeded by Allen A. Burton and took his leave on November 4, 1861, he bore with him the good will of all with whom he had come in contact.<sup>8</sup>

#### SAMUEL JORDAN KIRKWOOD

In December, 1862, the Iowa delegation in Congress began to exert their influence to secure the appointment of an Iowan to the post of Minister Resident to Denmark and Samuel J. Kirkwood was asked if he would accept the place. He declined on the ground that it would not be proper to resign his office as Governor at that time. The appointment was made, however, and confirmed by the Senate in the spring of 1863. About the middle of April, Governor Kirkwood wrote to Secretary William H. Seward that he would accept if he could first serve out his term as Gov-  
*Proceedings of the Mississippi Valley Historical Association*, Vol. I, 1907-1908, pp. 111-120.

<sup>8</sup> For a detailed account of the diplomatic career of George W. Jones, see Parish's *George Wallace Jones*, pp. 58-60, 216-234.

error and so the appointment was held under advisement until January, 1864, when he definitely declined to accept.<sup>9</sup>

JOHN ADAM KASSON

Of all Iowa diplomats the services of John Adam Kasson are perhaps the most conspicuous. His work as minister was not the most difficult nor his tenure as head of legations the longest, but he was sent on many special missions, performed his duty with unusual ability, and his efforts were usually crowned with success.

The public career of John A. Kasson extends over a period of more than forty years, nearly all of it as a resident of Iowa. He came to Des Moines in 1857 at the age of thirty-five to continue the practice of law in which he had already achieved distinction in St. Louis. Much inclined toward politics he immediately became one of the leaders of the new Republican party, serving as chairman of the State central committee for two years. As one of the delegates at large from Iowa to the national Republican convention in 1860 John A. Kasson served with distinction on the sub-committee of the committee on resolutions that framed the platform, and while his first choice for President was Edward Bates of Missouri he voted for Lincoln when he realized that hopes of Bates were futile. In recognition of his efficient services in the ensuing campaign President Lincoln appointed him to the office of First Assistant Postmaster General which he held until 1863 when he was elected to Congress.<sup>10</sup>

While in the Post Office Department he received his first experience in foreign service, being sent as Special Commissioner to Paris in 1863 to represent the United States in the

<sup>9</sup> Clark's *Samuel Jordan Kirkwood*, pp. 279-282.

<sup>10</sup> *Annals of Iowa* (Third Series), Vol. VIII, p. 114; *Stiles's Recollections and Sketches of Notable Lawyers and Public Men of Early Iowa*, p. 138.

International Postal Conference. (See the article by the writer on *Kasson and the First International Postal Conference* in this number of THE IOWA JOURNAL OF HISTORY AND POLITICS).

In 1862 after a lively campaign Mr. Kasson defeated his law partner, D. O. Finch, for Congress and was reëlected in 1864 over M. D. McHenry, but in 1866 he lost the nomination to Grenville M. Dodge in a bitter contest. While he was temporarily out of office in 1867, the Federal administration availed itself of his services as a special commissioner to negotiate postal conventions with foreign countries based on the principles adopted at the Paris Conference in 1863. He succeeded in securing agreements with Great Britain, Belgium, the North German Union, The Netherlands, Switzerland, and Italy.<sup>11</sup>

While Mr. Kasson was in Europe negotiating postal conventions, he was nominated as Representative in the Iowa legislature for the particular purpose of securing a new capitol, a result that was achieved chiefly through his efforts during three sessions of the General Assembly. In 1872 he had hopes of being chosen United States Senator but failing in that he was elected to the House of Representatives and, in spite of bitter opposition, reëlected in 1874, thus serving another two terms in Congress — from 1873 to 1877. In 1874 he had written that there was nothing in the condition of affairs in Washington that tempted him to continue in Congress, that the time had come when public office was more a burden than an honor, so in 1876 he was not a candidate for reëlection.<sup>12</sup>

<sup>11</sup> Fairall's *Manual of Iowa Politics*, 1882, pp. 27, 29; *Annals of Iowa* (First Series), Vol. XI, p. 442; *Report of the Postmaster General*, p. 17, in *House Executive Documents*, 40th Congress, 3rd Session, Vol. IV.

<sup>12</sup> Brigham's *Iowa: Its History and Foremost Citizens*, Vol. II, pp. 512, 514-516; Fairall's *Manual of Iowa Politics*, 1882, pp. 38, 41; *Iowa State Register* (Weekly), May 26, 1876.

Within a few weeks after the end of the Forty-fourth Congress Mr. Kasson was offered his choice of accepting the post of minister to Spain or to Austria-Hungary. He chose the latter and was appointed by President Hayes on June 11, 1877, arrived in Vienna on August 1st, and was presented on August 30th. The first correspondence published in the *Foreign Relations* of 1878 is his twenty-fourth communication, dated November 10, 1877. In view of the efforts of Congress to revise the United States tariff, Minister Kasson thought it would be helpful to report the effect of free trade provisions in the Austro-German commercial treaty of 1868 which led to the denunciation of that treaty by Austria. A number of other letters relating to the tariff problem reported that there was a decided trend in Austria toward a protective tariff policy and the establishment of reciprocity on a broad basis.<sup>13</sup>

During the three years and seven months that Mr. Kasson represented the United States at Vienna his correspondence with the State Department covered a multitude of subjects. In the spring of 1881, on account of a widespread fear among the people of central Europe that American pork was diseased, the Austro-Hungarian government prohibited the importation of swine, pork, bacon, and sausages from the United States. Mr. Kasson took early and vigorous steps to prevent the issuing of the order and to allay the popular alarm, but his efforts were futile and he became convinced that the exclusion was primarily for the purpose of obstructing American competition in the markets of Europe. Monetary affairs occupied a great deal of his attention, on account of the first International

<sup>13</sup> *John A. Kasson, an Autobiography* in the *Annals of Iowa* (Third Series), Vol. XII, p. 353; letter from John W. Foster, dated May 6, 1877, in the *Correspondence of John A. Kasson* (in manuscript), Vol. III; *Foreign Relations of the United States*, 1878, p. 19, 1879, pp. 40, 42, 44, 61.

Monetary Conference being held in Paris in 1878 at the instigation of the United States, and also because Austria maintained the silver standard and was afflicted with depreciated currency. He had debated the question of establishing a common international unit of money in the Postal Conference of 1863 and again in 1866 in connection with a report of the House Committee on Coinage, Weights, and Measures, of which he was chairman.<sup>14</sup> So now he took the opportunity of suggesting the consideration of that proposition at the International Monetary Conference.<sup>15</sup>

One of the reasons why Mr. Kasson preferred to be minister to Austria-Hungary rather than to Spain was because that post seemed to possess greater diplomatic interest owing to the Russo-Turkish war then raging nearby and the prospective conference of the powers at Vienna. Although the treaty of peace was negotiated at San Stefano and later modified by the Congress of Berlin, Mr. Kasson was in close touch with the Balkan situation and reported each new war cloud that appeared above the horizon. In 1879 he went to Belgrade as a special envoy of the United States to negotiate a commercial treaty with Servia. The following year he paid an unofficial visit to Montenegro and reported his impressions of that mountainous region then recently admitted to the family of nations.<sup>16</sup>

Among the other subjects of his correspondence the status of naturalized United States citizens of Austrian or Hungarian nationality who returned to their native land,

<sup>14</sup> Kasson initiated the first bill ever passed by Congress for the introduction of the decimal system of weights and measures into the United States, adopting the metric system of France. He also reported a bill which was passed, abolishing the smaller denominations of paper money.—*John A. Kasson, an Autobiography* in the *Annals of Iowa* (Third Series), Vol. XII, p. 351.

<sup>15</sup> *Foreign Relations of the United States*, 1878, pp. 30, 31, 34, 35, 48, 49, 1879, pp. 37, 39–42, 1881, pp. 37, 38, 42–45, 53, 54.

<sup>16</sup> *Foreign Relations of the United States*, 1879, pp. 79–86, 1880, pp. 54–57,

the form and methods of the government of Austria-Hungary and Vienna, floods and epidemics, commercial conditions, emigration, and the entertainment of ex-President Grant while in Vienna are worthy of notice. It is also interesting to record that, on account of his conviction that the United States should require that members of the foreign service be highly trained, Mr. Kasson made a careful study of the "Oriental Academy" established in 1753 for the training of Austrian diplomats and reported the cost, management, and course of study to the State Department with the hope that a school of languages and international law might be established in Washington, possibly in connection with the Smithsonian Institution.<sup>17</sup>

In December, 1881, Mr. Kasson began his fifth term as United States Representative. He was unsuccessful in his candidacy for Speaker but was appointed chairman of the Committee on Reform of Civil Service, and second member on the Ways and Means Committee and on the Committee on Foreign Affairs. It was during his sixth term in Congress that President Arthur nominated him as Envoy Extraordinary and Minister Plenipotentiary to Germany. He accepted the position and served in that capacity until after the inauguration of President Cleveland in 1885 when, in accordance with the American custom, he tendered his resignation to the new administration.

At the time Mr. Kasson was appointed envoy to Germany in July, 1884, diplomatic relations were somewhat strained due to differences between Prince Bismarck and the former American envoy, but he succeeded in completely restoring cordial relations between the two countries and

60-63; *John A. Kasson, an Autobiography*, in the *Annals of Iowa* (Third Series), Vol. XII, p. 353.

<sup>17</sup> *Foreign Relations of the United States*, 1878, pp. 24-26, 52, 1879, pp. 43, 44, 50, 52-54, 64-74, 81, 1880, pp. 53, 58, 1881, pp. 18-23, 26, 27, 30, 31, 45-48.



won the respect of Bismarck—the outstanding figure in European diplomacy. Indeed, the German government requested that Mr. Kasson be retained as the United States diplomat in Berlin.

The principal diplomatic question between Germany and the United States during the nine months of Kasson's ministership was the status of naturalized United States citizens of German nativity and the question of their liability for German military service. His most conspicuous service occurred in connection with the Congo Conference held in Berlin during the winter of 1884–1885, to which he was accredited as the special representative of the United States. The object of the fourteen governments whose delegates assembled in the German Chancellor's palace on Wilhelmstrasse in November, 1884, was to establish equality of international rights, preserve peace, protect missionaries, scientists, and explorers, and to suppress the slave trade in the newly discovered region of the Congo Valley in central Africa. A German review of the Conference credited the American delegate, next after the German representatives—Bismarck was president—with having done the most to shape the final agreement. It was he who proposed arbitration instead of war for the settlement of all international disputes arising in connection with this territory. The proposition was accepted by twelve governments but the refusal of the other two compelled the modification of the proposition into an agreement to resort to mediation before having recourse to war, while reserving the optional resort to arbitration. Mr. Kasson himself asserted that this was the first general agreement recorded in history among powerful and independent nations looking to the adjustment of all future differences by the peaceful intervention of third parties.<sup>18</sup>

<sup>18</sup> *John A. Kasson, an Autobiography*, in the *Annals of Iowa* (Third Series), Vol. XII, pp. 353–355.

Four years elapsed before Kasson's diplomatic experience and ability were again called into service. In March, 1889, he was appointed head of a commission of three to represent the United States in a conference with Great Britain and Germany to settle the dispute over the government of the Samoan Islands. The differences were settled for the time being and the chief point of contention on the part of the United States was gained by friendly private negotiations between Kasson and Bismarck.<sup>19</sup>

Between 1889 and 1897 he devoted himself primarily to writing and lecturing. In 1890 he delivered ten lectures on the history and development of diplomacy before the Lowell Institute in Boston and the following year he gave a course on the same subject at Johns Hopkins University. The president of that university declared that the lectures "were written in such a delightful style that they gave not only instruction but pleasure to all who heard them". In these lectures, the manuscript of which is in possession of the State Historical Department in Des Moines, Iowa, Mr. Kasson defines diplomatic genius as the "fine perspective force of the human intellect applied to political relations, looking through the present to better national conditions, and devising the means of transition from a lower to a higher plane of development. It condemns passion, disavows prejudice, shuns the tremors of excitement, and

<sup>19</sup> *John A. Kasson, an Autobiography*, in the *Annals of Iowa* (Third Series), Vol. XII, pp. 355, 356.

A cordial friendship developed between Kasson and Bismarck. Kasson's impressions of the German Chancellor as a man and minister were expressed in an article published in the *North American Review*, Vol. CXLIII, pp. 105-118, in 1886. He regarded Bismarck as the foremost statesman of the world. In volume one of the *Correspondence of John A. Kasson*, a manuscript collection in the possession of the Historical Department at Des Moines, Iowa, there is a letter from Bismarck giving assurance that Kasson's friendly sentiments were fully reciprocated.

moves without the blare of trumpets." His views on the subject of international arbitration were clearly expressed in an address delivered at the second annual meeting of the Lake Mohonk Conference on June 4, 1896, and again before the United States Naval War College in September of the same year.<sup>20</sup>

During President McKinley's administration Mr. Kasson seems to have been in close touch with international affairs and on intimate terms with high officers in the national administration. His advice was sought on such questions as the Russian sugar bounty, the establishment of naval coaling stations, and the organization of the Spanish-American War peace commission.<sup>21</sup>

Sections three and four of the Dingley Tariff Law which was approved on July 24, 1897, authorized the President to negotiate reciprocity treaties and to make commercial agreements with countries exporting specified articles whereby reciprocal and equivalent concessions might be secured in favor of products of the United States. For this purpose John A. Kasson was appointed Special Commissioner and Plenipotentiary on October 14, 1897. He was apparently unable to accomplish much that year and the work was further delayed by the Spanish-American War. A few days before war was declared he was ordered to

<sup>20</sup> *John A. Kasson, an Autobiography*, in the *Annals of Iowa* (Third Series), Vol. XII, p. 356; letter from D. C. Gilman, dated May 15, 1891, in the *Correspondence of John A. Kasson* (in manuscript), Vol. I, p. 62, in the State Historical Department. The speech on International Arbitration was published in pamphlet form and also in the *Report of the Second Annual Meeting of the Lake Mohonk Conference on International Arbitration*, 1896, pp. 89-98. There are a few differences probably in deference to the character of his audience on the two occasions.

<sup>21</sup> Letter from John Hay, dated December, 1900; letter from L. J. Gage, dated July 18, 1900; letter from J. D. Long, dated April 12, 1898; letters from W. R. Day, dated August 8, 13, September 16, 1898, in *Correspondence of John A. Kasson* (in manuscript), Vol. III.

ascertain if a lease of the harbor of St. Nicholas Mole, Haiti, and contiguous territory to be used as a coaling station, would be feasible and under what circumstances, but this mission was also prevented by the war.<sup>22</sup>

In May, 1898, a protocol was signed by John A. Kasson and John W. Foster, stipulating that a joint commission be appointed by the United States and Great Britain to consider twelve subjects of dispute between Canada and the United States. Kasson was appointed a member of the American Joint High Commission on July 16th to adjust the questions at issue. The commissioners met in Quebec and Washington at various times during the autumn and winter of 1898-1899, but none of the disputes were finally settled by the Joint Commission.<sup>23</sup>

After serving on the British-American Joint High Commission, Mr. Kasson was reappointed Special Commissioner and Plenipotentiary on March 5, 1899, to continue his work of negotiating reciprocity treaties. Despite the resentment of other countries toward the high rates of the Dingley Tariff, at least twelve such treaties were obtained, probably the greatest number of commercial treaties ever negotiated by one officer on the part of the United States. But the Senate, controlled by special interests, failed to ratify them. "What a lot of things we could do if it were not for the Senate!" wrote John Hay to John A. Kasson in August, 1900. "There has never been a period in our history so pregnant with opportunity. It is disheartening to think that a third of the Senate — ignorant, or malignant,

<sup>22</sup> *United States Statutes at Large*, Vol. XXX, pp. 203, 204; speech on Reciprocity delivered before the Illinois Manufacturers' Association at Chicago, October 24, 1901 (printed); letter from J. D. Long, dated April 12, 1898, in *Correspondence of John A. Kasson* (in manuscript), Vol. III.

<sup>23</sup> Foster's *Diplomatic Memoirs*, Vol. II, pp. 186-188. The other American Commissioners were Charles W. Fairbanks (chairman), George Gray, Nelson Dingley, John W. Foster, and T. J. Coolidge.

or merely desirous of a sensation—stand ready to kill everything that is put before them.” The action of the Senate was a great disappointment to Mr. Kasson. Feeling that his efforts were futile he refused in 1901 to accept any further salary, though President McKinley would not accept his resignation. What had promised to be the crowning achievement of his diplomatic career turned out to be the most unprofitable.<sup>24</sup>

FITZ HENRY WARREN

If Iowa diplomats are to be considered in the order of the date of their first appointment, the next on the list is Fitz Henry Warren. He was an ardent Republican and, like John A. Kasson, was mentioned for appointment to a Federal office upon the election of Lincoln. Curiously enough it is reported that he was offered an Assistant Postmaster Generalship but declined, whereas Mr. Kasson accepted a similar position in the same Department, which proved to be a stepping stone to his diplomatic career.

At the close of the Civil War, in which Mr. Warren served as a brigadier general, he was appointed Minister Resident to Guatemala on July 12, 1865. This was a recess appointment and was not confirmed by the Senate until February 6, 1866. Meanwhile he had been elected State Senator in October and served in that capacity in the Eleventh General Assembly which met in the winter of 1866. He departed for his diplomatic post in May, 1866, and arrived at the capital, Guatemala, on June 20th. He immediately reported his safe arrival and a week later his formal presentation to the President of Guatemala. Very few of his dispatches are printed in the *Diplomatic Correspond-*

<sup>24</sup> Latané's *America as a World Power*, p. 121; *John A. Kasson, an Autobiography*, in the *Annals of Iowa* (Third Series), Vol. XII, p. 358; letter from John Hay, dated August 11, 1900, and a letter to Charles Aldrich, dated March 30, 1901, in the *Correspondence of John A. Kasson* (in manuscript), Vol. III.

ence and the burden of them is the tranquility of affairs and the growing commerce and industry of the republic. His term of office ended on August 11, 1869.<sup>25</sup>

SILAS A. HUDSON

The same day that Fitz Henry Warren took leave of the Guatemalian government another Iowan, Silas A. Hudson, was presented as Minister Resident of the United States to that country. Mr. Hudson was an influential resident of Burlington, had occupied a few public offices, was an intimate friend of Lincoln and Greeley, and a cousin of U. S. Grant. It was President Grant who appointed him Minister to Guatemala on April 22, 1869. Although the peaceful conditions that prevailed during his predecessor's residence seem to have been somewhat disturbed by insurrections, only three of Hudson's dispatches were published by the State Department. The principal subject of correspondence was the question of the American legation furnishing asylum to foreigners and Guatemalian officers of opposing factions. He left his post in October, 1872.<sup>26</sup>

CHRISTIAN WULLWEBER

On July 12, 1875, Christian Wullweber of Dubuque, Iowa, was appointed Minister Resident to Ecuador. He was a native of Germany, educated in Heidelberg and Berlin universities, a master linguist, and a graduate of the Harvard law school. Although his appointment as minister was not confirmed until Congress met in December, he had arrived at Quito in November and was officially presented a month later. Only three of his dispatches were published and

<sup>25</sup> Stiles's *Recollections and Sketches of Notable Lawyers and Public Men of Early Iowa*, pp. 285, 290; *Diplomatic Correspondence of the United States, 1866-1867*, Vol. II, pp. 484, 485, 1868-1869, Vol. II, pp. 338, 339.

<sup>26</sup> Gue's *History of Iowa*, Vol. IV, p. 138; *Foreign Relations of the United States, 1870*, pp. 443-448, 1871-1872, p. 542.

these relate to the election of Antonio Borrero as President, his refusal to call a constitutional convention, and rumors of a revolution. He returned to the United States in the spring of 1877, having apparently resigned at the end of Grant's administration. He died in September of the same year.<sup>27</sup>

## ALEXANDER CLARK

Negroes have never played an important part in Iowa politics, yet there is at least one colored man from Iowa who has achieved some prominence in that field. At a convention of negroes in Des Moines in 1868, Alexander Clark seems to have been considered a leader in their efforts to secure equal political rights. In 1873, he was appointed Consul at Aux-Cayes, Haiti, but declined the position. When he was appointed Minister Resident and Consul General to Liberia in 1890, however, he accepted and entered upon the duties of his office on November 25th of that year. In June, 1891, a telegram to the State Department reported that he was dead. None of his dispatches were published.<sup>28</sup>

## EDWIN HURD CONGER

To Edwin H. Conger belongs the distinction of being the only Iowan to head an American embassy. He is clearly one of the four most distinguished diplomats that this State has produced. He began his public career as treasurer of Dallas County and in 1880 he was elected State Treasurer and served in that capacity until the end of 1884. Meanwhile he had been elected to Congress from the Seventh Iowa District and took his seat in December, 1885. He was reelected to Congress in 1886 and 1888, but in the summer

<sup>27</sup> *Foreign Relations of the United States, 1876-1877*, pp. 101-103; *The History of Dubuque County, 1880* (Western Historical Company), p. 903.

<sup>28</sup> *Proceedings of the Iowa State Colored Convention, 1868.*

of 1890, before his third term had expired, he accepted the position of Envoy Extraordinary and Minister Plenipotentiary to Brazil.<sup>29</sup>

It was during the three years of Conger's residence in the Brazilian capital that the government of that newly established republic was in the formative stages of its development. The constitution submitted by the provisional government was accepted by the constitutional congress, the states completed their organization and the establishment of the "United States of Brazil" became an accomplished fact. Despite these revolutionary domestic changes Conger's relations with the new Brazilian government seem to have been cordial, and probably the only unpleasant incident occurred at the time of his departure when an insurgent fleet commanded the harbor and ordered all boats to keep out of the way of its guns. Major Conger ordered a launch and, standing in the bow with a United States flag, was conveyed to an American ship in the bay. In recognition of his courage and confidence in the flag he had helped to defend in the Civil War, Admiral Mello's ships dipped their colors to the American flag he held above his bared head. With the beginning of Cleveland's second administration Conger was replaced by Thomas L. Thompson, but he was reappointed Envoy to Brazil by President McKinley in May, 1897.<sup>30</sup>

The second legation of Mr. Conger to Brazil lasted less than a year. Then came an unexpected cablegram transferring him from the beautiful gardens and delightful climate of Petropolis to the mysterious, walled capital of

<sup>29</sup> Gue's *History of Iowa*, Vol. IV, pp. 57, 58; *Iowa Official Register*, 1919-1920, pp. 91, 119, 120.

<sup>30</sup> *Foreign Relations of the United States*, 1890, pp. 23-27, 1891, pp. 40-43, 1892, pp. 16, 17, 1893, pp. 29-45; *The Register and Leader* (Des Moines), May 19, 1907; Johnson's *America's Foreign Relations*, Vol. II, p. 389.



China. He arrived in Peking sometime in the early summer of 1898. For a year or more various European nations had been using every pretext to gain concessions and Chinese territory and in September, 1899, Secretary John Hay, concerned lest the United States be deprived of its share of Chinese commerce, addressed his famous open door note to England, Germany, and Russia. Meanwhile, the anti-foreign feeling in China had become more and more bitter. As early as October, 1898, Minister Conger telegraphed to the State Department the news of a street mob attacking foreigners and asked that United States marines at Tientsin be placed at his disposal. The crisis came in June, 1900, when the "Boxers" besieged the foreign legations in Peking. All protection from the Chinese government was withdrawn, the German minister was killed, the foreigners with a few native Christians and a small guard of troops barricaded themselves in the British legation, and from June 20th until August 14th when the relief expedition arrived they heroically defended themselves against overwhelming odds.<sup>31</sup>

Following the Boxer uprising, Minister Conger, with the assistance of a former secretary of the Chinese legation, W. W. Rockhill, as counsellor, conducted the negotiations on the part of the United States to a successful conclusion on all of the essential questions involved. It was he who proposed, contrary to the usual practice of the United States, that the demands of the powers upon the Chinese government be presented in the form of a joint note; because the problem was world wide, the demands would be strengthened, and the final settlement hastened. On February 24, 1901, he was granted a leave of absence to visit the

<sup>31</sup> Conger's *Letters from China*, pp. 1-3, 88-160; Latané's *America as a World Power*, pp. 100-109; *Foreign Relations of the United States*, 1898, pp. 225, 226.

United States and enjoy a well earned rest. He had conducted himself with great fortitude during the trying ordeal of the siege, and during the negotiations he had labored indefatigably to impress upon his colleagues the liberal attitude of his government.<sup>32</sup>

The attention which the American minister received when he arrived in the United States indicated that his services were appreciated. Throngs of people greeted him at the stations as he passed through western Iowa and big receptions were held in Council Bluffs and Des Moines. Everywhere he was accorded marked respect. Before he left China he had been proposed as a candidate for Governor of Iowa. Embarrassed by being drawn into a factional fight, yet unwilling to leave his friends in the lurch, he refused to canvass the State but promised to accept the nomination if it was tendered to him. When the convention met in August, A. B. Cummins was nominated on the first ballot.<sup>33</sup>

Meanwhile, after spending only a few days in Iowa, Mr. Conger had gone on to Washington. Scarcely forty days of his three months leave of absence had elapsed when the President urged him to return to Peking. He sailed from San Francisco on July 18, 1901, and resumed his arduous duties. Exploitation schemes of foreign powers threatened the integrity of China and hindered the progress of American policies in the Far East. While he favored the development of American trade in the Orient, he did not consider it the function of a minister to secure concessions for his countrymen that they might exploit the Chinese. That attitude, among other qualities, made him the most

<sup>32</sup> Foster's *American Diplomacy in the Orient*, pp. 424, 427, 428; Conger's *Letters from China*, p. 198.

<sup>33</sup> *The Register and Leader* (Des Moines), May 19, 1907; Foster's *American Diplomacy in the Orient*, p. 428.

esteemed and influential member of the diplomatic corps in Peking. Mrs. Conger became a bosom friend of the Empress Dowager, and many of the progressive reforms which were inaugurated are said to have been due to her influence.<sup>34</sup> In 1903 Mr. Conger aided in the negotiation of a new commercial treaty with China whereby two ports in Manchuria—Mukden and Antung—were opened to foreign trade and residence. Later, during the Russo-Japanese War which was fought for the most part on Chinese territory, the prestige of his position was augmented by the express desire of the United States that the neutrality and administrative integrity of China be respected as far as possible.<sup>35</sup>

Having been appointed Ambassador Extraordinary and Plenipotentiary to Mexico, Mr. Conger had his last audience with the Empress Dowager on April 1, 1905. She decorated him with a special Order of the Double Dragon and assured him that at the court of China he was respected, trusted, and honored. Three days later when he left Peking early in the morning the station platform was crowded with friends both Aryan and Chinese, and the railway car was a bower of flowers. At every station on the way overland to Han Kow, Chinese officials boarded the train to pay their respects.<sup>36</sup>

Mr. Conger bore the title of Ambassador to Mexico only a few months. At that time the United States was the only nation sending a representative with the rank of ambassador to that country, a circumstance which complicated the administration of the office and added to the expense. Moreover, Conger's life during the past seven years had

<sup>34</sup> *The Register and Leader* (Des Moines), September 22, 1905, May 19, 1907; Conger's *Letters from China*, pp. 206, 218-222.

<sup>35</sup> Latané's *America as a World Power*, pp. 113-117.

<sup>36</sup> Conger's *Letters from China*, pp. 352, 354, 355.

been extremely active, there being little cessation of the cares of pressing diplomatic problems, and he was anxious to retire. In August, 1905, he visited Washington, suggested a solution of the Chinese boycott problem, conferred with President Roosevelt at Oyster Bay, and made arrangements to quit the diplomatic service. His resignation took effect on October 18, 1905.

Throughout his diplomatic career, Edwin H. Conger distinguished himself for the sagacity, courage, and tactfulness that marks the highest type of diplomat. During the short time he remained in Mexico he won the good will of that country, and it was with regret that the Mexican government learned of his resignation. "I desire to express to you my cordial appreciation of the work that you have performed in China as previously in Brazil", wrote Theodore Roosevelt on August 22, 1905. "In zeal, efficiency and single minded devotion to public duty you have been the kind of official of whom Americans have the right to feel proud, and I congratulate the country on having had your services."<sup>37</sup>

#### WILLIAM INSCO BUCHANAN

No Iowan ever occupied more diplomatic positions than William I. Buchanan. Born in Ohio, he moved to Sioux City in 1882. There he engaged in the wholesale crockery business, was the first manager of the Peavey Grand Opera House, and managed the first four Sioux City Corn Palaces. Always a staunch Democrat he was appointed by Governor Boies as one of the representatives of Iowa on the World's Columbian Exposition Commission, where he served as chairman of the committee on agriculture. Later he was appointed chief of the department of agriculture of the

<sup>37</sup> *The Register and Leader* (Des Moines), September 22, 1905, May 19, 1907.

exposition and was responsible for the organization of the departments of live stock and forestry.<sup>38</sup>

The first diplomatic post occupied by Mr. Buchanan was that of Envoy Extraordinary and Minister Plenipotentiary to Argentine Republic. He was appointed to this office by President Cleveland in January, 1894, and entered upon his duties on May 19th. For more than five years (until October 12, 1899) he looked after the political interests of the United States with that important South American nation. The tariff was the burden of much of his correspondence and it appears that Minister Buchanan obtained several important concessions. Another question was in regard to the issuance of "papeletas" to American citizens, protecting them from being impressed into military service. Other results of his service in Argentina were the negotiation of an extradition treaty and the settlement of vexatious government claims.

During the latter part of his legation a boundary dispute brought Argentina and Chile to the brink of war. So thoroughly had Mr. Buchanan commended himself to Latin Americans that he was chosen by the contending governments as the deciding arbitrator in the special boundary commission. President Roca in his message to the Argentine National Congress on May 1, 1899, said that the American minister was the chief contributor to the solution of that problem. "Nor will this ever be forgotten", he continued, "by the two peoples whose destinies have been at stake on one or the other side of the mountains."<sup>39</sup>

In 1900 the United States proposed that a second International American Conference be held in the interest of

<sup>38</sup> *History of the Counties of Woodbury and Plymouth, Iowa* (Warner Company), p. 746.

<sup>39</sup> *Foreign Relations of the United States*, 1894, pp. 4-20, 1895, pp. 3-5, 1897, pp. 1-4, 1898, pp. 1-9, 1899, pp. 1-5, 7; *The Outlook*, Vol. XCIII, p. 477.

international arbitration and better understanding between American nations. In response to that suggestion delegates from nineteen countries met in Mexico City on October 22, 1901, and continued to hold sessions until January 31, 1902. The delegates from the United States were Henry G. Davis, William I. Buchanan, Charles M. Pepper, Volney W. Foster, and John Barrett. At the first session all were present except Mr. Buchanan who was probably detained on account of his duties as Director General of the Pan-American Exposition at Buffalo. During the conference he served on the committees on arbitration, Pan-American court of equity or claims, general welfare, and future Pan-American conferences. He resigned from the latter committee, however, before it reported. Mr. Buchanan made very few speeches before the Conference and his remarks were confined almost entirely to the protocols proposed by the committees of which he was a member. The principal exception was the subject of extradition. Upon the committee which reported on that question there was no United States delegate. His most important work was in connection with the subject of arbitration. The delegations agreed to a protocol looking to adhesion to the Hague arbitration convention, and the Conference adopted a treaty for the settlement of pecuniary claims by the permanent court at The Hague. A sub-committee, of which Buchanan was a member, considered the various arbitration projects presented and really determined the character of the reports of the committee on arbitration.<sup>40</sup>

On December 12, 1903, following the negotiation of the treaty acquiring the Panama Canal Zone, William I. Buchanan was appointed Envoy Extraordinary and Minister Plenipotentiary on a special mission to Panama. Five

<sup>40</sup> *Second International American Conference (English Text)*, pp. 25, 80-82, 188, 206, 210, 218, 227, 228, 335, 336, 355-357, 369.

days later he was appointed the head of the first American legation in that new republic.<sup>41</sup> He presented his credentials on December 25th. Judging from the published correspondence the principal services of Mr. Buchanan were in regard to the improvement of sanitary conditions on the Isthmus. He resigned on February 12, 1904.<sup>42</sup>

The Third International American Conference — in some respects the most notable of all — met in Rio de Janeiro, Brazil, from July 21 to August 26, 1906. Mr. Buchanan was chairman of the American delegation and served on the committee on rules and credentials, the committee on arbitration, the committee on the arbitration of pecuniary claims, and the committee on the forcible collection of public debts.<sup>43</sup> There were fourteen sessions of the Conference, but the discussion of almost all of the topics of the prearranged program was confined to the committee rooms. Due to the emphasis upon committee work and the fact that Mr. Buchanan was a member of the more important committees, it was inevitable that he should play an influential rôle in the Conference. The committee on arbitration handled the subject of adopting arbitration as a means of maintaining international peace. A resolution was adopted recommending that the governments endeavor to secure at

<sup>41</sup> From the time that William I. Buchanan was Director General of the Pan-American Exposition in 1901, his legal residence was in Buffalo, New York.

<sup>42</sup> *Foreign Relations of the United States*, 1903, pp. 689-691, 1904, pp. 552-559.

<sup>43</sup> The delegates of the United States were William I. Buchanan, L. S. Rowe, A. J. Montague, Tulio Larrinaga, Paul S. Reinsch, and Van Leer Polk. — *Senate Documents*, 59th Congress, 2nd Session, Vol. VI, Doc. No. 365, p. 51. There is a picture of Mr. Buchanan in *The American Review of Reviews*, Vol. XXXIII, p. 691.

The Conference met in the new *Palacio das Exposições* which was built to perpetuate the building that won the architectural prize at the St. Louis Exposition. — *The Outlook*, Vol. LXXXIV, p. 176.

the Hague Conference a general arbitration convention. The committee on the arbitration of pecuniary claims after much debate recommended the renewal of the treaty adopted at the Second Conference for the arbitration of pecuniary claims. The most delicate question with which the Conference had to do was the Drago doctrine that public debts should not be collected by force. The debates in the committee on the forcible collection of public debts were particularly spirited, but due to the conciliatory words of the chairman, Mr. Buchanan, a unanimous report was submitted to the Conference and a resolution adopted recommending that the various governments consider inviting the Hague Conference "to consider the question of the compulsory collection of public debts, and, in general, means tending to diminish between nations conflicts having an exclusively pecuniary origin."<sup>44</sup>

Having had experience in two important international conferences it was natural that William I. Buchanan should be selected as one of the representatives of the United States to the Second Hague Conference. On April 12, 1907, he was appointed one of the delegates plenipotentiary with the rank of Minister Plenipotentiary. The Conference assembled on June 15th and lasted until October 18th. While Mr. Buchanan was not one of the most conspicuous delegates he did serve along with the other American delegates on all of the sub-commissions of the Conference. There is no record of his having made any remarks in the plenary sessions.<sup>45</sup>

No sooner had Mr. Buchanan returned from the Hague Conference than he was appointed Representative of the

<sup>44</sup> *Senate Documents*, 59th Congress, 2nd Session, Vol. VI, Doc. No. 365, pp. 3, 5, 9-14.

<sup>45</sup> Scott's *The Proceedings of the Hague Peace Conferences*, Vol. I, pp. 3, 18-32.



United States to the Central American Peace Conference held in Washington from November 14, 1907, to December 20th. The objects of the Conference were to adjust any differences existing between the five Central American Republics and to conclude a treaty defining their general relations. The first question was solved by a statement from each delegation that their country had no claims against any of the others, but over the second problem there was much difference of opinion. Honduras and Nicaragua wanted to form a union of the five republics, but Guatemala, Salvador, and Costa Rica were opposed to it. The situation became so tense that Mr. Buchanan suggested postponing the consideration of that project and proceeding with the preparation of several conventions, particularly one for an international court. This course was adopted and a general treaty of peace and amity was negotiated together with seven conventions and a protocol. Of these the treaty of peace and the convention creating the Central American International Court of Justice constitute the chief work of the Conference, the latter being a new and important advance in international obligations. On account of his efforts to secure the establishment of the Central American Court of Justice it was most fitting that Mr. Buchanan should be appointed High Commissioner of the United States to attend the formal organization of the Court at Cartago, Costa Rica, on May 25, 1908.<sup>46</sup>

The final work of William I. Buchanan in the diplomatic service of the United States was in connection with the settlement of five claims of American citizens and com-

<sup>46</sup> Buchanan's *Report of the Central American Peace Conference* (1907), pp. 3-7, 11, 12; *The American Journal of International Law*, Vol. II, pp. 835, 836. See also Scott's *The Central American Peace Conference of 1907* in *The American Journal of International Law*, Vol. II, pp. 121-143, and Anderson's *The Peace Conference of Central America* in the same periodical, Vol. II, pp. 144-151.

panies against Venezuela. The relations between the two countries became so strained that diplomatic relations were severed in June, 1908. The action of the new Venezuelan government following the deposition of President Castro in December, 1908, improved foreign relations and the United States sent Mr. Buchanan to Caracas as High Commissioner to effect a settlement of the pending questions. After protracted and difficult negotiation from December to February he succeeded in obtaining a settlement of two of the claims. In regard to the other three cases he secured a protocol for settlement by arbitration, with the reservation that two of them might be adjusted out of court, which was eventually done. The case of the Orinoco Steamship Company was referred to the Permanent Court of Arbitration at The Hague, and decided in favor of the United States in October, 1910. It is not surprising that, having secured the settlement of all but one of the cases, Mr. Buchanan should have been selected as the Agent of the United States in the case to be arbitrated at The Hague. It was while performing the duties of this position that he died in London on October 16, 1909.<sup>47</sup>

Tactful, genial, businesslike, decisive, vigorous, and a master of the Spanish language William I. Buchanan was a singularly efficient diplomat, especially in Latin American affairs. While not so widely known as many other American diplomats he was for many years one of the most important members of the foreign service. While only the outstanding incidents in his diplomatic career have been mentioned in this article, he was almost continuously associated with the State Department from the time he entered the diplomatic service. "Am already on my way"—his

<sup>47</sup> *The American Journal of International Law*, Vol. III, pp. 437, 985-989; *The American Review of Reviews*, Vol. XXXIX, p. 147; Scott's *The Hague Court Reports*, pp. 226-239.

response to the summons to proceed to Venezuela to settle the American claims — is characteristic.<sup>48</sup>

JOHN N. IRWIN

The principal public services of John N. Irwin, a graduate of Dartmouth and a Civil War veteran, were in the capacity of mayor of Keokuk, State Representative in 1876, Governor of Idaho Territory in 1883 and 1884, and Governor of Arizona Territory from 1890 to 1893. His only diplomatic position was as Envoy Extraordinary and Minister Plenipotentiary to Portugal. He was appointed to this post by President McKinley on April 12, 1899, and resigned in the United States on May 7, 1901. None of his correspondence to the State Department has been published.<sup>49</sup>

WILLIAM E. BAINBRIDGE

Not long after Edwin H. Conger was appointed Minister to China, William E. Bainbridge of Council Bluffs was made second secretary of that legation. There he served through the Boxer uprising and until the spring of 1903 when he resigned. Within a month he was again appointed to a diplomatic position in the capacity of the American member of the Mixed Commission for the settlement of claims of the United States against Venezuela. The Commission met and organized at Caracas on June 1, 1903, and concluded its work in December of the same year. Fifty-five claims were submitted to the Commission, most of which were settled. Only ten cases were referred to the Umpire on account of the disagreement of the Commissioners. Mr. Bainbridge wrote opinions in regard to twenty-

<sup>48</sup> *The Outlook*, Vol. XCIII, pp. 476-478.

<sup>49</sup> Gue's *History of Iowa*, Vol. IV, p. 143.

nine of the cases. Following his diplomatic experience he resumed his law practice in Council Bluffs.<sup>50</sup>

THOMAS CLELAND DAWSON

To Thomas C. Dawson belongs the distinction of having been in the diplomatic service continuously for a longer period than any other Iowan — a total of nearly fifteen years. The diplomatic experiences of John A. Kasson were scattered through a span of nearly forty years; William I. Buchanan was in the diplomatic service about fifteen years but his work was also irregular; and Edwin H. Conger, while he may be credited with having been the head of United States legations longer than any other Iowan, held no other diplomatic positions and his total service covers only about eleven years. Fifteen consecutive years in the American diplomatic service is a rare achievement for any man.

Mr. Dawson began his diplomatic career as secretary of the legation in Brazil, a position to which he was appointed in June, 1897. He remained at that post for nearly seven years and it was there, no doubt, that he received some of his most valuable diplomatic training — an experience which qualified him for the more important work that was to follow. It was while he was secretary of the United States legation — and later of the embassy — at Petropolis that he wrote his two volume history, *The South American Republics*, a contribution that was valuable on account of the author's extensive acquaintance among South American statesmen.

The Brazilian residence of Mr. Dawson came to an end in 1904 when he became Minister Resident and Consul General to the Dominican Republic — the first American of

<sup>50</sup> *Senate Documents*, 58th Congress, 2nd Session, Vol. XXXV, Doc. No. 316, p. 5, Vol. XXXVI, Doc. No. 317, pp. 5-32, 550.

that rank in that country. His appointment was dated April 29, 1904, and by the first of July he was at his new post. He entered upon his duties just at the time when the Dominican government was practically bankrupt and European creditors were beginning to press for payment. President Roosevelt, in his message to Congress on December 6, 1904, hinted that intervention by the United States might be necessary to prevent other nations from resorting to measures of coercion for the collection of their debts. On December 30th Mr. Dawson was directed to suggest to the Dominican government that it request the United States to take charge of its customs. In compliance with this suggestion he negotiated a convention signed February 7, 1905, providing that the United States should guarantee the territorial integrity of the Dominican Republic, take charge of its customs houses, administer its finances, and settle its financial obligations. The Senate failed to ratify the convention, but under a *modus vivendi* the President of Santo Domingo appointed a receiver of customs, named unofficially by President Roosevelt, who administered the affairs of the Republic under the protection of the United States navy. Later, when the Senate decided to give a definite legal status to the collection of Dominican revenue under the auspices of the United States, Minister Dawson negotiated the convention which was signed on February 8, 1907, and later ratified by the Senate.<sup>51</sup>

During the entire time Mr. Dawson was in Santo Domingo the internal political conditions in that country were in a very turbulent state and foreign affairs were scarcely less strained. Moreover, there probably was never a period

<sup>51</sup> *Foreign Relations of the United States*, 1904, p. 289, 1905, pp. 298-391, 1906, pp. 595-600, 1907, pp. 307-309; Latané's *America as a World Power*, pp. 278-281.

when the relations between the United States and the Dominican Republic were so intimate and complicated. All of these factors contributed to make the work of the American diplomat very difficult. It appears, however, that Mr. Dawson administered the office with credit to himself and to his country. He was very careful to report all untoward events such as revolutionary disturbances and he was successful in protecting American interests in the Republic without creating bad feeling. In 1906 he prepared and reported to the Department a chronology of the important political events in Santo Domingo from 1844 to 1906, and on another occasion he wrote a history of the Dominican-Haitian boundary.<sup>52</sup>

The signing of the revenue collection convention was probably Mr. Dawson's last important act as Minister to the Dominican Republic. On January 10, 1907, his appointment as Envoy Extraordinary and Minister Plenipotentiary to Colombia was confirmed and his successor took charge sometime in May, 1907. It appears that Mr. Dawson did not actually begin his work in the legation at Bogotá until the fall of 1907. He remained chief of that mission until April, 1909, when he was transferred to Chile as Envoy Extraordinary and Minister Plenipotentiary. His legation in that country was of brief duration, however, for with the establishment of divisions in the State Department he was, on August 31, 1909, appointed Chief of the Division of Latin American Affairs — the first to hold that position.<sup>53</sup>

Judging from the printed correspondence his services as

<sup>52</sup> *Foreign Relations of the United States*, 1906, pp. 536-559, 572-622. There is a photograph of Thomas C. Dawson as he appeared at this time in *The American Review of Reviews*, Vol. XXXI, p. 521.

<sup>53</sup> *Foreign Relations of the United States*, 1907, pp. 290, 293, 306, 1908, p. 212, 1909, pp. 220, 221, 1910, pp. 159, 186.

Minister in Colombia and Chile were of a routine character, yet he must have conducted affairs in a highly creditable manner to have merited selection as the head of the Division in the Department of State which is especially expert in Latin American affairs. The purpose of this new Division organized on a geographical basis was to promote better understanding, both political and commercial, between the United States and other countries by placing in the State Department groups of close students and authorities on conditions in particular parts of the world. Thus all correspondence, except that of administrative character, from and to South and Central America is handled by the Division of Latin American Affairs which is composed of men who are thoroughly familiar with the history, politics, customs, law, and commerce of those countries. It fell to the lot of Thomas C. Dawson to inaugurate and organize the work of this Division.<sup>54</sup>

Mr. Dawson had not been Chief of the Division of Latin American Affairs a year when he was appointed Envoy Extraordinary and Minister Plenipotentiary to Panama on June 24, 1910. Meanwhile there had been a successful revolution in Nicaragua and the new President requested the United States to send a special commission to arrange a settlement of the differences between the two countries. Mr. Dawson had scarcely entered upon his duties in Panama when, on October 11, 1910, he was instructed to proceed at his early convenience to Managua as Special Agent near the Provisional Government of Nicaragua, there to enter into relations with that government. He arrived on October 18th and ten days later reported that the Provisional Government was willing to agree to organize a free, stable, democratic government, to rehabilitate finances and pay legitimate foreign claims, and to punish those responsible

<sup>54</sup> *The American Review of Reviews*, Vol. XL, p. 400.

for the death of two Americans and indemnify their families. The agreement was signed by November 6th.<sup>55</sup>

Once more during his legation to Panama — which was characterized by the cordial relations that are the measure of successful diplomacy — Mr. Dawson was called upon a special mission. On June 13, 1911, he was appointed Ambassador Extraordinary and Plenipotentiary on the part of the United States to attend the Venezuelan Centennial Celebration — the second Iowan to bear that title. The celebration, centering in Caracas, began on June 24th and lasted a month. With the representatives of other foreign countries Mr. Dawson participated in the numerous formal ceremonies.<sup>56</sup>

Meanwhile, on June 27, 1911, Ambassador Dawson was appointed Resident Diplomatic Officer in the Department of State, an office which he held until his death on May 1, 1912. By his contemporaries he came to be regarded as one of the most experienced and able members of the American diplomatic service. His many missions “gave him an experience and knowledge which were of greatest usefulness in promoting friendship, good understanding, and commerce among all the American nations.” Throughout Latin America he was “respected for his ability, tact, and sympathy.” “Since the late W. I. Buchanan died in Great Britain three years ago,” wrote the editor of the *Bulletin of the Pan-American Union*, “Mr. Dawson could perhaps be described as the best living authority on the Latin American countries and their relations with the United States.” Thus it appears that Iowa has contributed two of the foremost Latin American diplomats — men who have had a powerful influence in fostering Pan-Americanism and

<sup>55</sup> *Foreign Relations of the United States*, 1910, pp. 762-767, 820.

<sup>56</sup> *The American Review of Reviews*, Vol. XLIV, pp. 618-620; *Bulletin of the Pan American Union*, Vol. XXXIII, p. 502.



cementing the bonds of friendship and good will between the nations of the Western Hemisphere.<sup>57</sup>

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<sup>57</sup> *Bulletin of the Pan American Union*, Vol. XXXIV, pp. 720, 721. On page 579 of this publication there is a portrait of Mr. Dawson as he appeared during the later years of his life.

## KASSON AND THE FIRST INTERNATIONAL POSTAL CONFERENCE

No public international union has been more important or successful than the Universal Postal Union. Having its origin in a conference of hopeful but hesitating delegates from fifteen governments meeting in Paris in 1863 where a tentative program was adopted but no permanent organization established, the Postal Union has now become an absolutely essential institution of enormous proportions and unlimited possibilities for promoting international well-being. Practically all of the civilized nations of the world are members. About two billion pieces of mail are handled annually, representing a formidable exchange of ideas, impressions, and relations of all kinds among peoples separated by ethnic, linguistic, and other profound differences.<sup>1</sup>

When John A. Kasson of Iowa became First Assistant Postmaster General of the United States in 1861 he found a multitude of functions awaiting him.<sup>2</sup> He was head of the appointment office, supervised the establishment and discontinuance of post offices, and looked after the distribution of blanks, paper, twine, and post office furniture. He was in charge of the pay of clerks and special agents, was responsible for the regulations affecting postmasters, and was in charge of foreign mail transportation and foreign correspondence. At first the discharge and appoint-

<sup>1</sup> Sayre's *Experiments in International Administration*, pp. 19, 20.

<sup>2</sup> Kasson was offered this position in accordance with the desire of Senator James W. Grimes. His nomination was the second sent to the Senate by President Lincoln for confirmation, the first being that of Lincoln's personal friend, Mr. Judd of Illinois, for Minister to Prussia.—*John A. Kasson, An Autobiography in Annals of Iowa* (Third Series), Vol. XII, pp. 349, 350.

ment of postmasters, sometimes as many as six hundred a day, occupied his whole attention. He devised an army postal system that was used during the Civil War, and later prepared a code of postal laws that had formerly been scattered through the Federal statutes.<sup>3</sup>

But probably the most far-reaching results of the work of Kasson as Assistant Postmaster General were in connection with the foreign mail service. At that time the international postal system was extremely defective—indeed, the word system can scarcely be properly applied. Postal communication was entirely dependent upon separate treaties with the various countries; and since each country was anxious to promote its own profits and quite unconcerned about international interests the foreign postal rates were as high as the transmitting states dared to make them. Not only that, but there was no common standard of weight and no uniformity of rates. There were almost as many different rates for ocean transit as there were steamship companies carrying mail. In overland transit, even within the United States, different rates prevailed in different parts of the country, while in transit to foreign countries there were more rates than there were countries. Postage included a payment to the country of dispatch, another to the country of destination, and others to all the countries through which the letter was carried. Moreover, mail sent from one country to another by different routes required different amounts of postage. For example, there were six routes from the United States to Australia and the postage on a letter was five cents, thirty-three cents, forty-five cents, fifty-five cents, sixty cents, or a dollar and two cents, depending upon the route by which

<sup>3</sup> *John A. Kasson, an Autobiography in Annals of Iowa* (Third Series), Vol. XII, p. 350; *Report of the Postmaster General, 1862*, pp. 119, 120, in *House Executive Documents, 37th Congress, 3rd Session, Vol. IV, Doc. No. 1.*

it was sent. There were different rates also for open and closed mails by the same route. It is no wonder that postmasters made mistakes and unfortunate delays occurred. The marvel is that international business by postal correspondence was possible at all.<sup>4</sup>

It was necessary with this arrangement to keep an exceedingly complicated system of accounts with each country with which postal relations were maintained. Each foreign country had to be credited with its portion of the sum prepaid on each article (not the aggregate weights of the mails) and the minute details entered in a letter bill sent with each mail. The accounts were kept by the rate and according to the standard of weight of the creditor country — the English ounce, the French gram, the German "loth"—and the unit of rate was one sheet of paper or a fraction of some unit of weight. Think of the labor involved in determining the amount of postage on a letter according to the most advantageous route, in scrutinizing each article, and in entering in the letter bill the separate credits to be given to the various foreign offices that handled a particular piece of mail!<sup>5</sup>

The balances — which were usually in favor of the foreign country — were payable annually in gold. Moreover, the exchange was also payable by the remitting country. During the Civil War gold in the United States was at a premium and consequently the usual burden of the foreign mail service in this country was increased to that extent.

<sup>4</sup> *John A. Kasson, an Autobiography in Annals of Iowa (Third Series)*, Vol. XII, p. 350; Sayre's *Experiments in International Administration*, p. 19; *Report of the Postmaster General, 1862*, pp. 124, 157-159, in *House Executive Documents, 37th Congress, 3rd Session, Vol. IV, Doc. No. 1*; *Report of the Postmaster General, 1895*, p. 449, in *House Executive Documents, 54th Congress, 1st Session, Vol. XIII, Doc. No. 4*.

<sup>5</sup> *Report of the Postmaster General, 1895*, p. 449, in *House Executive Documents, 54th Congress, 1st Session, Vol. XIII, Doc. No. 4*.

Domestic revenues had to be used to defray the expense of the balances due to foreign postal departments.<sup>6</sup>

The only hope of remedying such conditions was by a conference of postal authorities of the various countries. Accordingly John A. Kasson proposed that Postmaster General Montgomery Blair invite postal departments of other countries to send representatives to such a conference. Mr. Blair being heartily in sympathy with the suggestion, Mr. Kasson formulated a letter outlining the prevailing conditions, proposing a conference, and recommending a number of topics for consideration. The following communication was accordingly sent on August 4, 1862, by the Postmaster General through the State Department to the postal authorities in practically all the countries of Europe and America.<sup>7</sup>

Sir: Many embarrassments to foreign correspondents exist in this, and probably in other postal departments, which can be remedied only by international concert of action. The difference in postal principles, as well as postal details of arrangement, in the several countries of both continents contributes to the result. Great diversity of rates prevails between the same points, in some instances as many as six different rates, according to the route of transit. Mistakes are perpetually recurring, arising from the complexity of present arrangements, and operate to the serious delay and expense of correspondents.

For want of such general concert of action as above mentioned, difficulties frequently present themselves which prevent separate postal arrangements desired by this and any other national post department, where the mail traverses an intermediate country or postal line of conveyance.

<sup>6</sup> *Report of the Postmaster General, 1862*, pp. 121, 159, in *House Executive Documents, 37th Congress, 3rd Session, Vol. IV, Doc. No. 1.*

<sup>7</sup> *John A. Kasson, an Autobiography in Annals of Iowa (Third Series), Vol. XII, p. 350; Report of the Postmaster General, 1862*, pp. 124, 165-168, in *House Executive Documents, 37th Congress, 3rd Session, Vol. IV, Doc. No. 1.*

Without entering into details, it is evident that the international adjustment of a common basis for direct correspondence, and for intermediate land and ocean transit, and for an international registry system, and for the exchange of printed mail matter, is clearly of the first importance to the commercial and social intercourse between this and other nations.

It is believed that a conference between fit representatives delegated by the several post departments of the principal corresponding countries of Europe and America, and to meet at some convenient point in Europe, would greatly facilitate the postal arrangements in which they are respectively interested. The practical knowledge of details necessary, and the special character of the interests involved, indicate the propriety of a conference between postal representatives to arrange the propositions of improvements, rather than to submit them to the usual and more dilatory course of diplomacy between each two countries. The ramifications of the postal system, also, embracing so many countries, seem to require a general concurrence of action.

To this end I respectfully request that you will invite the attention of foreign administrations to this subject, requesting their cooperation in the proposed conference, and ascertaining the time and place which would be most acceptable for that purpose; there to take into consideration the following subjects, and any others which either department shall in writing propose. The powers of the postal representatives, it is presumed, will be limited to discussion and recommendation of measures for the adoption of their respective administrations.

Attention is especially called to the following topics of international concern:

1. An uniform standard weight for the single rate of written correspondence.
2. An uniform standard for adjusting postal rates on printed correspondence exchanged.
3. Uniformity of rates to destination, by whatever route of intermediate transit.
4. Uniform conditions of prepayment, whether compulsory or optional; or, if optional, a double rate when not prepaid.
5. An uniform scale for increase of rates.
6. Whether each country may collect and retain the postages

collected by it, whether compulsorily or optionally prepaid, or remaining unpaid, thus avoiding accounts, except for intermediate transit postal charges.

7. Transit postal charges overland, by intermediate countries, to be established on an uniform basis, and accounted for by the ounce, by the despatching country, on matter transmitted in closed bags or otherwise.

8. The same proposition for ocean transit in closed bags or otherwise.

9. The disposition to be made of all letters not delivered in the country of destination.

10. An uniform international system for the registration of letters and postal charges therefor.

11. Classification of printed matter which may be transmitted by mail, and the rights reserved by each country in respect thereto.

12. The rights reserved by each country in respect to the route of transit of correspondence despatched by it.

13. The practicability of an international limited money order system.

14. Such other topics of postal importance as may be offered to the consideration of the conference by either national post department.

Although the idea of holding an official international conference on a subject not the result of a war was without numerous precedents,<sup>s</sup> at least fourteen postal administra-

<sup>s</sup> According to a list of international conferences of official representatives of governments, exclusive of those mainly concerned with the results of wars, only ten had been held prior to 1863. The first, for the purpose of abolishing privateering, met in 1826. Another in 1830-1831 established the perpetual neutrality of Belgium. In 1847-1848 the Congress of Lima attempted to form an alliance of American republics. The first International Sanitary Conference met in Paris in 1851 and the second in 1859. On the initiative of the United States a conference was held in Brussels in 1853 to adopt a uniform system of meteorological observations at sea, and in the same year and place the first general conference on statistics was held. Three powers met in the Congress of Santiago in 1856 to frame a continental treaty of alliance. There was a conference in 1857 to capitalize the Sound Dues claimed by Denmark. In 1861 a conference commuted the right of Hanover to tax the navigation of the Elbe. Besides the International Postal Conference, four others were held in 1863 — one to guarantee the neutrality of the Ionian Islands, another to

tions responded favorably and early in 1863 it was agreed that the meeting should be held in Paris beginning on May 11th. As a natural consequence of his official position and initiative in the matter of international postal reform, not to mention experience and naturally adapted temperament, John A. Kasson was selected as the representative of the United States Post Office Department on April 1st.<sup>9</sup> He arrived in Paris in the latter part of April, where William L. Dayton, the American Minister to France, received him cordially and did everything in his power to make the mission useful and agreeable. Mr. Kasson had been elected to Congress the previous fall and although he had not yet taken his seat he is listed among the delegates as "M. Kasson, Membre du Congrès des Etats-Unis, Commissaire."<sup>10</sup>

secure the free navigation of the Scheldt, another to form a federal German state, another relating to sugar duties.—*The American Journal of International Law*, Vol. I, pp. 808, 809.

<sup>9</sup> At one time in his life Kasson had practiced law in the whaling port of New Bedford, Massachusetts. Much of his practice had been in the Courts of Admiralty at Boston and it was at that time that he gained his first practical knowledge of international law. Furthermore, his functions as head of the foreign mail service included the negotiation of postal conventions with other powers.—*John A. Kasson, an Autobiography in Annals of Iowa* (Third Series), Vol. XII, p. 347; *Report of the Postmaster General, 1862*, p. 165, in *House Executive Documents, 37th Congress, 3rd Session, Vol. IV, Doc. No. 1*.

The order of the Postmaster General for Kasson's appointment, dated April 1, 1863, is as follows: "Ordered, Appoint John A. Kasson, Special Agent, to act as Commissioner of this Department at the Postal Conference in Europe, and to adjust and settle postal details with foreign governments, and allow him twelve dollars per day for his traveling and current expenses from 30 March 1863, and advance to him the sum of \$500 dollars to be accounted for in final settlement."—*Journal of Daily Orders of the Postmaster General, Vol. LII, p. 249, in the Post Office Department Building, Washington, D. C.*

<sup>10</sup> *House Executive Documents, 38th Congress, 1st Session, Vol. II, Doc. No. 1, Pt. 2, p. 734; Commission Internationale des Postes, 1863*. This volume is the official written report (procès-verbal) of the proceedings of the Conference. With a few exceptions the exact remarks are not reproduced, only a summary



On the appointed day the representatives of Austria, Belgium, Costa Rica, Denmark, Spain, France, Great Britain, Italy, The Netherlands, Portugal, Prussia, Sandwich Islands (Hawaii), Switzerland, the Hanseatic Cities, and the United States gathered at the headquarters of the Administration des Postes Francais. Apparently Russia had been expected to send a delegate but as none was present, Kasson feared that the letter from the United States advising the Russian authorities of the time and place of meeting had not arrived and he suggested that a telegram be sent to St. Petersburg. Some of the other delegates felt that that would be exceeding their authority, however, and Russia did not participate in the Conference. The government of Ecuador requested that the delegate from the United States represent her interests and agreed by letter to the action of the Conference.<sup>11</sup>

The first session of the Conference on May 11th was devoted to organization. M. Vandal, the Director General of the French Postal Administration, made the opening speech. It was not to argue or settle practical details that the Conference was held, he said, but rather to discuss and proclaim certain general principles and speculative doctrines pertaining to international postal affairs that should prevail in the interest of the public and the treasuries of the respective governments. While the decisions agreed upon would have no obligatory character, if an international postal code could be framed it would at least be difficult to set aside what the postal authorities in so many

or paraphrase of what was said being recorded by the secretary. It was printed by the French government in the French language, only the final agreement being printed in English as well as in French. A personal copy is in the Kasson collection in the Historical Department, Des Moines, Iowa. So far as the writer knows, no official translation into English has ever been published in the United States.

<sup>11</sup> *Commission Internationale des Postes, 1863*, pp. 3, 10, 27.

countries were unanimous in declaring to be good, equitable, and honorable. If they should succeed in agreeing upon postal reciprocity and uniform weights and rates they would confer upon their successors a lasting benefit and further the good feeling initiated by this friendly Conference.<sup>12</sup>

At the close of this address Kasson proposed that Vandal be selected president of the Conference, which was accordingly done. M. Desenne was made secretary. The problem then arose as to the questions to be discussed and the method of procedure. Some of the delegates were in doubt as to their authority to consider any propositions that had not been suggested before the Conference met. They thought that any new questions ought first to be submitted to their governments for approval. To this Kasson replied that the idea of his government in proposing the Conference was not that the results of their deliberations would be binding upon the governments participating, but that it was simply for the purpose of examining various questions with a view to facilitating the negotiation of postal conventions with the several nations.<sup>13</sup>

Inasmuch as the British and French desired to consider other questions than those originally proposed by the United States it was decided that a committee should be appointed to report at the second session on May 13th a working program. To this program of some thirty propositions Kasson proposed two in addition: first, was it possible to form the islands of the sea into postal tariff divisions and assign a single rate to each of these divisions; and second, was it possible to allow each postal administration free conveyance of official communications with other

<sup>12</sup> *Commission Internationale des Postes, 1863*, p. 8.

<sup>13</sup> *Commission Internationale des Postes, 1863*, pp. 8, 9.

postal administrations? Both of these questions were incorporated in the official program for consideration.<sup>14</sup>

It became very apparent during the second session of the Conference that definite regulations could not be agreed upon in the whole Conference without endless debate and a great deal of aimless talk. In spite of the efforts of the president to keep the discussion on the various questions in the order of their appearance on the program ever and anon some delegate more interested in a proposition farther down the list would turn the discussion to the subject of his special concern. Or perchance several closely related questions invited consideration simultaneously, with the result that none of them were solved. Moreover, the fact that the various topics were in the form of questions instead of positively stated and specific regulations kept the discussion in the suppositional stage. Early in the third session on May 16th, therefore, the delegate from Great Britain suggested that a sub-commission be appointed to prepare answers to the various questions which would serve as a basis of debate for the whole Conference. The proposal meeting general approval, President Vandal appointed for that purpose a committee of five delegates headed by John A. Kasson, and no more sessions were held until this committee was ready to report.<sup>15</sup>

The fourth session of the Conference was held on May 23rd, when the sub-commission began to report the regulations it had agreed upon as solutions of the various questions of international postal relations. The propositions were reported singly, debated, and voted upon without delay. Most of the conclusions of the sub-commission were ratified by the Conference with very little debate. There seemed to be slight difference of opinion on fundamentals,

<sup>14</sup> *Commission Internationale des Postes, 1863*, pp. 13-15, 18-23, 28, 29.

<sup>15</sup> *Commission Internationale des Postes, 1863*, pp. 43, 44.

most of the discussion being confined to details. Considerable time was used by members of the sub-commission in explaining the regulations they had adopted. Amendments to these regulations were rarely proposed and still more rarely adopted by the Conference.

The Conference was composed of remarkably able men. The debates exhibit not only distinguished ability and thorough knowledge of postal relations, but also a most gratifying spirit of liberality toward the interests of the public involved in international intercourse. Surprisingly little difficulty was experienced in agreeing upon a series of general principles which should form the basis of future postal conventions between the various countries. In addition to the resolutions adopted by the Conference the delegates exchanged much information respecting their several postal systems which gave a new impulse to postal reform.<sup>16</sup>

No attempt whatever was made to establish any international postal administrative organization. Indeed, the resolutions that were finally adopted unanimously by the Conference had no more binding effect upon the governments that had sent delegates than upon those which were not represented. It was clearly understood in the beginning that any principles or common rules that the Conference might deem advantageous as a basis for postal conventions between the several countries would simply be advisory. It can not be gainsaid, however, that this Conference was the initial step toward the formation of the General Postal Union at the Postal Congress in Berne in 1874. Four years later this permanent organization became the Universal Postal Union which has continued to the present time.

The First International Postal Conference in 1863 adopt-

<sup>16</sup> *Report of the Postmaster General, 1863, p. 7, in House Executive Documents, 38th Congress, 1st Session, Vol. V, Doc. No. 1.*

ed the following rules, many of which are contained in substance in the provisions of the General Postal Convention of to-day:<sup>17</sup>

Section 1. The articles which must or may be forwarded by the post from one country to another are divided into six classes: 1st, ordinary letters; 2d, registered letters, without declaration of value; 3d, registered letters, containing declared value; 4th, corrected proof-sheets, business papers, and other written documents not of the nature of letters; 5th, samples of merchandise (including grains and seeds) of limited weight and without mercantile value; 6th, printed matter of all kinds in sheets, (stitched or bound,) sheets of music, engravings, lithographs, photographs, drawings, maps, and plans.

Sec. 2. Wherever it is possible, the prepayment of postage upon ordinary letters should be at the option of the sender; but, in case of such optional prepayment, unpaid letters must bear a moderate additional charge.

Sec. 3. Letters insufficiently prepaid by the postal stamps of the despatching country must be rated as unpaid, deducting, however, the value of the stamps affixed.

Sec. 4. Registered letters, whether with or without declaration of value, must in all cases be prepaid to destination.

Sec. 5. All articles under bands, in order to take the benefit of a rate of postage less than that applicable to letters, must be prepaid.

Sec. 6. International correspondence of all kinds, duly prepaid to destination, shall not be charged with any additional rate whatever on delivery.

Sec. 7. The rates upon international correspondence shall be established according to the same scale of weight in all countries.

Sec. 8. The metrical decimal system, being that which best satisfies the demands of the postal service, shall be adopted for international postal relations, to the exclusion of every other system.

Sec. 9. The single rate upon international letters shall be applied to each standard weight of fifteen grammes, or fractional part of it.

Sec. 10. The single rate upon corrected proof-sheets, upon writ-

<sup>17</sup> *Report of the Postmaster General, 1863, pp. 7-9, in House Executive Documents, 38th Congress, 1st Session, Vol. V, Doc. No. 1.*

ten documents not of the nature of letters, and upon samples of merchandise, (including seeds,) shall be applied to each standard weight of forty grammes, or fractional part thereof, to one address.

Sec. 11. The standard weight for the single rate upon articles under band, embraced in the sixth class of the first resolution aforesaid, must be established by special convention between the contracting parties.

Sec. 12. The rate upon letters must be fixed according to the weight stated by the despatching office, except in case of manifest error.

Sec. 13. Registered letters, without declaration of value, shall be rated with a moderate fixed charge in addition to the rate applicable to ordinary letters of the same weight.

Sec. 14. Registered letters, containing declared value, shall be rated with a charge in proportion to the amount of the declared value, in addition to the postage and to the fixed charge applicable to the other class of registered letters.

Sec. 15. In case of loss of a registered letter without declared value, and in case of loss or spoliation of a registered letter with declared value, each office shall be held responsible for acts upon its own territory, and in the service for which it has received a premium of insurance. Fifty francs should be allowed to the sender of an unvalued registered letter lost, and for a valued registered letter so much of the declared value as shall have been lost or abstracted.

Sec. 16. Wherever intermediate transit charges render it practicable, the rates upon international correspondence should be the same, by whatever routes the mails may be conveyed.

Sec. 17. Where there are different mail routes, correspondence shall be despatched by the route indicated by the sender upon the address, or by the rate of postage prepaid, if different rates exist. In the absence of such indications the despatching office will determine the route which it considers most advantageous to the public interest.

Sec. 18. Unpaid letters, delivered by one administration to another for a country to which prepayment is compulsory, shall be returned to the despatching office as wrongly sent.

Sec. 19. Articles under band and subject to a lower rate of postage, with compulsory prepayment, shall, in case of insufficient pre-

payment, be despatched to their destination, charged with a suitable extra rate. If such articles are wholly unpaid, they shall not be despatched.

Sec. 20. International postal accounts cannot be suppressed by a rule of general application; but they should be simplified as far as possible. For that purpose offices of exchange should not be required to return acknowledgments of receipt of mails, except for the correction of errors of the despatching office.

Sec. 21. International post offices, accounting with each other for the rates and charges upon correspondence exchanged between them, whether in open or closed mails, shall account, as far as possible, by the piece for the correspondence in the open mails, and by the net weight for the correspondence in closed mails.

Sec. 22. Correspondence re-forwarded by reason of a change of residence of the person addressed shall not, on that account, be liable to a supplementary charge in favor of offices interested in the postage previously accrued.

Sec. 25. Registered letters addressed to persons who have departed for a foreign country not interested in the postage prepaid shall be forwarded to the new residence of the persons addressed, charged with additional postage and with a supplementary registration fee, to be paid on delivery.

Sec. 24. International correspondence which shall have become dead shall be returned, without cost, to the despatching office.

Sec. 25. As high transit charges upon correspondence present an insurmountable obstacle to the establishment of an international system of correspondence upon conditions advantageous to the public, the transit charge for each country shall never be higher than one-half of the interior rate of the transit country, and for countries of small territorial extent this transit charge shall be even less.

Sec. 26. The cost of sea conveyance claimed by one country from another shall in no case be higher than the rate charged upon its own correspondence by the country by whose vessels the conveyance shall be effected.

Sec. 27. It is desirable that postal administrations having accounts with each other should serve as intermediaries for the transmission of sums of money from one country to another by means of international money-orders, whenever this can be effected without complications disproportioned to the advantages resulting from it.

Sec. 28. In case of the non-payment at the stipulated time of the balance due upon an adjustment of an international postal account, the amount of the balance shall bear interest from the expiration of the stipulated period at the rate agreed upon by convention.

Sec. 29. In the adjustment of uniform postal rates the greatest possible number of countries should be included in the same zone and subject to the same rate.

Sec. 30. Free conveyance of its official communications with other postal administrations should be granted to each postal administration.

Sec. 31. There should be a class of letters denominated "urgent" for delivery by express messengers, for which a special supplementary charge shall be paid.

In all there were nine sessions of the Conference. The fifth session occurred on May 27th, the sixth on May 30th, the seventh on June 2nd, the eighth on June 5th, and the last on June 8th. During the entire time, and particularly after the sub-commission was appointed, Mr. Kasson appears, from a study of the *procès-verbal*, to have been the dominant figure in the Conference. Though there were delegates who were older and more experienced in postal administration than he, no one was more interested in reforming the international postal service. Moreover, the fact that he represented the government that had taken the initiative in calling the Conference, and that he himself indeed was responsible for that action contributed greatly to his prestige. His remarks invariably commanded serious attention and his suggestions were usually followed. No doubt as chairman of the sub-commission he was equally influential in its deliberations. The deference shown by the Conference to his desires may perhaps be illustrated by the following incident. When one of the propositions was reported from the sub-commission he remarked that he was not entirely satisfied with the response of the sub-commis-



sion to that particular question and expressed a wish that discussion could be temporarily postponed. The Conference immediately proceeded to the consideration of the next question.<sup>18</sup>

The final session on June 8, 1863, was devoted largely to speeches extolling the success and importance of the First International Postal Conference. In behalf of the government of the United States, Kasson expressed appreciation of the interest shown by the delegates from other countries. All had realized, he said, that they would be confronted with many difficulties but had discovered fewer than they had anticipated. He pointed out that the delegates to the Conference represented four hundred million people living in the most civilized and industrious parts of the world, who contributed nineteen-twentieths of the world's correspondence. The future industrial development of nations, he was convinced, depended very largely on international correspondence. Furthermore, the maintenance of international amity on which the welfare of the human race is so dependent, and the dispersion of the elements of civilization and intelligence which break down the barriers of ignorance and prejudice are promoted by correspondence. Indeed, he was sure that the improvement of postal facilities was the inevitable precursor of peace and prosperity. To establish for international correspondence simple uniform regulations and moderate postage was the end toward which the Conference had worked, an attainment well worth the serious efforts and perseverance of the greatest minds of all nations.<sup>19</sup>

At the close of Kasson's speech the Swiss delegate "in moving to insert in the official proceedings the discourse just delivered by M. Kasson, representing the Postal Ad-

<sup>18</sup> *Commission Internationale des Postes, 1863*, p. 69.

<sup>19</sup> *Commission Internationale des Postes, 1863*, p. 129.

ministration of the United States of North America," thought he voiced the sentiments of the entire Conference in declaring that "if the deliberations of the international postal Conference have produced resolutions from which a favorable influence upon future postal Conventions can be hoped, this result will have been due in a large part to the enlightened and at the same time conciliatory spirit which the Delegate of the Government that has taken the initiative in the conference has constantly brought to the deliberations."<sup>20</sup> These ideas were unanimously approved and inserted in the procès-verbal.

Postmaster General Blair, in reporting the results of the International Postal Conference, took occasion "to make known the fact that the public owes the suggestion to invite this international conference to the Hon. John A. Kasson, who represented our government in it with such zeal and ability as to command the thanks and warm approval of his associates. I do not doubt that important and lasting advantages are to flow from this conference, due in a great degree to his assiduity, practical ability, and earnestness in the cause of progress."<sup>21</sup>

The Postmaster General was so gratified at Kasson's success "in obtaining favorable action on most of the postal reform desired" by the Post Office Department that he requested him to remain in Europe for the purpose of personally negotiating postal conventions. "My desire is", he wrote to Kasson on July 1, 1863, "that you avail yourself of the present auspicious opportunity to visit the respective Post Departments of Europe, and endeavor to arrange the details of Postal Conventions with each country, embodying as far as practicable, the general principles

<sup>20</sup> *Commission Internationale des Postes, 1863*, p. 130.

<sup>21</sup> *Report of the Postmaster General, 1863*, pp. 9, 10, in *House Executive Documents, 38th Congress, 1st Session, Vol. V, Doc. No. 1.*

recommended by the conference as the basis for International Conventions; being satisfied that you can accomplish much more in the interest of our international postal service, by negotiating in person the details of new postal arrangements, than can possibly be effected in years by the slow process of departmental correspondence.'<sup>22</sup>

In compliance with this request Mr. Kasson remained in Europe during the summer and autumn of 1863, returning in November to take his seat in Congress to which he had been elected for the first time. Besides the United States, it was reported early in the fall that Switzerland, Belgium, and Italy had adopted the recommendations of the Paris Conference as the basis for future postal conventions, and that other European nations were about to do the same. However that may have been, it appears that, although he transmitted to the Post Office Department much valuable information touching foreign administrations, Kasson succeeded in concluding only one postal convention that ever went into effect. On July 8, 1863, a convention between Italy and the United States was signed at Turin by G. B. Barbavara and John A. Kasson. It was ratified by King Emmanuel in December of that year but the President of the United States did not give his approval until May 4, 1866.<sup>23</sup>

<sup>22</sup> Letter from Montgomery Blair, dated July 1, 1863, in the *Correspondence of John A. Kasson* (in manuscript), Vol. II, in the possession of the Historical Department, Des Moines, Iowa.

<sup>23</sup> *John A. Kasson, an Autobiography*, in *Annals of Iowa* (Third Series), Vol. XII, p. 351; *Report of the Postmaster General*, 1863, pp. 7, 9, in *House Executive Documents*, 38th Congress, 1st Session, Vol. V, Doc. No. 1; *Report of the Postmaster General*, 1866, pp. 57-61, in *House Executive Documents*, 39th Congress, 2nd Session, Vol. IV, Doc. No. 2.

Whether or not postal conventions were negotiated with other countries but failed to be ratified the writer was unable to ascertain. No reference to any such is made in the reports of the Postmaster General and of course no conventions which were not approved by the governments of the participating

No further progress was made toward incorporating the resolutions of the Paris International Postal Conference in postal conventions until 1867. Great Britain gave notice on July 25, 1866, that the existing postal convention with the United States would be terminated January 1, 1868, for the purpose of concluding a new convention on a more liberal basis. The discussion and adjustment of the details of the new compact presented an opportunity to establish better mail facilities with the continent of Europe. Furthermore, the postal convention with France was antiquated and entirely unsatisfactory. The French authorities, having been notified of the necessity of revising the compact, responded favorably in February, 1867, and requested that a special delegate be sent to Paris with complete instructions to confer with the Director General of the French Postes upon the conditions of agreement. This invitation was promptly accepted, and on April 5, 1867, one month after the expiration of his second term in Congress, John A. Kasson was appointed special commissioner to negotiate more liberal postal conventions with some of the European countries, in conformity with the general basis of international postal intercourse recommended by the Paris Conference of 1863.<sup>24</sup>

countries are published either in the reports of the Post Office Department or in the Statutes at Large.

<sup>24</sup> *Report of the Postmaster General, 1866*, p. 6, in *House Executive Documents*, 39th Congress, 2nd Session, Vol. IV, Doc. No. 2; *Report of the Postmaster General, 1867*, pp. 15, 16, in *House Executive Documents*, 40th Congress, 2nd Session, Vol. IV, Doc. No. 1; *Report of the Postmaster General, 1869*, pp. 14, 15, in *House Executive Documents*, 41st Congress, 2nd Session, Vol. I, Doc. No. 1.

The order for Kasson's appointment is contained in the following order: "Ordered, That the Hon. John A. Kasson be and he hereby is appointed Special Commissioner on behalf of the Post Office Department of the United States, to proceed to Europe and there to negotiate and settle the details of new Postal Conventions with the Governments of France, Great Britain, Prussia and Belgium respectively, and also to negotiate Postal Conventions with

Mr. Kasson was selected for this mission, according to Postmaster General Alex. W. Randall, "because of his knowledge of postal details obtained during his connection with the department as first assistant postmaster general, and particularly on account of his familiarity with the postal questions to be dealt with, which were fully discussed at the Paris conference, in which he took a prominent part". He departed immediately for Paris, where he remained several months "laboring faithfully and perseveringly to accomplish the object of his mission".<sup>25</sup>

Apparently the French postal administration was indis-  
such other European Governments, as the United States may desire, subject to approval by the Postmaster General of the United States. And that he be allowed compensation at the rate of eight dollars per day and for his expenses at the rate of eight dollars per day: and that the same be paid out of the appropriation 'for mail depredations and Special Agents and expenses of negotiating postal conventions' with exchange of London. This appointment to expire on the first of October 1867: unless otherwise ordered by the Postmaster General.'

The period of the appointment was extended to January 8, 1868. All but three of the postal conventions and regulations were, as a matter of fact, signed after October 1, 1867, when the original appointment was supposed to expire.

Like so many American diplomats, it seems that Mr. Kasson found his compensation inadequate. At any rate a letter from the Postmaster General, dated more than a year after the end of Kasson's services as special commissioner to negotiate postal conventions, explains that he is unable to allow more than \$1600 per year compensation—the amount fixed by law for special agents of the Post Office Department. Later the Auditor of the Post Office Department was requested by the Postmaster General to "state on account and report for \$2000 in favor of Hon. John A. Kasson being per diem and Compensation as Special Commissioner for negotiating Postal Conventions under Act Feb. 18, 1867."—*Journal of Daily Orders of the Postmaster General*, Vol. LXI, p. 697; letter from Alex. W. Randall to John A. Kasson, dated February 13, 1869; letter from Alex. W. Randall to H. J. Anderson, dated February 24, 1869. These letters are in the Letter Books of the Postmaster General, No. VIII, pp. 256, 264.

<sup>25</sup> *Report of the Postmaster General, 1867*, p. 16, in *House Executive Documents*, 40th Congress, 2nd Session, Vol. IV, Doc. No. 1; *Report of the Postmaster General, 1869*, p. 15, in *House Executive Documents*, 41st Congress, 2nd Session, Vol. I, Doc. No. 1.

posed to conclude a new convention in conformity with the improved arrangements concluded between the United States and other European countries. At all events Kasson was unable to secure any satisfactory terms with that country.<sup>26</sup>

While his prime mission failed to produce results, his negotiations with other countries were very successful. He negotiated new conventions with various European powers — with Great Britain in London on June 18, 1867, with Belgium at Brussels on August 21, 1867, with The Netherlands at The Hague on September 26, 1867, with the Swiss Confederation at Berne on October 11, 1867, with the North German Union at Berlin on October 21, 1867, and with Italy at Florence on November 8, 1867, this last agreement modifying the provisions of the Italian convention negotiated in 1863. All of these conventions were substantially uniform both in principles and details, only slight modifications being necessary to meet the peculiarities of the postal system of each country. The international letter rate to

<sup>26</sup> The early attitude of France in respect to liberal postal intercourse with the United States is peculiar. Though the French postal administration was the host of the First International Postal Conference and the French delegates had at that time exhibited a willingness to cooperate cordially in the movement for postal reform, all attempts by Kasson to incorporate the recommendations unanimously adopted by the Conference into a new postal convention failed. Not only was he unsuccessful in 1863, but later, in 1867, after the French authorities had invited a representative of the United States post office to Paris for that specific purpose, no agreement could be reached. The United States therefore terminated the existing convention on February 1, 1869. Later the date of termination was extended to April 1, 1869, and again to January 1, 1870, with the hope of negotiating a new convention in the meantime. Senator Alexander Ramsey was sent to Paris in the summer of 1869 but no progress toward more liberal relations was possible on account of the insistence by the French postal department on conditions so unreasonable and unjust towards the United States that they could not be considered. After three months of patient effort negotiations were terminated. On January 1, 1870, direct postal communication between the United States and France terminated and on the same date international letter postage between the United States and Great Britain was reduced to six cents — two cents for sea

England was reduced from twenty-four to twelve cents and to the other countries through England it was reduced from varying amounts to the uniform rate of fifteen cents, while a rate of ten cents was established with Belgium and the North German Union for letters transmitted by regular lines of mail steamships plying directly between any port of the United States and any port of the north of Europe. The principle of free transit for correspondence transmitted in closed mails was adopted in the conventions with The Netherlands and Italy, while with each of the other countries very low transit charges were established — in England, for example, one-half of the interior rate. The conventions with Great Britain, Belgium, The Netherlands, and the North German Union took effect on January 1, 1868, and those with Switzerland and Italy went into operation on April 1, 1868.<sup>27</sup>

Not only did Kasson negotiate new postal conventions but he also arranged for the detailed regulations between the United States post office and the offices of the European countries for the execution of several of these conventions. He signed the detailed regulations with Belgium and The Netherlands at Paris on November 26, 1867, and with Switzerland at the same place two days later. The regulations based on the convention with Italy, however, he did not sign until May 2, 1868, after he had returned to Washington.<sup>28</sup>

postage and two cents for inland postage in each country.—*Report of the Postmaster General, 1869*, pp. 15–17, in *House Executive Documents, 41st Congress, 2nd Session, Vol. I, Doc. No. 1.*

<sup>27</sup> *Report of the Postmaster General, 1867*, pp. 16, 17, 97–100, 111–128, in *House Executive Documents, 40th Congress, 2nd Session, Vol. IV, Doc. No. 1*; *Report of the Postmaster General, 1868*, pp. 16, 17, in *House Executive Documents, 40th Congress, 3rd Session, Vol. IV, Doc. No. 1.*

<sup>28</sup> *Report of the Postmaster General, 1868*, pp. 98–101, 129–131, 161–164, 189–191, in *House Executive Documents, 40th Congress, 3rd Session, Vol. IV, Doc. No. 1.*

Thus ended the first epoch in the diplomatic career of John A. Kasson. He was destined in later years to represent the United States in larger and better known international conferences—though they were scarcely more important measured in ultimate results—and to act again as special commissioner to negotiate international covenants on other subjects. The experience of these early contacts with international affairs afforded an excellent foundation for the more arduous diplomacy that was to come and accounts to a large extent no doubt for his success in later negotiations with Bismarck, Sir Edward B. Malet, and others of their ilk.

It would be interesting to record the name of John A. Kasson in some connection with the Fifth Universal Postal Congress that was held in Washington in May and June, 1897, just thirty-four years after the First International Postal Conference which had been called upon his suggestion and inspired by his leadership. But the fates did not so will it. Circumstances directed the course of Kasson's career along other paths leading to different fields of endeavor. The United States post office, moreover, experienced an enormous expansion meanwhile, bringing new problems and developing a new personnel, so that an expert in postal affairs in 1870 would have been nonplussed if suddenly confronted with the situation in 1897. Progress in international postal facilities probably far exceeded Kasson's greatest expectations, and the movement to which the young man had imparted the initial impetus the old man after a third of a century no longer recognized, nor were his services remembered by the younger generation.

JOHN E. BRIGGS



## MECHANICS' INSTITUTIONS

Recent movements in education have tended to emphasize vocational and industrial training — to correlate the practical with the so-called cultural subjects. In this connection it may be worth while to recall the efforts made a century ago to graft scientific and cultural studies upon mechanical training. The mechanics' institutions which attained considerable influence during the first half of the nineteenth century were the result of the growth of democracy and education among the workers, who began to realize that training of the mind would make the hand more efficient.

### ORIGIN OF MECHANICS' INSTITUTIONS

The growth of organizations initiated by men who sought to better the situation of mechanics or artisans constitutes one of the most interesting chapters in the educational and social history of Great Britain. As early as 1760 Dr. John Anderson, at Glasgow, began to illustrate his lectures in natural philosophy by the results of observation in the shops of the city. In order to carry out his design he began the instruction of what he described as his anti-toga class, which was composed of workingmen who were permitted to attend in their working clothes. At his death the property of Professor Anderson was devoted to the establishment of Anderson University at Glasgow — an institution for the instruction of artisans. And thus the course he began was perpetuated. In 1796 a course of lectures was given to over 1000 persons of both sexes.

It was in Glasgow, also, that Dr. George Birkbeck, in

1799, lectured to 500 practical mechanics and, apparently as a result of these lectures, was called to the chair formerly held by Dr. Anderson. It has generally been conceded that these lectures were the origin of mechanics' institutions under whatever name they were organized. Both Dr. Birkbeck and Lord Brougham cited these lectures to show the value of such instruction for the working classes. Professor Anderson, it has been said, "opened the temple of science to the hard laboring mechanic and artisan."<sup>1</sup>

The city of Birmingham became a center for organizations to better the life of the working man under such names as the Reformation Society in 1787, the Sunday Society in 1789, the Cast Iron Philosophers in 1791, the first Artisans' Library in 1795, and the Birmingham Broth-erly Society in 1796. The Sunday Society grew out of an association for mutual improvement, wherein members addressed their associates upon the subjects connected with their occupations. Many of these speakers were connected with the technical trades of the community and they constructed apparatus to illustrate "the principles of mechanics, hydrostatics, pneumatics, optics, electricity, and astronomy." Admission to such lectures was not confined to members, inasmuch as they were free to young persons employed in the factories of the city. In some of the organizations already mentioned there were classes in drawing, in geography, and in the study of those sciences in the application of which many members were interested. From the Artisans' Library which was established especially for the use of the working people useful reading could be had for a penny a week. Dr. Andrew Ure, a Scottish chemist, has been credited with the addition of the library feature to the original design of these several associations. And

<sup>1</sup> Barnard's *The American Journal of Education*, Vol. XXII, p. 31.

the movement to provide literary and scientific societies for the middle and lower classes was advocated about the same time by *The Monthly Magazine* (in 1814), one of the most popular periodicals of the time.

In 1823 the Glasgow Mechanics Institute, the Liverpool Mechanics' and Apprentice's Library, and the London Mechanics' Institute were established, and for many years it was believed that the latter was the first of its kind in London. In 1831, however, the London *Mechanics' Magazine* pointed out the fact that an organization called "The Mechanical Institution" had been active in 1817. That institution purposed to disseminate useful knowledge among its members and their friends by lectures and discussions on various branches of science. It is noteworthy that the initiative in that instance was taken by the mechanics themselves, whereas the London institution of 1823 resulted from a call sent out by the *Mechanics' Magazine*.

After 1823, under the leadership of Dr. Birkbeck and Lord Brougham, such institutions spread throughout the kingdom until in 1850 there were 700 societies scattered through the towns and villages. In first class towns these agencies of instruction included the following features: (1) a reference library, a circulating library, and a reading room; (2) a museum of machines, models, minerals, and natural history; (3) lectures on natural and experimental philosophy, practical mechanics, chemistry, astronomy, literature, and the arts; (4) an experimental workshop and laboratory; and (5) elementary classes for teaching arithmetic, algebra, geometry, and their different applications, particularly to perspective, architecture, mensuration, and navigation. The reading rooms of the London Mechanics' Institute were open from 9 A. M. to 10 P. M. A public lecture was given on each Wednesday and Friday evening commencing at 8:30 o'clock. The lecturers were paid 3£

13s 6d. "when they did not find any of the apparatus" and it is assumed, therefore, that a larger fee was allowed when apparatus was furnished.

In the classes connected with the London Mechanics' Institute the instruction included the subjects already mentioned and in addition the French and Latin languages and sometimes shorthand. Drawing was very popular and 100 of the 300 enrolled were pursuing it. Modelling, also, was among the subjects offered. There was a class of 120 members which received instruction on the mutual plan—a popular method about that time (1840). Chemistry, experimental philosophy, geography, natural history, and phrenology were the subjects of most prominence in this class. Ninety at least were studying music under paid instructors. In 1849 there were 120,000 members in these various institutes; there were more than 400 reading rooms with libraries possessing an aggregate of 815,000 volumes. Moreover, to meet an apparent demand, a "Society for the Diffusion of Useful Knowledge" began the publication of a series of cheap and useful publications on a large variety of subjects.

An institution at Manchester (about 1835) was designed to enable mechanics and artisans of any trade to obtain a knowledge of the science connected with that trade. Since there was no art that did not depend upon scientific principles, the object in view was to teach such principles. Lectures, classes, a library, a reading room, and a preparatory school were the means to be employed. The plan was practically the same as that pursued in London, with some additional features. For example, a gymnasium was open to members for a small fee. The German language as well as French and Latin was taught. A subordinate organization of probably one hundred members, to which any one over the age of eighteen was admitted, had in view not only

the acquisition of knowledge, but also the promotion of social relations. The meetings were held fortnightly when some member read a paper on a subject to which his attention had been drawn, and this reading was followed by a conversation upon the same subject. It seems that the day school was among the most important interests of these organizations, since parents were taking the education of their children into their own hands. The school for boys at Manchester was opened in 1834; and that for girls in 1835. They were intended first for the sons and daughters, brothers and sisters of the subscribers to the Mechanics' Institute who paid four shillings a quarter; while non-subscribers paid five shillings. It is observed that in addition to the common literary subjects the girls were instructed in sewing and knitting.<sup>2</sup>

#### MOVEMENTS IN NEW ENGLAND

In 1823, Mr. Timothy Claxton, who had been identified with the "Mechanical Institute" in London in 1817, came to New England and engaged to work in the vicinity of Methuen, Essex County, Massachusetts, where there was a factory for the manufacture of cotton goods and also a machine shop. Because of his previous experiences in London he took the first opportunity to promote the establishment of a similar society in New England. It was then that he learned of a lyceum — probably the first in this country — which had been organized about 1819 in the village of Methuen. The organization was called the "Methuen Social Society for Reading and General Inquiry". Its membership was composed of both men and women who sought useful knowledge through a course of reading.

Before this society, which seems to have lost some of its early enthusiasm, Timothy Claxton in 1824 gave a lecture

<sup>2</sup> Barnard's *The American Journal of Education*, Vol. VIII, pp. 250, 253; *Connecticut Common School Journal*, Vol. II, pp. 271-273.

in which he used a crude air pump constructed by himself to illustrate his subject. As a result of this and succeeding lectures the lyceum was revived, the constitution was changed, and a library and apparatus were provided. Debating was introduced and the women were permitted to hand in compositions which were publicly read at the meetings. Members were requested to deliver lectures upon their own occupations, but considerable persuasion on the part of active members seems to have been necessary in order to secure a response on the part of the diffident ones. The society met at the houses of members until it became too large to be thus accommodated. Then it tried the school house and thereafter the town hall. Neither of these having proved satisfactory a building for the special use of the organization was provided at an expense of \$1200. The exercises during the month were as follows: at the first weekly meeting there was reading by all the members; at the second, reading by one member; at the third, an original lecture; at the fourth, a general discussion.

In 1826 Mr. Claxton removed to Boston and there aided in establishing the Boston Mechanics' Institute. This was the first organization to introduce popular lectures in various branches of science with a view to arousing a greater interest therein. It was not a long-lived institution, but it furnished an incentive to the formation of others. The early decline of the Boston Institute was caused, it appears, by its unsocial character. During the winter a course of lectures designed to present in a plain manner information relative to new discoveries, was all that was undertaken; there was no library, no reading room, and no regular classes. Although a class in "mechanical science" was formed on the initiative of certain members, with the expectation that the management would encourage it and adopt it as a branch of the Institute, it was not so recog-

nized. Indeed, a committee which had been authorized to provide a room for the class decided that it was not expedient to do so.

Such institutions seem to have been more or less influential in the encouragement of the manufacture of apparatus to illustrate the teaching of science in the schools. Timothy Claxton engaged in the manufacture of such apparatus in Boston in 1829, and in 1836, having visited England, he entered into an arrangement to supervise the making of school apparatus similar to that which he had been making in Boston. It may be observed that this period marks the general movement for popular education in the United States.<sup>3</sup>

It is quite evident that the activity in England and Scotland about 1827 had impressed the General Court or legislature of Massachusetts; for during January of that year two bills were introduced subsequent to a resolution relating to the establishment of a practical seminary. The subject was referred to a commission which supported the measure and presented reasons therefor. The commission suggested for example, that England and Scotland, through mechanics' societies, were giving to the great body of arti-

<sup>3</sup> Barnard's *The American Journal of Education*, Vol. VIII, pp. 253-256; *American Journal of Education* (1827), Vol. II, p. 58.

The Franklin Junta, a sort of lyceum under the leadership of Benj. Franklin, was a conspicuous organization in Philadelphia in 1727. This was formed for mutual improvement under rules which required that each member should present one or more queries on any point in morals, politics, or natural philosophy. The questions raised were to be discussed by the members or company and once in three months each one was to produce an essay of his own composition — an inflexible rule it is assumed — on any subject he pleased to select. Franklin asserted that this organization was the best school of "philosophy, morality, and politics" in the province. It should be said that the membership was not limited to any one class. On the contrary, it included mechanics along with a copyist of deeds, a self-taught mathematician, a surveyor, a young gentleman of fortune, and a merchant's clerk who later became a provincial judge.—Barnard's *The American Journal of Education*, Vol. VIII, p. 251.

sans a scientific education, and that the bounty of the State of Massachusetts ought to be devoted to the same purpose. An appropriation to begin such instruction was asked for, but it was the opinion that the popularity of the institution would insure future support.

It is noteworthy that within the same year in which the organizations of the Liverpool and the London mechanics' institutions were completed (1823) a similar institution — The Gardiner Lyceum at Gardiner, Maine — was established. It sought "to give to mechanics and farmers such a scientific education, as would enable them to become skilful in their occupations". The need of such instruction was evidenced by the actual observation of the difficulties confronting mechanics because of the lack of information in the elements of science. Instruction was begun in January, 1823, and the courses of three years were adapted to all classes of persons who were engaged in productive labor in that community. Mathematics, drawing, chemistry, including agricultural chemistry, natural philosophy, political economy, mineralogy, natural history, natural theology, and history constituted the subject matter for the three years.

Besides the regular classes, however, there were also short-session classes. For example, a class in surveying was admitted in September; one in civil architecture and one in agriculture were admitted in November; another in chemistry was organized in January; and still another, in navigation, began work in May. The class in agriculture which entered in November was instructed in agricultural chemistry, in anatomy and diseases of domestic animals, and those portions of natural history which were of peculiar interest to the agriculturist. These short-session classes pursued courses covering four months. This institution, therefore, was a lyceum, wherein recitations were regularly



conducted; and the practical application of the lesson is shown in the fact that surveying and leveling were taught in the field as well as in class rooms. Classes in chemistry performed experiments in a laboratory; classes in mechanics calculated problems in the practice of the machinist and engineer; and all, it seems, acquired more than the abstract principles of science.<sup>4</sup>

Referring to the prospect after the opening of the Boston Mechanics' Institution (1826) the editor of the *American Journal of Education* declared that "their benefits are perhaps more direct and substantial, and their sphere of usefulness is necessarily much wider," than that "connected with any other department of scientific instruction. A fresh interest and variety will at the same time be communicated to the general subject of education, by the intelligence drawn from this wide field of popular and general improvement."

At the opening of the Boston Institute, George B. Emerson delivered a long address in which he set forth the advantages to be derived from the uniting of study with the daily occupation. A summary from that address may be suggestive. No one, he said, could for a moment doubt that if a mechanic were informed relative to the principles of mechanical power, and the laws which explained the general nature of the great powers and bodies of the universe as revealed in natural philosophy, or the properties of all substances with which the art and science of man are connected, as shown in chemistry, he would be greatly helped by the acquisition. There were persons, it appears, who believed that the possession of knowledge and the exercise of the understanding operated to defeat the best use of the physical powers. That is to say, that "vigor of mind and mechanical skill are inconsistent with each other." The

<sup>4</sup> *American Journal of Education* (1827), Vol. II, pp. 148, 216.

lecturer went on to show the great inventions which had come from the fact that there were *thinking* mechanics. Great inventors were named to demonstrate the possibilities which might be created in the organization of such institutions as the mechanics of Boston were then dedicating. It was shown, also, that the people of England and Scotland produced more than three times as much as an equal number of workmen on the continent, the difference being due to intelligent operation.

The Mechanics' Institution did not purpose to educate philosophers but intelligent and skilful mechanics; and there was much information that could be acquired, however advanced in life one might be, without any preparatory knowledge of any other science. There were few who would not be benefited by the lectures to be provided, for they would not be wholly confined to subjects of interest to mechanics. It was obvious that the entire community would be the gainer through the uplift of the individuals. In a material sense walls would be better constructed because of the experiments to test their strength; and lumber would be more durable, because trees would be felled at the right time. By making such knowledge familiar to working masons, carpenters, and joiners some of the annoying things of life would be removed. At that time, the speaker asserted, such information was "buried in books, or in the memories of studious men, who have no means of bringing it to its right destination." Indeed, "by an absurdity of misapplication" it had been theretofore given to those who least needed it. It was designed to open such sources to the mechanic. Up to that time, it seems, the principles of science had been accessible only to such as were preparing for the so-called liberal professions. The poor and the employed had been almost, if not wholly, deprived of such advantages. The mechanics' institutions offered to all the

uninformed who chose to accept the opportunity to become familiar with the facts connected with their daily lives and occupations.<sup>5</sup>

In 1839 Horace Mann called attention to the fact that a class of institutions known as lyceums or mechanics' institutes had recently come into prominence in Massachusetts. Before some of these organizations annual courses of popular lectures on literary or scientific subjects were given. Others maintained libraries or reading rooms, and in some instances the two were combined. Although the purpose which controlled public libraries, namely, the diffusion of knowledge and instruction, governed them as well, they were, nevertheless, greatly inferior to the general library in point of efficiency. The patronage of young people, however, led Mr. Mann to conclude that these popular movements constituted an important agency in interesting the youth of the State in instruction. Furthermore, such agencies could not in any instance be omitted in enumerating the opportunities for intellectual advancement. At that time — in 1839 — there were eight mechanics' institutes and more than 130 lyceums in Massachusetts, and about 35,000 persons were in regular attendance. To be sure, there were, besides, numerous private clubs or associations for literary purposes.

The lecturer in the institutions mentioned sought, it was observed, to instruct or amuse persons of maturity, and seldom treated of the elementary phases of his subject. He assumed that his audiences were fully acquainted with the essentials of the subject, and the details, therefore, were usually the content of the discourse. Occasionally, however, lectures were serious, didactic presentations of important outlines in philosophy or morals. Some people attended these courses "in the true spirit of philosophical

<sup>5</sup> *American Journal of Education* (1827), Vol. II, pp. 273-278.

inquiry; others resort to them as places of amusement for a leisure hour; some attend them in order to dignify a life of idleness with a seeming mental occupation, and others again attend them as they would attend a theatre, or other assembly, where the supposed refinements of the company, and not the instructiveness of the occasion, constitutes the attraction."

These institutions were not designed, therefore, for the improvement of the juvenile portion of the community. Such lectures could not be substituted for books even for youth, much less for children. Moreover, the honest seeker after knowledge would be forced to do much collateral reading in order to make any progress. Indeed, intelligent men had often considered the popular lecture as a superficial method of obtaining information, inasmuch as a few ideas might be construed as a "system of truth". Horace Mann, however, believed that this attitude was somewhat extreme, because outside of one's daily occupation a person must be content with general notions. A passing acquaintance only with many subjects and an intimate knowledge of a few was the only reasonable view to be accepted. Only when knowledge was associated with one's vocation were superficial notions dangerous. It would be a mistake to refuse enlightenment to the great body of citizens because they could not become proficient in all science. Among the greatest advantages of such movements Horace Mann mentioned the social side. People of different opinions were brought together; better topics of conversation were provided, and thereby a great variety of gossip or almost slanderous fault-finding in the community was shut out. Well-informed persons asserted<sup>6</sup> that "in the city of Boston, the general topics of

<sup>6</sup>*The Connecticut Common School Journal*, Vol. II, pp. 175, 177.

In 1827 the "controllers of the Public School" of Philadelphia said that the new modes of employment might materially affect the character and condi-

conversation, and the mode of treating them, have been decidedly improved since what may be called the reign of Popular Lectures."

## MECHANICS' INSTITUTIONS IN IOWA

The first of such institutions to be organized and incorporated in Iowa was the Mechanics' Mutual Aid Association at Iowa City, which was formed in 1841 and chartered during the legislative session of 1841-1842. At its inception it seems to have had but one purpose, the relief or mutual assistance of those who had allied themselves together for the benefit of the individuals who engage in them. Children engaged in manufactories should not only be protected but they should also be instructed in morals and in those literary subjects of which they were deprived when withdrawn from the public schools. Legislation should provide for this protection. At a period (1827) when public attention appeared to be drawn to the subject of "national economy" and efforts were being made to "accomplish great purposes in regard to national policy and industry" it was deemed proper to submit such a question for consideration. The suggestions seemed especially applicable to that community (Philadelphia). At the same time editorial comment on the general situation declared that there were probably many manufactories even in New England (in 1827) "at which no express arrangement is made either for the education of the juvenile part of those who are employed in them, or for the improvement of adults." Legislation might not be effective but nevertheless "some measures should be speedily adopted to secure the instruction of children placed at such establishments".

Within the same year (1827) the first steps were taken to establish an agricultural institute in Pennsylvania. It was designed after the institute of Fellenberg, near Berne, Switzerland, which had been visited by Anthony Morris for the purpose of adapting its principles to the institution in view. Although the various branches of a classical and scientific education would not be excluded, particular attention by practical teachers would be given to those from the laboring and mechanical classes, in the country where, it was asserted, no provision had yet been made to extend "all the facilities of education attainable in the city". Indeed, the object in view was the instruction in such subjects as were "peculiarly appropriate to rural life."—*American Journal of Education* (1827), Vol. II, pp. 622, 623, 699.

In 1836 a law "for the better instruction of youth, employed in manufacturing establishments" was passed in Massachusetts. In complying with this law the Boston Manufacturing Company, in 1839, erected at Waltham three well equipped buildings in which schools were maintained at an annual expense of \$7000, this sum being in addition to the regular taxes contributed for the public schools.

that one end. But members of the organization "feeling a deep interest for the prosperity of this young and growing Commonwealth; and knowing also that a lack of the facilities for educating youth here, would materially retard the growth of the settlement; conceived the design of establishing an institution of Learning at the Capitol of the Territory." The charter further declared its purposes and powers to be "to promote such measures as may tend to the advancement of the mechanical arts; and also whatever may tend to the promotion of education, and the advancement of the arts and the sciences."

In order to render substantial aid to the Association the Territorial legislature granted a site of one-fourth of a block out of the land reserved for school purposes in Iowa City on condition that within two years a building worth not less than one thousand dollars should be erected thereon. But the stipulated amount was easily raised for the subscriptions for the building and the ultimate outlay was about \$4000. In April, 1842, subscriptions at twenty-five dollars a share for stock in the building were opened; and in so far as that part of the equipment was concerned it was a stock company.<sup>7</sup>

According to the provisions of the by-laws of the Association, in order to become a member one must possess a sound mind, be free from infirmity of body, of a good moral character, industrious in his habits, by occupation a mechanic, and not under 21 nor over 50 years of age. To

<sup>7</sup> Miscellaneous manuscript records of the Mechanics' Mutual Aid Association; *Laws of Iowa*, 1841-1842, pp. 4-6; prospectus (manuscript), among the records of the Mechanics' Mutual Aid Association, 1843; H. W. Lathrop in *Iowa City Republican*, March 31, 1897. See also the subscription list among the records of the Mechanics' Mutual Aid Association.

By the provisions of the act granting the lot to the Mechanics' Association a bond for the execution of the requirements was necessary. Three members — George T. Andrews, A. G. Adams, and Thomas Ricord — signed the bond of \$1000. A copy of the bond is preserved.

ascertain these facts an investigating committee was usually appointed and its findings were submitted in writing to the Association. But whether the report showed a favorable or unfavorable opinion of the committee, balloting for membership took place and if two-thirds of the members were favorable to the candidate he was declared elected.<sup>8</sup>

At the laying of the corner stone of the academy building in June, 1842, Rev. John Libby, the orator of the day, set forth in an extended address the position of the mechanic among men, and described the independent life, and the peace of mind produced by honest labor. He showed that the opportunities of the mechanic depended on the improvement in his occupation which could be made by application to study or reading during a definite portion of the day. Besides he called attention to the remarkable discoveries and the great inventions which were due to thinking mechanics; and one may believe that he had access to the address of George B. Emerson quoted earlier in this article. There was great promise, also, in supporting a school for the families of men engaged in such occupations. And lastly, the mutual protection of families in distress was among the most valuable features of the organization. Such was the character of the address that the Association later requested it entire for publication.<sup>9</sup>

The records of the organization show an expense account of \$13.88 from March, 1841, to October, 1842. The items were mainly for room rent at fifty cents a session.

<sup>8</sup> Constitution of the Mechanics' Mutual Aid Association, Art. VIII; by-laws of the Mechanics' Mutual Aid Association, Secs. 3, 4.

<sup>9</sup> Address of Rev. John Libby at the laying of the corner stone of the Mechanics' Academy. See also a letter of Rev. John Libby, dated December 1, 1842.

Although it has been shown that the corner stone contained nothing at the time of its removal, it was at one time decided by the trustees to enclose therein the names of the President of the United States, John Tyler; of the Secretary of State, Daniel Webster; of the Territorial officers of Iowa; the

It is apparent that the ways and means to support a school of the type in view was causing some anxiety. This is evidenced by a petition to Congress through the Territorial delegate, Augustus C. Dodge, for thirty-six sections of land to endow the institution. In his letter in reply to this petition Mr. Dodge said that while he doubted his ability to secure favorable action on the part of Congress, because the members from the older States considered the public lands as so much cash in the treasury, he would gladly present the petition and urge its consideration for so worthy a cause. In his communication, however, he called attention to the fact that two townships of land for a "Seminary of Learning" (the State University) had already been given to this Territory.<sup>10</sup>

The opinions or wishes of the management are revealed also in other ways. Indeed, a stray scrap of paper shows that a resolution to authorize the trustees to dispose of the academy to any society they might think proper to direct it was offered at about the time it was finished, or ready for occupancy in June, 1843. Furthermore, in August of the same year the trustees appointed a committee to wait on a Mr. Gardner (probably S. B. Gardner), to learn what his terms would be for going east to raise money and books for the benefit of the academy; and likewise to learn when he would be ready to go. To be sure, there seems to be no available proof that this plan was carried out.<sup>11</sup>

Sometime in the early history of the organization, probably officers of the Association; and the names of all members with their ages, occupations, and nativity.

<sup>10</sup> See petition for grant of land in aid of the Mechanics' Academy; also a letter of Augustus C. Dodge in reply to the petitioners, dated January 11, 1843.

<sup>11</sup> See fragment of resolution among records of Mechanics' Mutual Aid Association; also minutes of the Board of Trustees of the Mechanics' Academy, August 8, 1843.



ably in 1843, the following scheme for the care of orphans was proposed: a fund was to be created from one and one-half per cent of the tuition fees in the literary department, and from all donations which had been or which might be received for the benefit of the Association. For this accumulating orphan fund certificates of shares should be issued and these would be entitled to the same dividends (provided there were any, of course), as shares held by members. Thereafter this dividend together with the one and one-half per cent of the tuition already mentioned should be put in charge of the trustees who would be held responsible for its safe investment. When the interest on this investment amounted to enough to pay the tuition of a pupil it should be used to put some orphan in the academy. If it should happen that there were no orphans among the members, then the most needy orphan in the community should have the benefit of the fund. The aid should not extend beyond the giving of a good English education if there were not enough funds to give the elementary subjects to all orphans of the members. If, however, the funds were sufficient to educate all orphans then the orphans of non-members should have the advantage of all the higher branches taught in the academy.<sup>12</sup>

By May, 1843, the girls' department of the school was announced to begin operations in June. The cost of instruction was to be laid upon the patrons at rates which varied according to the branches taught. For the common branches the charge under the by-laws first adopted was three dollars for a term of three months. English grammar and geography in addition to the common group increased the cost to four dollars a session; while mathematics, natural science, rhetoric, and logic raised it to five

<sup>12</sup> Manuscript resolution among the records of the Mechanics' Mutual Aid Association.

dollars. Latin and French, with drawing and painting required another dollar, and the customary fees for music were required of those who were so ambitious as to undertake the study of the piano. Such was the announcement which, as will be seen, probably covered a larger outlook than this institution was ever able to control.

Among the documents relating to this institution there are two copies of by-laws. It is quite certain that the first draft was approved on May 13, 1843, while the second is described as "By-Laws for the first term" which suggests a revision before the opening of the school. The reduction in the original tuition rates is a noticeable feature; and the curriculum was materially modified. For example, among the charges for instruction for each session the patron would pay fourteen dollars for the "higher English branches usually taught in high schools including Natural Science, Geometry, Algebra, Plane and Spherical Trigonometry, Surveying and other branches usually in the same class." Greek was mentioned along with Latin and French among the subjects for which extra fees would be collected. As finally advertised, however, the advanced or "high school" group was not described, for the promoters seem to have been wise enough to let "classical school" cover all that might be taught above the common English branches.

In order to insure sufficient support the trustees were required not only to advertise the school at least one month previous to the opening, but they were likewise instructed to procure subscriptions during each vacation for the next session. The Association seems to have hoped for some profit which would possibly come from the difference between the cost of instruction and other expenses and the total amount of tuition collected. Nevertheless, the history of this institution like that of many others does not reveal any such income. On the contrary, there was always an

uncertainty as to the kind of contract which might be made with persons competent to manage the instruction.

According to the rules governing the school there were two sessions annually, the summer session commencing in April and ending on the last Saturday in August; while the winter session began about the first of October and ended the last Saturday in February—March and September only being vacation months. Teachers were required to conduct classes five and a half days a week since Saturday afternoon was the only weekly intermission. The daily sessions were from nine until twelve, and from one until four o'clock in the winter, and from nine until twelve and from two until five o'clock in the summer.

It appears that considerable care was given to the employment of teachers, and disappointment was expressed at the non-arrival of a teacher from Oberlin. A substitute, Mrs. George S. Hampton, the wife of a well-known citizen, was engaged to take the place in the girls' department at a salary of one hundred dollars for five months, the greater part of the payment to be made in mechanical labor of the members of the Association. The money payment depended entirely on the amount of tuition which could be collected. For the boys' department, Hugh Hamilton and William Hamilton were employed in 1843, and they proposed to teach the first session of 1844 for \$300 and board themselves; or for \$200 and board, the service being for five months. In this instance they would accept half cash and half in trade. On the same occasion Dr. William Reynolds proposed to take charge of the boys' department and to use therein the apparatus which he owned, for the net income from tuition. Again, the most of his compensation could be paid in the labor of the Association inasmuch as he wished to build an addition to his home.

The supervision of instruction was to be maintained by

the trustees through a visiting committee of three who were required to visit the school regularly during the last week of each month. According to their report in August, 1843, the school was in very good condition although some things were not conducted in a manner to please all the committee. It was observed, however, that "we cannot expect to get teachers that will be perfect in everything". At that time there were 42 boys and 63 girls in attendance; the total income from tuition for the five months was estimated at \$319.52; the salaries of teachers amounted to \$247, leaving a balance of \$72.52 to the credit of the Association. The trustees in October, 1843, urged each member to secure pupils for the academy. About that time, also, orders were issued to assess an extra charge of thirty-one cents a pupil for fuel during the winter session.<sup>13</sup>

In the spring of 1844 the bids from teachers indicate a situation involving some competition. For example, one agreed to take charge of the girls' department and to pay the Association eighteen and three-fourths per cent of all collectible bills for tuition, for the use of the rooms in the academy. Again, two women teachers proposed to conduct the girls' department for twenty-five per cent of the income provided the trustees advertised the school and collected the bills. At the same time Dr. Reynolds renewed his offer to handle one room and to pay \$60 a year for its use. Besides, the two Hamiltons, already mentioned, offered to take one room and to keep up the classical department for one year for all the income except ten per cent on collectible bills. The two women teachers and the two Hamiltons were employed on their own terms.

In July, 1844, the academy rooms were leased, it appears, to W. K. Talbot for a period not to exceed two years. The

<sup>13</sup> By-laws of the Mechanics' Academy; report of the Trustees of the Mechanics' Academy, August 23, September 13, and October, 1843.

trustees provided, however, that he should agree to maintain a school to instruct in the common English branches "together with the branches that are taught preparatory to a Collegiate course." A further provision that "nothing like sectarianism to be taught and that the society receive at the rate of 10 per cent on the tuition reserving the right of holding the meetings of the society in some room suitable for that purpose" was made a part of the record. Whether the association wanted a collegiate preparation for the children of the families constituting its membership, or whether this feature was made prominent to attract patronage is a matter of some interest, although it may not be determinable.

There were some very definite rules which the association adopted for the government of the school. For example, any pupil in the higher department who showed any disrespect for his or her teacher, or who might be guilty of any improper conduct "shall be reprimanded before the whole school by the principal". Persistence in insubordination would lead to a reprimand and possibly to expulsion by the trustees who would forthwith inform the parent of the reasons for such action. Again, each pupil on entering should be required to select and retain a seat with "reference to class and studies" and under no conditions except a change of classification should the seat be permanently changed. There were other regulations governing teachers whereby they were required to keep a classified record showing names, residence, time of instruction, and subjects pursued by each pupil. They were especially cautioned to see that each pupil of the proper age studied "composition, to produce one semi-monthly at farthest, and if practicable weekly"; and boys were to be "exercised in declamation" in addition to the composition.

Thoroughness was not only desired but it was also em-

phasized in the regulation that teachers should require scholars "to thoroughly understand the progress to every result obtained and to completely master the ground passed over." A merit roll should show a weekly record of each pupil as to "demeanor and scholarship" and this should always be "open for the inspection of visitors" and be exhibited to the friends and patrons at examinations.

Signs of disruption appear in reports submitted in January, 1845. According to the opinion of the building committee the Association was nearly out of debt, and the completed structure belonging to the organization was valued at about \$3700. But while this investment was being cared for other expenses were incurred through the benevolent features of the Association. The attendance upon sick members and the expenditures of benefits to which they were entitled were the functions of committees which seem to have acted judiciously. Nevertheless, an extended disaffection of the membership showed a breaking up of the Association and neglect of its obligations. Some were dissatisfied, some refused to attend meetings, and dues in very many instances were unpaid. The Association considered itself solvent, however, if those in arrears would pay their dues. It may be assumed that all these dues were never collected for among the last items is that of the auditing committee, early in 1846, which showed 87½ cents collected during the year and expenses for the quarter ending January 7, 1845, as follows: candles 37½ cents, paper 12½ cents, and matches 6¼ cents, a total 56¼ cents.<sup>14</sup>

For some years after the project was given up by the Mechanics' Association the Academy building was used by private teachers. In 1853, however, when the city was incorporated, the public school was housed in this building.

<sup>14</sup> Minutes of Trustees, March 12 and 13, 1844; reports, 1845 and 1846; by-laws of the Mechanics' Academy for the first term.

In 1854 the Trustees of the State University leased the Academy and the State school retained it under a lease until 1866, when by exchange of properties with the owner of the Academy it came into possession of the State. The first session of a University class was held in the building erected by the mechanics of Iowa City; and later it served as a dormitory when, owing to the pranks played there, it was nicknamed the "Old Sin Trap". It was the first hospital building in connection with the medical college and it gave way only for the first wing of the present University hospital, the corner stone of which is the same as that laid fifty-five years before for the Mechanics' Academy. Moreover, a tablet bearing the inscription: "Mechanics' Academy, founded June 14, 1842" is set into the walls of the hospital building.<sup>15</sup>

Besides the Mechanics' Mutual Aid Association at Iowa City there were several other institutions of similar character in the State. The Mechanics' Institute at Dubuque was incorporated for the purpose of erecting a building and providing a library for members, each one being held responsible for the performance of contracts which might be made. The Davenport Institute, likewise, was granted the power usually given to institutions for "literary and scientific purposes". The object of the Muscatine Lyceum was the "establishment of a library and scientific apparatus, the cultivation of the arts and sciences and the diffusion of useful knowledge". This lyceum had been in existence for some time prior to its incorporation. The Mount Pleasant Lyceum, incorporated in 1844, had practically the same powers as that at Muscatine, a library and scientific apparatus being the conspicuous features in the proposed equipment. Again, there was the Washington

<sup>15</sup> Aurner's *Leading Events in Johnson County Iowa History*, Vol. I, pp. 152, 249-251.

Lyceum in Jackson County established for the encouragement of "science and literature, the promotion of education, the advancement of knowledge, and the development of worth in the sciences".<sup>16</sup>

Perhaps the institution in Iowa corresponding in purposes most nearly to the original mechanics' organizations was the Burlington Mechanics' Institute which was incorporated in 1844. Its objects as set forth in the law were as follows: "to improve the members thereof in literature, the sciences, arts and morals; for the establishment of a library, reading room, cabinets of geological, mineralogical, botanical, and other specimens; to endow and support a school for the education of the children of indigent mechanics and others, and to advance the social, intellectual and moral condition, of its members generally."

Another institution, the Grandview Literary and Philosophical Society of Louisa County, was distinguished by the powers given the executive committee. Unlike the law relating to any other similar institution, the act in this case authorized an assessment of not to exceed five dollars upon each member, for the purchase of "books, maps, charts and philosophical apparatus, for the use of the society". Furthermore, an assessment for support might be included. There were other incorporated lyceums and institutes in Iowa, but only the eight just described seem to have had purposes corresponding to the organizations in New England, and in Old England and Scotland.<sup>17</sup>

#### REASONS FOR DECLINE

The transmitting of information through conversation, address, or lecture was a natural method which had its

<sup>16</sup> *Laws of Iowa*, 1841-1842, pp. 9, 106, 1842-1843, pp. 89-91, 1843-1844, pp. 127, 128, 130, 131.

<sup>17</sup> *Laws of Iowa*, 1843-1844, pp. 72, 95, 96.



origin in remote times. It was adopted by the first organizations which were inaugurated for the mutual benefit of their members. Manuscripts were rare and expensive and the masses were ready to listen to such leaders as were qualified to speak fluently and with some authority. In time, however, printing, a cheap press, and a knowledge of reading altered this situation. People were soon enabled to obtain the sources from which most of the lecturers and instructors derived their information. If the lecturer, therefore, distributed second-hand discoveries he must be very able indeed to make it worth while to listen to him, for it is said that "Ejecting a certain quantity of known matter in the face of an audience is not education".

To be sure, this conclusion did not imply that lectures had no longer a place in the general plan of distributing information; but they were not nearly so effective as a well-organized school system, which was rapidly becoming a recognized necessity. The artisans, it seems, who were identified with the mechanics' institutions soon discovered that they were gaining but little from the lectures offered. Members began to abandon the courses and a mixed constituency of artisans, shop-keepers, and clerks remained to support the lecturers. This mixture produced a variety in the demand, and the continuity of the work was destroyed. Indeed, the lecturers themselves have been described as an "assemblage of professors, conjurers, ventriloquists, and musicians"—a description which seems to correspond very closely to a modern chautauqua.

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## THE INTERNAL GRAIN TRADE OF THE UNITED STATES 1860-1890<sup>1</sup>

### II

The principal transportation routes connecting the surplus grain States of the North Central region with the consuming States of the East and South before the Civil War were the two interior waterways of the country: the Mississippi River with its navigable tributaries to New Orleans; and the Great Lakes with their eastern connections, the Erie Canal and the Hudson River to New York City and the Welland Canal and the St. Lawrence River to Montreal. These two great waterways were the most important highways of inland commerce for the transportation of western grain and flour to the Atlantic and Gulf seaboards; although the extension of railroads into the Middle West during the decade of the fifties introduced a new agency which was destined after 1860 to revolutionize the whole course and conditions of the internal grain trade of the United States. It is, therefore, this aspect of the problem that will next be considered.<sup>2</sup>

<sup>1</sup> The first article on the internal grain trade of the United States during the period from 1860 to 1890 appeared in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. XIX, pp. 196-245. It was originally planned to complete the study in two installments but it has been found advisable to divide the series into three parts, this being the second. The third and concluding article of this series will appear in a subsequent number of the *JOURNAL*. For a brief study of the internal grain trade of the United States before the Civil War, see Schmidt's *The Internal Grain Trade of the United States, 1850-1860*, in *THE IOWA JOURNAL OF HISTORY AND POLITICS*, Vol. XVIII, pp. 94-124.

<sup>2</sup> For a brief historical survey of internal trade and transportation in the United States during the period from 1860 to the end of the century, see Ripley's *Railroads: Rates and Regulation*, Ch. I; Johnson's *History of Do-*

## PRINCIPAL TRANSPORTATION ROUTES CONNECTING THE MIDDLE WEST WITH THE ATLANTIC AND GULF SEABOARDS

The Mississippi River traffic constitutes an interesting and picturesque chapter in western commercial history. Before the Civil War, steamboats laden with grain formed a steady procession down the river. The profits of one trip often paid half the cost of a new boat and enormous fortunes were amassed in a single season. The blockade of the river by the Confederacy during the early period of the war suddenly interrupted this traffic. "The river became the center of war, not of commerce, and the boats that sailed upon it were men-of-war and gun-boats, instead of peaceful steamers and barges"<sup>3</sup> After the war the river traffic was rapidly revived by the introduction of more economical carriers—the grain barges. These barges were huge wooden vessels, towed along by the steamboats, and although the weight of the vessels necessarily slackened the speed of the packets, they saved considerable time in the loading and unloading of grain. Soon many barges were attached to one steamboat, so that a string of barges would carry as much as 60,000 bushels of grain. During the seventies small but powerful craft were substituted for the expensive steamboats, and it became customary for one fleet of barges to transport 100,000 bushels of grain at a time.

*mestic and Foreign Commerce of the United States*, Vol. I, Ch. XVI; and Sparks's *National Development (The American Nation Series, Vol. XXIII)*, Ch. XVII. See also Tunell's *Lake Commerce in House Miscellaneous Documents*, 55th Congress, 2nd Session, Vol. LI, Doc. No. 277, and Tunell's *The Diversion of the Flour and Grain Traffic from the Great Lakes to the Railroads* in *The Journal of Political Economy*, Vol. V, June, 1897, pp. 340-375. The attention of the reader is also called to *The Grain Trade of the United States* in the *Monthly Summary of Commerce and Finance of the United States* (Bureau of Statistics, Treasury Department), January, 1900, pp. 1957-2075. This is a statistical study of the grain trade of the United States including tables on the world's wheat supply and trade.

<sup>3</sup> *Annual Report on the Internal Commerce of the United States*, 1887, p. 223.

The introduction of the barge tow-boat system revolutionized the river traffic which for a time gave promise of turning the tide of western trade — hitherto diverted in ever increasing volume to the eastward — back towards the Gulf of Mexico. This statement is supported by contemporary discussions of the advantages of the barge system in the transportation of western grain and of the probable effect of this system on the movement of grain from the surplus cereal producing regions to the seaboard.<sup>4</sup>

*The Merchants' Magazine and Commercial Review* for September, 1868, in an editorial on *The Barge System on the Western Rivers* presented the following typical review of the period:

The inadequacy of the present means of outlet for Western produce to the seaboard, other than the channel of the Mississippi, is universally acknowledged. For the sake of cheapness, vast quantities of produce must take the river and gulf route, or not go to market at all. Notwithstanding the objections which exist, and are universally entertained, to that route, its trade is rapidly increasing from the very necessity of the case. Within the last three years it has received so great an impetus, that improvements in the facilities for transferring produce from vessel to vessel, and for towing it upon the water, have become indispensable. The barge system has accordingly been substituted for the old one of placing the produce on large steamboats. Steam tugs of immense strength are employed. They carry no freight. They are simply the motive power. They save delay by taking fuel for the round trip. Landing only at the large cities, they stop barely long enough to attach a loaded barge. By this economy of time and steady movement, they equal the speed of steamboats. The Mohawk made its first trip from St. Louis to New Orleans in six days, with ten barges in tow. The management of the barges is precisely like that of freight cars. The barges are loaded in the absence of the steam tug. The tug arrives, leaves a train of barges, takes another and proceeds. The tug itself

<sup>4</sup> Merk's *Economic History of Wisconsin during the Civil War Decade*, p. 351. This is Volume I of the *Studies* published by the State Historical Society of Wisconsin.

is always at work. It does not lie at the levees while the barges are unloading. Its largest stoppage is made for fuel. The power of these boats is enormous. The tugs plying on the Minnesota River sometimes tow 30,000 bushels of wheat apiece. The freight of a single trip would fill 85 railroad cars. Steamboats are obliged to remain in port two or three days for the shipment of freight. The heavy expense which this delay and the necessity of large crews involve, is a grave objection to the old system of transportation. The service of the steam tug requires but few men, and the cost of running is relatively low. . . .

The Mississippi Valley Transportation Company has 5 tow-boats and 37 barges. They are crowded with business. They handle as much as 11,000 tons of freight in a week. The business is rapidly and largely developing. The barge system will soon supersede all other methods of transportation on western waters. An indispensable adjunct of it is the steam elevator for transferring grain from vessel to vessel in bulk. The St. Louis elevator cost \$450,000 and has a capacity of 1,250,000 bushels. It is able to handle 100,000 bushels a day. It began to receive grain in October 1865. Before the 1st of January, 1866, its receipts amounted to 600,000 bushels, 200,000 of which were brought directly from Chicago. The local receipts at the elevator in 1866 were 1,376,700 bushels. Grain can now be shipped by way of St. Louis and New Orleans to New York and Europe 20 cents a bushel cheaper than it can be carried to the Atlantic by the other existing routes.<sup>5</sup> H

The *Annual Report of the New York Produce Exchange* for 1872-1873 further recognized and emphasized the possibilities of the barge system in the transportation of western grain in the following terms:

It is claimed by the city of New Orleans that the Mississippi river is the great natural water highway for the products of the West and Northwest to seaboard and foreign markets. This claim is also sustained by St. Louis and other cities on that river. To regain the trade of the Northwest lost to that route during the war, New Orleans is cooperating with St. Louis to turn the tide of Western

<sup>5</sup> *The Merchants' Magazine and Commercial Review*, Vol. LIX, September, 1868, pp. 172-174. H

H trade back again towards the Gulf of Mexico. In the furtherance of this object, grain elevators have been erected at St. Louis and New Orleans for handling grain in bulk, which has for a long period heretofore been altogether in sacks, and is in part handled in sacks at the present time. The system of barge transportation has also come into practical use on that river. . . .

These barges have unmistakable advantages over steamboats. In case of fire they can be cut adrift from each other, and the fire confined to the narrowest limits. Their greater safety secures a lower rate of insurance. The barges are strong and staunchly built, and have water-tight compartments for the carriage of bulk grain. The transportation of grain from St. Paul to New Orleans by the barges, two thousand miles, costs no more than the freightage by rail from that place to Chicago or Milwaukee. Grain at St. Paul placed on board of barges, is not handled again till it reaches New Orleans, when it will be transferred by steam to the vessel which is to convey it to New York or Europe.

This . . . . new method of transportation, bids fair to revolutionize the carrying trade on the Western rivers. It will greatly diminish the cost, and will have a tendency to largely augment the commerce of the Mississippi river, by its probable reduction in the cost of transportation. It is claimed that this improvement will turn the tide of the trade of the North Western States to New Orleans and the Gulf of Mexico. A part of the plan includes the construction of iron barges, which will give greater carrying capacity, and in fresh water, if kept well painted, will last for a century.<sup>6</sup>

H Companies were formed to carry on an organized competition with the railroads, the ultimate outcome of which, however, was the triumph of the railroads. The packets soon carried the grain only to the railway terminals instead of the entire distance to New Orleans — a practice which had been inaugurated by the blockade of the Mississippi during the war. Finally, in the seventies, even the local trade of the boats was won by their rivals; while the barges

H <sup>6</sup> *Annual Report of the New York Produce Exchange, 1872-1873*, pp. 250-252.

and their service to the grain trade declined. Although the river continued to exert an indirect influence on this trade by acting as a threatening regulator of rates, its disadvantages, among which may be mentioned the uncertainty of river navigation during the summer months, the speedy and safe transportation afforded by the eastern railroads, and the superiority of New York as an exporting and importing center, were too fundamental to enable it to withstand the comparative advantages of the railroads.<sup>7</sup>

The Great Lakes constituted a natural inland water route for the transportation of western grain and flour from the upper to the lower lake ports. The lake marine consisted of sailing and steam-driven vessels. The sailing vessels included schooners and other common types classified according to their rigging, as barks, brigs, or sloops. They were used in the transportation of exceptionally bulky freight such as lumber, corn, wheat, ore, and salt. By the close of the century, these vessels had disappeared almost entirely from the lakes, being superseded by steam-driven vessels which meanwhile had made their rapid entry and soon dominated the lake traffic. The steam-driven vessels included three distinct types: tugs, side-wheel steamers, and propellers. Tugs were employed, as they are at the present time, chiefly for canal and harbor traffic. The side-wheel steamers were the passenger carriers of the Great Lakes, though like the Mississippi River steamboats, they also carried freight, particularly wheat, flour, and merchandise. Propellers gradually took the place of the side-wheel steamers in the development of the lake marine. They were built primarily for the transportation of freight. A specialized form of propeller was the steam barge which

<sup>7</sup> For a review of the Mississippi River trade and shipping during this period, see the *Annual Report on the Internal Commerce of the United States*, 1887, pp. 223-300, 1891, pp. xlv-lxi, and Appendix No. 2.

was used exclusively for freight traffic. Significant also in the growth of the lake marine was the rapid increase in the number and carrying capacity of these vessels. In 1856, the largest vessel afloat on the Great Lakes had a grain capacity of not to exceed 33,000 bushels. In 1873, steam barges frequently left Chicago and Milwaukee with from 55,000 to 60,000 bushels of wheat in their holds and like amounts in the holds of one or two tows.<sup>8</sup> The introduction of the iron steam vessel on the lakes in the sixties and seventies and the rapid increase in the number of these vessels in the eighties to supplement the earlier or wooden type was accompanied by an increase in carrying capacity, some idea of which may be gained from the fact that the iron steam propeller, the *E. C. Pope*, in 1891 transported from Chicago to Buffalo 125,990 bushels of corn — the largest cargo of grain that had been carried on the lakes up to this time.<sup>9</sup> The movement of grain on the lakes, as shown by the receipts of the various lake ports, amounted in 1890 to 26,930,000 bushels of wheat, 922,000 barrels of flour, 59,858,000 bushels of corn, 18,873,000 bushels of oats, and 5,775,000 bushels of barley.<sup>10</sup> Finally, it should be mentioned that many of the leading lines of steamers which composed a considerable portion of the Great Lakes<sup>11</sup> fleet were operated in connection with leading railroad lines. These railroads had extensive wharves and warehouses at many of the prominent lake ports. In this manner were

<sup>8</sup> Merk's *Economic History of Wisconsin during the Civil War Decade*, pp. 374-378. This is Vol. I of the *Studies* published by the State Historical Society of Wisconsin.

<sup>9</sup> *Annual Report of the Internal Commerce of the United States*, 1891, p. xviii.

<sup>10</sup> *Annual Report on the Internal Commerce of the United States*, 1891, p. xxvi.

<sup>11</sup> For a review of the commerce and shipping of the Great Lakes during this period, see Tunell's *Lake Commerce* in *House Miscellaneous Documents*,



combined the advantages of cheap transportation, rapid transit, and ready movement of large volumes of freight.

Buffalo was the leading terminus for the western grain and flour shipped eastward via the lake route for the eastern markets.<sup>12</sup> At this point there was the choice of three routes to the seaboard: (1) the Erie Canal and the Hudson River to New York City; (2) the Welland Canal and the St. Lawrence to Montreal; and (3) the New York Central Railroad to New York and Boston and the Erie Railroad to New York. The average lake and canal rates were always from three to five cents a bushel cheaper than the average lake and rail rates.<sup>13</sup>

Other canals tributary to the Great Lakes commercial highway which should be mentioned were the Ohio and Erie Canal from Portsmouth on the Ohio River to Cleveland on Lake Erie; the Wabash and Erie Canal connecting the Wabash River with Toledo on Lake Erie; the Miami and Erie Canal from Cincinnati to the Wabash and Erie Canal; the Illinois and Michigan Canal from the Illinois River to Chicago on Lake Michigan; and the Wisconsin and Fox Rivers Improvement from the Mississippi River to Green Bay, Wisconsin, on Lake Michigan.<sup>14</sup>

In 1860 there were 30,635 miles of railroads in the United States. This mileage was distributed about equally among the three great sections of the Union: the East, the South,

55th Congress, 2nd Session, Vol. LI, Doc. No. 277. See also *Annual Report on the Internal Commerce of the United States*, 1891, pp. v-xlv and Appendix No. 1. See also map showing freight traffic on the Great Lakes for the year 1890.

<sup>12</sup> See the *Annual Report on the Internal Commerce of the United States*, 1891, p. xxvi.

<sup>13</sup> *Annual Report of the New York Produce Exchange*, 1890-1891, p. 72.

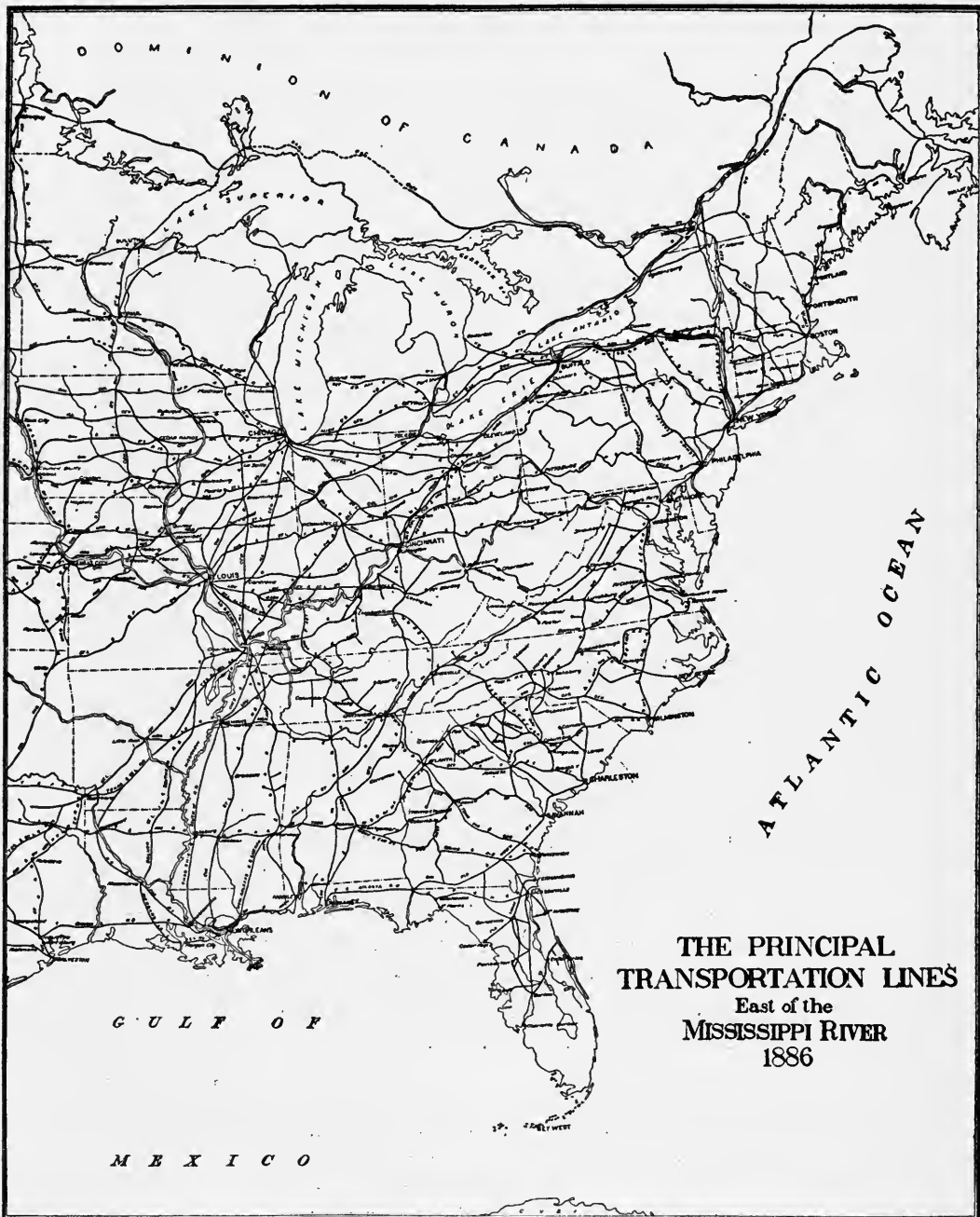
<sup>14</sup> For map showing canals and canalized rivers in the United States, see Meyer's *History of Transportation in the United States before 1860*, Plate 2, opposite page 654.

and the Middle West. The rate of construction progressed slowly during the war period, declining from 1837 miles in 1860 to 651 miles in 1861, then fluctuating until 1865 when railroad expansion was well under way again. The Burlington Railroad expanded from 168 miles in 1861 to over 400 miles in 1865. The Chicago and Northwestern bridged the Mississippi River in 1865. In 1869 the first transcontinental railroad, the Union Pacific, was completed. This was followed by the Southern Pacific in 1881, the Northern Pacific in 1884, and the Great Northern in 1893. Railway construction throughout the country was hastened at such a rapid rate that it was practically doubled every ten years, amounting in 1870 to 52,914 miles and in 1880 to 93,671 miles, and in 1890 to 166,706.<sup>15</sup> During this period the great trunk line railroads of to-day were formed, and the "fast-freight" lines were organized to handle the through freight business. They carried grain over the trunk line railroads in their own cars, marked by a distinctive color or emblem to designate the owning company. Sometimes one company would also own ships, docks, and elevators.<sup>16</sup>

The principal trunk line railroads connecting the North Central States with the Atlantic seaboard were: (1) the Canadian Grand Trunk; (2) the New York Central; (3) the Erie; (4) the Pennsylvania; (5) the Baltimore and Ohio;

<sup>15</sup> *Statistical Abstract of the United States*, 1893, pp. 272, 273; Ripley's *Railroads: Rates and Regulation*, pp. 16, 28; Fite's *Social and Industrial Conditions in the North during the Civil War*, p. 68, note 2.

<sup>16</sup> The Empire Transportation Company in 1876 owned 4500 cars and had contracts with 5793 miles of railroad for furnishing cars and engaging in the transportation of freight. Arrangements were also made by which the cars of this company were allowed to run over 18,575 miles of roads with which they had no special contract. This company also owned and operated 18 large steamers and sailing vessels on the lakes, plying between Erie, Pennsylvania, and western ports. In Erie it had two large grain elevators and extensive docks. In New York and Philadelphia it had ample accommodations for receiving and distributing freight.— See *Annual Report on the Internal Commerce of the United States*, 1876, pp. 15-19.



and (6) the Chesapeake and Ohio. These roads with their connections formed the through lines between the primary markets of the Middle West and the Atlantic ports. By 1876 the through lines which had been established from Chicago to the five leading Atlantic seaboard cities of Montreal, Boston, New York, Philadelphia, and Baltimore may be grouped as follows: (1) the All Rail Lines from Chicago to Atlantic Ports; and (2) the Water and Rail and the All Water Lines from Chicago to Atlantic Ports.<sup>17</sup>

*The All Rail Lines from Chicago to Atlantic Ports.—*

H The Michigan Central Railroad ran from Chicago to Detroit Junction near Detroit, Michigan, connected at that point with the Grand Trunk Railway of Canada, crossed the Detroit River by ferry at Port Huron, thence to Montreal and Portland by an unbroken line. This line also connected at Prescott, Canada, and Ogdensburg, New York, with the Vermont Central Railroad for all points in New England west of Maine. It had an independent connection to Buffalo, New York, connecting there with the New York Central, the Erie and Buffalo, and the New York and Philadelphia lines. The Grand Trunk line, although running its cars from Chicago over the Michigan Central Railroad, managed its business largely as an independent line, and to some extent made its own rates to all Canadian and New England points. It did not make much effort to secure New York or Philadelphia business; but it did some New York business via the New England roads and Ogdensburg.

The Michigan Central Railroad crossed the river at Detroit and connected there with the Great Western Railway of Canada for Suspension Bridge, connecting there with

<sup>17</sup> See the accompanying map showing the principal transportation routes east of the Mississippi River in 1886. This is a reproduction of the map accompanying the *Annual Report on the Internal Commerce of the United States* for the year 1886. The steamship lines have been omitted.

the New York Central for New England points and New York and with the Erie Railroad for New York and Philadelphia via the Lehigh Valley Railroad from Waverly. This line carried a large amount of western traffic to Boston and New England, and a considerable amount also for New York and Philadelphia.

The Michigan Central Railroad extended to Detroit, thence via Amherstburg to the Canada Southern Railway and by this line to Buffalo, connecting there mainly with the New York Central, but incidentally also with the other lines centering at Buffalo.

The Lake Shore and Michigan Southern Railroad furnished transportation from Chicago to Buffalo and thence via the New York Central and its connections. This line was operated largely in the interest of the New York Central; but it made through connections and through rates via other roads connecting with this line as follows: at Detroit, with the Grand Trunk line; at Cleveland, with the Cleveland and Pittsburgh and other roads; at Erie, with the Philadelphia and Erie; and at Dunkirk and Buffalo with the Erie Railway. A special freight line was also operated between Chicago and New England points via the Hoosac Tunnel and the Fitchburgh Railroad, leaving the New York Central at Troy, New York.

The Pittsburgh, Fort Wayne, and Chicago Railroad extended from Chicago to Pittsburgh and thence by way of the Pennsylvania Central to Philadelphia, New York, Baltimore, or Washington.

The Pittsburgh, Cincinnati, and St. Louis Railway connected Chicago with Columbus, Ohio, via Logansport, Indiana, and was continued thence to Pittsburgh, connecting there with the Pennsylvania Central Railroad. This line was a part of the Pennsylvania system to which the Pittsburgh, Fort Wayne, and Chicago belonged; although the

business of these two lines was handled separately. It carried a considerable amount of traffic to New York by way of the Erie and Pacific Dispatch fast-freight line over the Atlantic and Great Western and the Erie railroads.

H The Baltimore and Ohio Railroad from Chicago to Baltimore and Washington connected at Baltimore with the Philadelphia, Wilmington, and Baltimore Railroad for Philadelphia and thence to New York by the Pennsylvania Railroad. This road was the only line having a continuous and unbroken management between Chicago and the seaboard. It also had a more direct route to New York, operated on the Erie and Chicago line, connecting at Shelby Junction, Ohio, with the Cleveland, Columbus, Cincinnati, and Indianapolis Railway, and thence via Cleveland and the Atlantic and Great Western Railway to Salamanca, connecting there with the Erie Railway for New York.

*The Water and Rail and the All Water Lines from Chicago to Atlantic Ports.*—The Northern Transportation Company operated a steam propeller from Chicago to Ogdensburg, thence by the Vermont Railroad to all New England points, making through rates usually a little lower than the rates by all rail transportation to the same points.

H The Chicago, Sarnia, and Grand Trunk Line furnished steam propellers from Chicago to Port Sarnia, Canada, thence by the Grand Trunk Railway to all points in Canada and New England, and also via Buffalo to New York. This line also connected at Prescott and Ogdensburg with the Vermont Central and other New England roads and by the main line reached Portland direct.

The Western Transportation Company operated steam propellers from Chicago to Buffalo, thence by the New York Central Railroad to New England via Albany, and to New York direct.

The Union Steamboat Company ran steam propellers from Chicago to Buffalo, thence by the Erie Railway to New York, and via Waverly and the Lehigh Valley Railroad to Philadelphia.

The Anchor Line furnished steam propellers to Erie, Pennsylvania, thence by the Philadelphia and Erie and the Pennsylvania Central to Philadelphia, and to Baltimore via Harrisburg with some traffic for New York via Philadelphia.

Sailing vessels and steam propellers frequently towed from one to three large barges from Chicago to all points on the lakes and to Montreal via the Welland Canal and the St. Lawrence River. Connections were made at Collingwood, Goderich, and Port Sarnia, Canada, and at Erie, Pennsylvania, Buffalo and Ogdensburg, New York, with railway lines for all eastern points. In some cases through rates were made, but as a general rule freight rates were made only to the eastern terminus of the lake route. Vessels also connected at Buffalo and Oswego, New York, with the Erie Canal, and at Kingston, Canada, with lines of barges via the St. Lawrence River for Montreal, and thence by steamers and sailing vessels for Europe.<sup>18</sup>

The principal railroads from St. Louis to the East were: (1) the Chicago and Alton main line from St. Louis to Chicago; (2) the eastern division of the Wabash, St. Louis, and Pacific from St. Louis to Toledo; (3) the Indianapolis and St. Louis from St. Louis to Indianapolis; (4) the St. Louis, Vandalia, Terre Haute, and Indianapolis from St. Louis to Terre Haute; and (5) the Ohio and Mississippi from St. Louis to Cincinnati. These lines made connections

<sup>18</sup> This description of the principal transportation routes between Chicago and the five leading Atlantic ports is taken from the *Annual Report on the Internal Commerce of the United States*, 1876, Appendix No. 4, pp. 83-85. See also maps 1 to 7 inclusive, showing the trunk line railroads and connections between the Middle West and the Atlantic Coast.

with all the great eastern roads to Boston, New York, Philadelphia, and Baltimore.<sup>19</sup>

The principal trunk line railroads connecting the North Central States with the Gulf ports were: (1) the St. Louis, Iron Mountain, and Southern Railroad, with its connecting lines from St. Louis to Houston and Galveston; (2) the Missouri, Kansas, and Texas Railroad, with its connecting lines from Hannibal and St. Louis to Dallas, Houston, and Galveston; (3) the Chicago, St. Louis, and New Orleans Railroad from Cairo, Illinois, to New Orleans; (4) the Mobile and Ohio Railroad from Columbus, Kentucky, to Mobile; (5) the Louisville and Nashville Railroad from Louisville to Nashville, with its various branches and connecting roads to Southern Atlantic and Gulf ports; and (6) the Cincinnati and Southern Railroad from Cincinnati to Chattanooga, making connections at that point by way of Atlanta with Charleston and Savannah and by way of Birmingham with New Orleans and Mobile.<sup>20</sup>

H The rapid development of the trunk line railroads with their connecting lines which characterized the period from 1860 to 1890 was accompanied by great improvements in rail transportation among which may be mentioned: (1) the reduction of grades and curves; (2) improved drainage and ballasting; (3) better bridges; (4) the introduction of steel rails; (5) the improvement of rolling stock; (6) the adoption of uniform gauges; (7) the consolidation of connecting roads into through lines; (8) the construction of terminal facilities, including tracks, elevators, and ware-

<sup>19</sup> *Annual Report on the Internal Commerce of the United States, 1876*, Appendix No. 13, pp. 149, 152, 153.

<sup>20</sup> *Annual Report on the Internal Commerce of the United States, 1876*, p. 13. See also maps 8 to 13 inclusive. The Cincinnati and Southern Railroad was completed in 1880. For a brief discussion of the construction and advantages of this road, see the *Annual Report on the Internal Commerce of the United States, 1876*, Appendix, pp. 123-126, 1880, pp. 91-96.



houses; and (9) scientific rate-making. These improvements, in addition to the advantages afforded by rapid transit and reduced risks, tended to accentuate the importance of the railroads as the chief agencies for the transportation of the surplus grain and flour from the primary markets of the Middle West to the Atlantic and Gulf seaports.<sup>21</sup> With these fundamental considerations in mind, attention will now be given to the development of the primary grain markets of the Middle West.

#### THE PRIMARY GRAIN MARKETS OF THE MIDDLE WEST

The history of the internal grain trade of the United States is centered largely in the great primary grain markets of the Middle West. "The primary grain markets are those railway centers into which the grain of the surplus State is concentrated in the first stage of its movement after leaving the producer."<sup>22</sup> In 1860 the principal primary grain markets were Chicago, Milwaukee, Toledo, St. Louis, and Cincinnati. The westward movement of the center of cereal production and the rapid increase in the volume of production brought other cities into prominence as market centers for the distribution of western grain. Foremost among these cities were Minneapolis, Duluth-Superior, Kansas City, Peoria, and Detroit. By 1890 there were ten great primary grain markets<sup>23</sup> which served as the concentrating and distributing centers for the great bulk of the surplus western grain and flour which were shipped to domestic markets in the East and South for home consump-

<sup>21</sup> *Eighth Census of the United States, 1860, Agriculture*, pp. clxiv-clxix. This gives a summary of the influence of the railroads on the agricultural development of the Middle West.

<sup>22</sup> *Distribution of Farm Products*, p. 45, in *Report of the Industrial Commission*, Vol. VI.

<sup>23</sup> In 1880, the total eastern and southern shipments of grain and flour amounted to 400,000,000 bushels. Of this amount 320,000,000 or eighty per

tion and to the seaports for exportation to foreign countries.

Several factors of fundamental significance should be emphasized in a study of the development of the primary grain markets. These are: (1) the geographic location of these markets; (2) the relation of the railway system to the area of surplus production; and (3) the trunk-line railroads and water routes with their connections between the primary markets and the Atlantic and Gulf cities.

Chicago, Milwaukee, Duluth-Superior, Toledo, and Detroit are located on the western heads of the Great Lakes. Cincinnati, St. Louis, Minneapolis, and Kansas City are located on the Ohio-Mississippi-Missouri River system. Peoria is the only city in the list not situated on one of the great interior waterways. The ten leading primary grain markets taken together are located on the circumference of an irregular circle enclosing the greatest cereal kingdom in the world. Inside this circle there are thousands of shipping points from which the grain is gathered into those centers of concentration and distribution.

From each of these great centers into which the crop is first collected there radiates a fan-shaped network of railroads with the primary market at the apex or hinge of the fan. These railroads all reach out into three general directions — westward, southward, and northward. The whole movement of grain from the farm to the primary market follows these general lines of concentration from the West, the North, and the South, within the area of the twelve surplus grain States which constitute the North Central region.

cent was marketed at the seven primary grain centers of Chicago, Milwaukee, Duluth, St. Louis, Toledo, Detroit, and Peoria; while only 80,000,000 bushels or twenty per cent was shipped direct from the surplus grain States to the Atlantic and Gulf seaboards.— *Annual Report on the Internal Commerce of the United States*, 1880, p. 41.

These primary markets are the strategic points through which the distributive interests on the Atlantic Coast, on the Gulf of Mexico, on the Great Lakes, and on the St. Lawrence River, compete for the grain traffic which for many years has amounted to hundreds of millions of bushels a year. The struggle for the control of the grain trade by the eastern roads has been all the more active within the circle of the primary markets because of the fact that the control of this traffic by one road or the other determines the direction by which the grain reaches the seaboard and thence the markets of Europe.<sup>24</sup>

These factors all combined to make Chicago the foremost primary grain market in the United States — a distinction which this city had already achieved by 1860 and which it has since continued to hold. Chicago occupied a position of strategic commercial importance on the lower end of Lake Michigan and it enjoyed the advantage of being the greatest railway center in the world. It was the converging point of the great network of railroads which was spread so rapidly over the Middle West during this period. These railroads radiated out from Chicago in all directions — eastward, southward, westward, and northward. The principal lines extending to the westward, northwestward, and southwestward into the great surplus grain areas were: (1) the Chicago, Milwaukee, and St. Paul Railroad, extending into Wisconsin, Northern Michigan, Minnesota, Iowa, and into the Territory of Dakota; (2) the Chicago and Northwestern Railroad, with its various connections, extending into Wisconsin, Northern Michigan, Minnesota, and Iowa, and into the Territory of Dakota; (3) the Chicago, Rock Island, and Pacific Railroad, with its lines extending through the States of Illinois and Iowa and into the State of Missouri; (4) the

<sup>24</sup> *Distribution of Farm Products*, pp. 45, 46, in *Report of the Industrial Commission*, Vol. VI.

Chicago, Burlington, and Quincy Railroad, with its lines extending through the States of Illinois and Iowa and into the States of Missouri and Nebraska; (5) the Chicago and Alton Railroad, with its lines extending across the States of Illinois and Missouri; and (6) the Wabash, St. Louis, and Pacific Railroad, with its lines extending through the States of Illinois and Missouri and into the States of Iowa and Nebraska.<sup>25</sup>

The geographical range of Chicago as a primary grain market included the States of Illinois, Wisconsin, Northern Michigan, Iowa, Northern Missouri, Kansas, Nebraska, Colorado, the Territory of Dakota, and the other Territories as far west as the States of California and Oregon. Within this territory, however, Chicago came into competition with other primary grain markets. Milwaukee was a competing rival for the grain trade of Minnesota, Wisconsin, and Northern Michigan; while St. Louis was a competitor for the grain trade of Southern Iowa, Northern Missouri, Southern Nebraska, Kansas, Indian Territory, Colorado, and New Mexico. New York and other Atlantic

<sup>25</sup> *Annual Report on the Internal Commerce of the United States, 1880*, p. 104. Some of these roads also formed connections with the Union and Central Pacific railroads and with the Atchison, Topeka, and Santa Fe Railroad. The latter road established connections with the Southern Pacific Railroad, thus forming another transcontinental line to the Pacific Coast and passing through the rich but undeveloped grazing, arable, and mining regions of Colorado, New Mexico, Arizona, and Southern California. With the completion of the Northern Pacific Railroad, the more northerly lines tributary to Chicago formed direct connections over that road with the Territories of Montana, Idaho, and Washington, and the State of Oregon, as well as with the provinces of Manitoba and British Columbia.—*Annual Report on the Internal Commerce of the United States, 1880*, pp. 104, 105. In order to develop the trade with the trans-Mississippi Middle West and the region beyond, thirteen railroad bridges had been constructed over the Mississippi River between St. Paul and St. Louis over each one of which there was carried a traffic which was many times greater both in value and volume than that which was floated on the river below them.—*Annual Report on the Internal Commerce of the United States, 1887*, pp. 19–29.

ports, New Orleans, and San Francisco were also direct competitors of Chicago for the surplus grain of the Middle West.<sup>26</sup> But Chicago nevertheless possessed the natural and acquired advantages<sup>27</sup> which enabled it to secure and maintain the ascendancy over rival commercial centers as the leading primary market for the grain and flour which was shipped in from an immensely extended tributary territory.

The Chicago primary grain market was developed with marvellous rapidity. This is shown by a review of the flour and grain receipts of this city by ten-year periods from 1860 to 1890 as shown in Tables I to IV. In 1860 the total grain and flour receipts amounted to 37,235,000 bushels, consisting of 713,000 barrels of flour, 14,927,000 bushels of wheat, 15,862,000 bushels of corn, 2,199,000 bushels of oats, 618,000 bushels of barley, and 319,000 bushels of rye. In 1870, the total grain and flour receipts were increased to 61,316,000 bushels, consisting of 1,766,000 barrels of flour, 17,394,000 bushels of wheat, 20,190,000 bushels of corn, 10,472,000 bushels of oats, 3,336,000 bushels of barley, and 1,093,000 bushels of rye. In 1880, the total grain and flour

<sup>26</sup> *Annual Report on the Internal Commerce of the United States*, 1880, p. 105. See also map showing territorial competition among primary markets for the surplus grain of the North Central States west of Chicago in the late nineties in *Distribution of Agricultural Products*, opposite page 47, in *Report of the Industrial Commission*, Vol. VI. Explanations of the map are given on page 47 of this report. H

<sup>27</sup> Among the natural and acquired advantages which determine the relative importance of the leading commercial centers of the country may be mentioned "geographical position, accessibility to the products of the soil, the forest, and of the mine, the facilities for transportation afforded both on natural and on artificial highways of commerce, climatic influence, the amount of capital available in commercial enterprises, the habits and tastes of the people who sustain to its commercial activities the relationship of customers, the combined energy, tact, and enterprise of its merchants and other business men, and the extent to which they are able to unite their efforts in enterprises conducive to the general prosperity."—*Annual Report on the Internal Commerce of the United States*, 1880, p. 70.

receipts were further increased to 165,855,000 bushels, consisting of 3,215,000 barrels of flour, 23,542,000 bushels of wheat, 97,273,000 bushels of corn, 23,491,000 bushels of oats, 5,212,000 bushels of barley, and 1,869,000 bushels of rye. In 1890 the total grain and flour receipts amounted to 223,320,000 bushels, or nearly six times the receipts of 1860. The flour receipts amounted to 4,358,000 barrels, or more than six times the receipts of 1860. The wheat receipts amounted to 14,249,000 bushels, or a little less than the receipts of 1860; although the receipts for some of the intervening five-year periods had risen to nearly double the receipts of 1860. The decline in wheat receipts after 1880 was due to the northwestward movement of the surplus production area and the rising importance of Minneapolis and Duluth-Superior as primary wheat and flour markets. The corn receipts amounted to 91,388,000 bushels, or nearly six times the receipts of 1860. The oat receipts amounted to 75,150,000 bushels, which represented thirty-five times the receipts of 1860 and double the receipts of 1885. The barley receipts amounted to 19,401,000 bushels, or over thirty times the receipts of 1860. The rye receipts amounted to 3,521,000 bushels, which represented eleven times the receipts for 1860.<sup>28</sup>

The pouring of such a great volume of grain into Chicago made necessary the building of adequate terminal facilities:

<sup>28</sup> *Annual Report of the Trade and Commerce of Chicago*, 1910, pp. 18, 19; *Annual Report of the New York Produce Exchange*, 1890-1891, pp. 21-23. A barrel of flour made by the "old process" was estimated to be equivalent to five bushels of wheat; while a barrel of flour manufactured by the "new" or "roller process" which was introduced in the late seventies and early eighties was estimated to be equivalent to four and one-half bushels of wheat. The New York Produce Exchange adopted the change in its annual report for 1879. Other commercial bodies adopted the change soon after.—See the *Annual Report on the Internal Commerce of the United States*, 1882, Appendix No. 13, p. 210. Also the *Monthly Summary of Commerce and Finance of the United States* (Bureau of Statistics, Treasury Department), January, 1900, p. 2006, note.

tracks, bridges, docks, elevators, and warehouses, which the commercial interests of this city were ready to provide. The rise of the modern grain elevator system is one of the characteristic features of the internal grain trade of this period. H

The following interesting description of this system for handling and storing grain in Chicago and other primary market centers is given by a contemporary :

Elevators, as now constructed, belong to two classes: those which are simply for transferring and weighing grain ("elevating"), and may be fixed upon land or are more often floating, and elevators which store as well as transfer grain. . . . The transfer elevators, as their name signifies, are for the mere transfer of grain from vessel to vessel, from cars to vessel, or from vessel to cars, weighing the grain as well as moving it. Many of these are floating elevators, which is the only kind used at New Orleans, where, from the methods of shipment, the fluctuations in the river level, and other causes, they are most convenient; but at most places of shipment, where large quantities of grain are often stored for considerable periods, as at Chicago, Detroit, Buffalo, and the seaports, they are usually situated on the shore, and do their work with marvelous rapidity and efficiency. The grain is automatically taken from the hold of the vessel, or from the car, as the case may be, is weighed automatically with such precision that when weighing 100 bushels at a time the scales readily turn to a single pound and in practice weigh to within two pounds, and is then transferred by spouts to other vessels or cars. By a system of steam shovels, worked by an ingenious arrangement of ropes and pulleys, the grain in the hold of the vessel or car being unloaded is hauled to the mouth of the elevator by steam-power. H

The more common form of elevator is calculated to store as well as transfer grain. They frequently have a storage capacity of over a half a million bushels, some over a million, and a few have a reported capacity of two millions or over. The larger are enormous buildings, a hundred or more feet wide, three hundred or more feet long, and one hundred and fifty or more feet high, and are the most striking structures which greet the traveler's eye in approach. H

ing the greater grain marts of the country. The building is divided into bins, ten to twenty feet square, and fifty feet or more deep, of various capacities, made of stout lumber, and strengthened with transverse iron rods. All the larger elevators are each built to accommodate a train of cars at a time, or several vessels, if they have to do with vessels. At the larger establishments, such as are seen at Chicago, New York, and Baltimore, large steam-engines are used, sometimes as high as six or seven hundred horse-power, which, by means of suitable machinery, "elevate" the grain to the upper stories, where it is weighed, and is then distributed to the bins. Huge steam shovels, worked by ropes and pulleys and manipulated by a man in the car (if they are unloading cars), are so effective that in the more complete establishments a train of cars is run in and the grain removed and elevated at the rate of a car-load per minute for the actual unloading. Such great rapidity, however, is exceptional, but two hundred and fifty to three hundred cars, carrying 100,000 to 120,000 bushels of grain, are sometimes unloaded in a single day, and steamers, with convenient hatches, will reach the elevator, receive on board a freight of 80,000 to 90,000 bushels, and leave the same day. A suitable vessel on the lakes is loaded with 60,000 or 80,000 bushels in eight hours, and canal-boats at Buffalo of 8,000 bushels' capacity are sometimes loaded in an hour or less time. It is only by means of such appliances that such enormous shipments of grain take place in short periods as sometimes happens under particular conditions of the market, as, for instance, when 13,600,000 bushels of grain were shipped from a single port for Europe in the month of August, 1880.

The cost of this handling or transfer varies with the season of the year and with the condition of the markets. It may be half a cent per bushel, or even less, including ten days' storage; it generally is less than one cent per bushel, but it may run up to two cents, or even more, under special conditions of the market.

At various points, particularly at Buffalo and Chicago, some of the elevators are provided with arrangements for rapidly drying grain that arrives in too moist a condition, and this frequently is the means of saving from injury large amounts that have been shipped in an unsuitable condition.<sup>29</sup>

<sup>29</sup> Brewer's *Report on the Cereal Production of the United States*, pp. 154, 155, in the *Tenth Census of the United States*, 1880, Vol. III. See also *Annual Report of the New York Produce Exchange*, 1873-1874, p. 508.



Two advantages were afforded by the trade interests of Chicago to the farmers of the Middle West in the marketing of grain — capital and storage facilities, and price uniformity. H

A large part of the grain crop of the Middle West was marketed soon after it was harvested. This was due in part to the necessity of realizing the proceeds of such crops as soon as possible, and in part to the fact that, during the autumn months, farmers had the leisure for hauling their surplus products to the railroad depots, the wagon roads at that season of the year being usually in a good condition. The movement of the crop from the points of production towards the points of concentration and distribution was therefore quite irregular; hence there arose the necessity for the offices of capital and for the great trade reservoirs at which grain might be held in order to meet the demands for consumption throughout the year. The capital, the granaries, and the warehouses of Chicago supplied these needs.

In the competitive struggle between operators, prices were determined by the possible future relations between supply and demand, rather than by the supply in the market at any given time. Thus the legitimate speculative elements of a great trade center tended toward securing uniformity in prices, while at the same time serving the interests of those engaged in agricultural production. Chicago further afforded this advantage to the farmer.<sup>30</sup>

St. Louis also occupied a strategic position in the competitive struggle for the western grain traffic. Situated in the midst of the greatest agricultural empire in the world and at the junction of the two great river systems — the Mississippi and the Missouri — this city was destined to

<sup>30</sup> *Annual Report on the Internal Commerce of the United States, 1879*, p. 42.

become a great primary flour and grain market. Before the introduction of railway transportation, St. Louis grain and flour receipts were brought in chiefly by way of the Mississippi, Missouri, and Illinois rivers; while the shipments of these commodities were sent out largely by way of the Mississippi River to local river points for consumption in the southern States and to New Orleans for trans-shipment to the Atlantic seaboard for consumption in the eastern States or for export to the western countries of Europe. In 1856 St. Louis was connected by rail with the Atlantic seaboard and a new era in the commercial history of this city was opened. The St. Louis trade in grain and flour was still for a time carried on largely by way of the Mississippi River; while the railroads were regarded merely as tributaries to the rivers. The rapid extension of the railroads into the Central West and the construction of adequate terminal facilities for the handling of grain effected a revolution in the commercial development of St. Louis which now became a railroad center surpassed only by Chicago and Toledo among the commercial centers of the Middle West. By 1882, nineteen railroads entered St. Louis: eight lines entering the city from the territory west of the Mississippi and eleven lines from the territory east of the river. The geographical range of St. Louis became widely extended, as shown by the fact that in 1882 the grain receipts were reported as coming from Texas, Arkansas, Indian Territory, Tennessee, Kentucky, Ohio, Indiana, Illinois, Minnesota, Iowa, Kansas, Nebraska, and Missouri. The grain receipts came chiefly, however, from the States of Missouri, Kansas, Nebraska, Iowa, and Illinois.<sup>31</sup>

The rapid growth of the St. Louis primary grain and flour market is shown by a review of the flour and grain

<sup>31</sup> *Annual Report on the Internal Commerce of the United States, 1882*, pp. 32, 42, and Appendix No. 1.

receipts of this city by ten-year periods from 1860 to 1890. In 1860 the total flour and grain receipts of St. Louis amounted to 12,221,000 bushels consisting of 443,000 barrels of flour, 3,556,000 bushels of wheat, 4,210,000 bushels of corn, 1,789,000 bushels of oats, 291,000 bushels of barley, and 159,000 bushels of rye. In 1870 the total grain and flour receipts amounted to 24,314,000 bushels, consisting of 1,492,000 barrels of flour, 6,618,000 bushels of wheat, 4,709,000 bushels of corn, 4,520,000 bushels of oats, 799,000 bushels of barley, and 211,000 bushels of rye. In 1880, the total grain and flour receipts amounted to 59,626,000 bushels, consisting of 1,704,000 barrels of flour, 21,022,000 bushels of wheat, 22,298,000 bushels of corn, 5,607,000 bushels of oats, 2,562,000 bushels of barley, and 469,000 bushels of rye. In 1890, the total grain and flour receipts had been increased to 77,795,000 bushels, or more than six times the total receipts of 1860. The flour receipts amounted to 1,230,000 barrels or nearly three times the receipts of 1860. The wheat receipts amounted to 11,731,000 bushels, which represented more than three times the receipts of 1860. The corn receipts amounted to 45,004,000 bushels, or nearly eleven times the receipts of 1860. The oat receipts amounted to 12,230,000 bushels or seven times the receipts of 1860. The barley receipts amounted to 2,795,000 bushels or nearly ten times the receipts of 1860. The rye receipts amounted to 501,000 bushels or more than three times the receipts of 1860.<sup>32</sup>

It was not until 1865 that St. Louis adopted the two agencies essential to her success as a primary grain market H

<sup>32</sup> These statistics are taken from tables in the *Eighth Census of the United States*, 1860, Agriculture, p. clvi; *Annual Report on the Internal Commerce of the United States*, 1882, Appendix, p. 253; and the *Monthly Summary of Commerce and Finance of the United States* (Bureau of Statistics, Treasury Department), January, 1900, pp. 2006, 2007; *Annual Report of the New York Produce Exchange*, 1873-1874, pp. 346-352, 1881, pp. 400-403.

— the elevator warehouses for the receipt, storage, and shipment of grain in bulk and the transportation of grain in bulk from St. Louis to New Orleans by the barge tow-boat system, which latter agency was accompanied by the establishment at New Orleans of a floating elevator for the transfer of grain from barges to sea-going vessels and the establishment of an elevator warehouse in 1868. St. Louis developed her elevator facilities rapidly in order to accommodate the growing volume of grain which was brought into the city. In 1882 St. Louis had eleven elevators with a storage capacity of 9,650,000 bushels of grain.<sup>33</sup>

H The rise of Minneapolis as a great primary grain market constitutes one of the most significant features of this period. The northwestward movement of the spring wheat area brought this city into direct line as the gate city between the Minnesota and Dakota wheat fields and the markets of the Atlantic Coast and of Western Europe. This position gave Minneapolis a strategic advantage as a grain market which was further strengthened by its immense H milling facilities, due originally to the possession of cheap water power. By 1880, Minneapolis had achieved sufficient importance to be listed among the leading primary grain markets of the Middle West. In that year, the total grain and flour receipts amounted to 10,879,000 bushels, consisting of 103,000 barrels of flour and 10,264,000 bushels of wheat. In 1885, the grain and flour receipts were increased to 34,168,000 bushels, consisting of 21,000 barrels of flour, 32,901,000 bushels of wheat, 389,000 bushels of corn, and 782,000 bushels of oats. Barley and rye receipts were too small to be reported. By 1890, the grain and flour receipts had been increased to 53,192,000 bushels, consisting of 70,000 barrels of flour, 45,272,000 bushels of wheat, 3,482,000

<sup>33</sup> *Annual Report on the Internal Commerce of the United States, 1882, p. 38, Appendix No. 1, p. 16.*

bushels of corn, 3,569,000 bushels of oats, 477,000 bushels of barley, and 76,000 bushels of rye.<sup>34</sup>

Minneapolis had now achieved the distinction of being the foremost primary wheat market in the world. As a corn market, however, this city was of minor importance for the reason that while the surplus spring wheat area had moved northwestward into Minnesota and the Dakotas the surplus corn area had moved directly westward and included the States of Ohio, Indiana, Illinois, Iowa, Missouri, Kansas, and Nebraska. The surplus corn was therefore more advantageously marketed at the primary grain centers located in this section of the Middle West.

Of fundamental importance in the development of Minneapolis as a primary grain market was the building of the Minneapolis, St. Paul, and Sault Ste. Marie Railway, commonly known as the "Soo" route. The advantages of this route were several. In the first place, it shortened the water route to the Atlantic ports by the whole length of Lake Michigan. Moreover, it avoided the frequent delays due to a congestion of the flour traffic at Chicago. Finally, it made favorable connections with the Canadian Pacific and other lines. These advantages were determining factors in favor of the adoption of the new route. In 1888, the year in which this railroad was completed, it transported 932,000 barrels of flour. In 1890, the flour shipments over the Soo route amounted to 1,157,000 barrels.<sup>35</sup>

Chicago, St. Louis, and Minneapolis have been selected as representative primary grain markets of three great sections of the Middle West. The limits of this study will permit but a brief consideration of the other seven grain

<sup>34</sup> *Annual Report of the New York Produce Exchange*, 1881, p. 406, 1890-1891, p. 21.

<sup>35</sup> *Monthly Summary of Commerce and Finance of the United States* (Bureau of Statistics, Treasury Department), January, 1900, p. 2010.

markets of Milwaukee, Toledo, Cincinnati, Kansas City, Duluth-Superior, Peoria, and Detroit.

Milwaukee was the chief competitor of Chicago for the grain trade of Wisconsin, Northern Iowa, and Minnesota. Situated about eighty-five miles north of Chicago on the western shore of Lake Michigan, this commercial center occupied a strategic position as a wheat market. Five railroads entered the city from the surplus grain territory west of Lake Michigan. These roads brought in a large and growing volume of wheat and flour which was shipped to the Atlantic seaboard by three routes: (1) an all-rail route eastward around the lower end of Lake Michigan via Chicago; (2) transit-lines across the lake to Grand Haven and thence eastward or southernbound by rail; and (3) the lake route which had the advantage of being nearer to the Atlantic seaboard than Chicago. The advantages of locality and transportation facilities, in short, enabled Milwaukee to enter the competitive struggle for the western grain and flour traffic, with the result that by 1860 this city had achieved the distinction of being one of the great primary grain markets of the Middle West.<sup>36</sup>

The Milwaukee grain and flour market showed a steady growth during the period under consideration. In 1860 the total grain and flour receipts of this city amounted to 11,102,000 bushels consisting of 305,000 barrels of flour, 9,108,000 bushels of wheat, 126,000 bushels of corn, 179,000 bushels of oats, 52,000 bushels of rye, and 110,000 bushels of barley. In 1870, the total grain and flour receipts amounted to 24,858,000 bushels, consisting of 825,000 barrels of flour, 18,884,000 bushels of wheat, 435,000 bushels of corn, 638,000 bushels of oats, 586,000 bushels of barley, and 191,000 bush-

<sup>36</sup> *Annual Report on the Internal Commerce of the United States*, 1882, Appendix No. 10. For a brief account of Milwaukee as a wheat market, see Thompson's *Rise and Decline of the Wheat Growing Industry in Wisconsin* (Bulletin of the University of Wisconsin, Economics and Political Science Series, Vol. V, 1909), Ch. VII.

els of rye. In 1880 the total grain and flour receipts amounted to 29,883,000 bushels, consisting of 2,392,000 barrels of flour, 10,920,000 bushels of wheat, 2,149,000 bushels of corn, 2,032,000 bushels of oats, 3,239,000 bushels of barley, and 779,000 bushels of rye. By 1890 the total grain and flour receipts had been increased to 35,739,000 bushels, or over three times the receipts of 1860. The flour receipts amounted to 2,401,000 barrels, or nearly eight times the receipts of 1860. The wheat receipts amounted to 8,046,000 bushels, or only a little less than the receipts of 1860. This represents a marked decline below the receipts of 1870 and 1880 which is to be explained by the rise of Minneapolis and Duluth as the great primary wheat and flour markets of the Northwest. The corn receipts amounted to 844,000 bushels, or nearly seven times the receipts of 1860. The oat receipts amounted to 3,905,000 bushels or nearly twenty-two times the receipts of 1860. The barley receipts amounted to 10,825,000 bushels, or nearly a hundred times the receipts of 1860. The rye receipts amounted to 1,312,000 bushels, or twenty-five times the receipts of 1860.<sup>37</sup>

East of Chicago was Toledo which held a strategic position in the competitive struggle for the surplus grain and flour traffic of the Middle West. Located at the western end of Lake Erie it enjoyed the advantage of shorter water and rail connections with the Atlantic seaboard than Chicago or Milwaukee or even Detroit. It was, moreover, an important railroad center. No less than twelve lines with their connections entered Toledo from the surplus grain areas; while fifteen competing roads connected the market with the Atlantic seaboard cities.<sup>38</sup>

<sup>37</sup> These statistics are taken from tables in the *Eighth Census of the United States*, 1860, Agriculture, p. c1; *Annual Report of the New York Produce Exchange*, 1873-1874, p. 348, 1881, p. 400, 1890-1891, p. 21; *Annual Report of the Milwaukee Chamber of Commerce*, 1920-1921, pp. 83, 88.

<sup>38</sup> *Annual Report on the Internal Commerce of the United States*, 1882, Appendix No. 12.

A review of the Toledo primary grain market during this period shows that in 1860 the total grain and flour receipts amounted to 14,505,000 bushels, consisting of 721,000 barrels of flour, 5,273,000 bushels of wheat, 5,334,000 bushels of corn, 138,000 bushels of oats, 36,000 bushels of rye, and 122,000 bushels of barley. In 1870, Toledo's grain and flour receipts were nearly doubled, amounting to 23,715,000 bushels and consisting of 1,296,000 barrels of flour, 6,881,000 bushels of wheat, 6,294,000 bushels of corn, 4,103,000 bushels of oats, 160,000 bushels of barley, and 94,000 bushels of rye. In 1880, the total grain and flour receipts were more than doubled, amounting to 59,070,000 bushels, and consisting of 803,000 barrels of flour, 28,970,000 bushels of wheat, 21,826,000 bushels of corn, 4,241,000 bushels of oats, 255,000 bushels of barley, and 167,000 bushels of rye. In 1890 Toledo's total grain and flour receipts were reduced by more than half to 27,690,000 bushels which, however, represented nearly two times the receipts of 1860. The flour receipts amounted to 950,000 barrels. The wheat receipts amounted to 5,776,000 bushels, which represented practically the same amount reported for 1860. The corn receipts amounted to 16,558,000 bushels, or three times the receipts of 1860. The oat receipts amounted to 870,000 bushels or five times the receipts for 1860. The barley receipts amounted to 48,000 bushels, or less than one-half the receipts of 1860. The rye receipts amounted to 163,000 bushels, or nearly five times the receipts of 1860. The territory from which Toledo drew her grain and flour receipts included the States of Ohio, Indiana, Illinois, Michigan, Iowa, Missouri, Kansas, and Nebraska.<sup>39</sup>

Cincinnati had by 1860 become the principal market for

<sup>39</sup> These statistics are taken from the *Eighth Census of the United States*, 1860, Agriculture, p. cxlix; *Annual Report of the New York Produce Exchange*, 1873-1874, p. 346, 1881, p. 400, 1890-1891, p. 23.



the surplus grain and flour of the Ohio Valley; although Louisville farther down became a keen competitor for this traffic. The growth of Cincinnati was slow, however, for while it established good connections with the eastern and southern trunk line railroads, the westward movement of the areas of surplus production brought other primary grain markets into prominence, with the result that the Cincinnati market declined in relative importance during the period under consideration. Even so, however, the Cincinnati market showed a consistent development, its chief reliance being the corn trade.<sup>40</sup>

A review of the Cincinnati primary grain market during this period shows that in 1860 the total grain and flour receipts amounted to 6,368,000 bushels, consisting of 517,000 barrels of flour, 1,057,000 bushels of wheat, 1,346,000 bushels of corn, 895,000 bushels of oats, 131,000 bushels of rye, and 353,000 bushels of barley. In 1870, the total grain and flour receipts amounted to 8,770,000 bushels, consisting of 706,000 barrels of flour, 866,000 bushels of wheat, 2,069,000 bushels of corn, 1,216,000 bushels of oats, 801,000 bushels of barley, and 290,000 bushels of rye. In 1880, the total grain and flour receipts were more than doubled, amounting to 18,661,000 bushels and consisting of 853,000 barrels of flour, 2,909,000 bushels of wheat, 7,006,000 bushels of corn, 2,244,000 bushels of oats, 1,877,000 bushels of barley, and 787,000 bushels of rye. In 1890, the total grain and flour receipts of Cincinnati amounted to 22,035,000 bushels. This represents a little more than three times the receipts of 1860 and consisted of 1,423,000 barrels of flour, 1,128,000 bushels of wheat, 6,896,000 bushels of corn, 4,820,000 bushels of oats, 2,201,000 bushels of barley, and 586,000 bushels of rye.<sup>41</sup>

<sup>40</sup> See the *Annual Report on the Internal Commerce of the United States*, 1880, pp. 72-101.

<sup>41</sup> These statistics are taken from tables in the *Eighth Census of the United*

H West of St. Louis, situated on the lower bend of the Missouri River, was Kansas City which came into prominence as a primary grain market in the seventies, as the result of the westward movement of the surplus grain area and the extension of railroads into the region beyond the Mississippi River. By 1882 twelve railroads entered Kansas City: two from the West, two from the North, two from the South, and six from the East. These roads with their many branches and connecting lines brought into the Kansas City market the grain of Kansas, Southern Nebraska, and Western Iowa.<sup>42</sup>

The rapid growth of the Kansas City grain and flour market dates from about 1880. In that year the total grain and flour receipts amounted to 9,137,000 bushels, consisting of 24,000 barrels of flour, 4,094,000 bushels of wheat, 4,422,000 bushels of corn, 366,000 bushels of oats, 83,000 bushels of barley, and 65,000 bushels of rye. In 1890, the total grain and flour receipts were increased to 31,055,000 bushels or more than three times the total receipts of 1880, consisting of 475,000 barrels of flour, 5,795,000 bushels of wheat, 18,035,000 bushels of corn, 4,739,000 bushels of oats, and 351,000 bushels of rye. Barley receipts were not reported.<sup>43</sup> In 1882, Kansas City had seven grain elevators in operation with a storage capacity of 1,560,000 bushels, and a daily transfer capacity of 590,000 bushels.<sup>44</sup>

North of Minneapolis at the head of Lake Superior was

*States*, 1860, Agriculture, p. clv; *Annual Report of the New York Produce Exchange*, 1875-1876, p. 259, 1881, p. 401, 1890-1891, p. 22.

<sup>42</sup> *Annual Report on the Internal Commerce of the United States*, 1879, Appendix No. 87, 1882, Appendix, p. 50. This gives a description of the railroads tributary to the commercial interests of St. Louis.

<sup>43</sup> These statistics are taken from the *Annual Report of the New York Produce Exchange*, 1881, p. 401, 1890-1891, p. 22.

<sup>44</sup> *Annual Report on the Internal Commerce of the United States*, 1880, Appendix, p. 216.

Duluth. The rapid ascendancy of this city as a primary grain and flour market was due to the northwestward movement of the surplus spring wheat area and the strategic position of Duluth as a shipping port. Duluth was nearer by lake to Buffalo than Chicago, while the St. Paul and Duluth-Superior Railroad gave Duluth and Superior a distinct advantage over Chicago and Milwaukee in the competitive struggle for the wheat and flour trade of the northwest, with the result that a considerable portion of this trade was diverted to these two cities. In 1880 the total grain and flour receipts of Duluth and Superior amounted to 7,288,000 bushels, consisting of 513,000 barrels of flour, 2,988,000 bushels of wheat, and 1,991,000 bushels of corn. No oats, barley, or rye receipts were reported. In 1890, the total grain and flour receipts of these two cities amounted to 28,756,000 or about four times the total receipts of 1880. These receipts consisted of 2,368,000 barrels of flour, 15,341,000 bushels of wheat, 1,360,000 bushels of corn, 1,289,000 bushels of oats, 105,000 bushels of barley, and 3000 bushels of rye. Duluth and Superior also had the advantage of being nearer to Buffalo by water than Chicago.<sup>45</sup>

The shifting of the wheat and flour trade from Chicago and Milwaukee to Duluth and Superior was equivalent to a shifting of this traffic from Lake Michigan to Lake Superior. A fairly accurate description of the grain trade on Lake Superior is furnished by the statistics of the flour, wheat, and other grain passing through St. Marys Falls Canal, now commonly known as the "Soo Canal". This statement is based on the fact that there was but very little local grain traffic on Lake Superior, most of it being shipped to the lower lake ports, and that all the grain and flour shipped from Lake Superior had to pass through this canal.

<sup>45</sup> *Annual Report of the New York Produce Exchange*, 1881, p. 405, 1890-1891, p. 21.

It is therefore interesting to note that from 1855 to 1870, the flour traffic through St. Marys Falls Canal fluctuated between 10,000 and 50,000 barrels a year. After 1870 the flour trade was rapidly increased to 24,000 barrels in 1880, and finally reached 3,239,000 barrels in 1890. The wheat traffic was increased from 50,000 bushels in 1870 to 2,106,000 bushels in 1880 and finally reached 16,217,000 bushels in 1890. The trade in other grain passing through St. Marys Falls Canal fluctuated greatly but at no time during this period did it attain a volume greater than 2,547,000 bushels, the usual shipments amounting as a matter of fact to considerably less than 1,000,000 bushels a year.<sup>46</sup>

North of Toledo was Detroit drawing its grain receipts largely from the States of Michigan, Illinois, and Ohio. Detroit became an important grain and flour market after the Civil War, when it established good rail connections with the West, the South, and the East.<sup>47</sup> In 1870, the total grain and flour receipts amounted to 14,046,000 bushels, consisting of 1,305,000 barrels of flour, 2,602,000 bushels of wheat, 3,263,000 bushels of corn, 1,399,000 bushels of oats, 489,000 bushels of barley, and 5000 bushels of rye. By 1880, however, Detroit had suffered a slight decline in both absolute and relative importance, the total grain and flour receipts for that year amounting to but 12,614,000 bushels. These receipts consisted of 341,000 barrels of flour, 9,835,000 bushels of wheat, 428,000 bushels of corn, 508,000 bushels of oats, 300,000 bushels of barley, and 8000 bushels of rye. By 1890, Detroit had suffered a still further decline as a grain and flour market, the total receipts for that year amounting to 10,840,000 bushels, consisting of 163,000 barrels of flour,

<sup>46</sup> *Monthly Summary of Commerce and Finance of the United States* (Bureau of Statistics, Treasury Department), January, 1900, pp. 1989, 1990.

<sup>47</sup> See the *Annual Report on the Internal Commerce of the United States*, 1882, Appendix No. 8.

4,767,000 bushels of wheat, 1,508,000 bushels of corn, 2,036,000 bushels of oats, 1,626,000 bushels of barley, and 170,000 bushels of rye.<sup>48</sup> Detroit's decline as a grain and flour market was due largely to the westward movement of the surplus wheat areas and the competition of the primary markets of Toledo, Chicago, Milwaukee, Minneapolis, and Duluth-Superior for this traffic.

TABLE I

FLOUR AND GRAIN RECEIPTS OF THE FIVE LEADING PRIMARY MARKETS OF THE MIDDLE WEST FOR THE YEAR 1860 <sup>49</sup>				
PRIMARY MARKET	FLOUR (BARRELS)	WHEAT (BUSHELS)	CORN (BUSHELS)	
CHICAGO	713,348	14,927,083	15,862,394	
TOLEDO	720,517	5,272,690	5,333,751	
ST. LOUIS	443,196	3,555,878	4,209,794	
MILWAUKEE	305,208	9,108,458	126,404	
CINCINNATI	517,229	1,057,118	1,346,208	

PRIMARY MARKET	OATS (BUSHELS)	BARLEY (BUSHELS)	RYE (BUSHELS)	TOTAL GRAIN, INCLUDING FLOUR REDUCED TO BUSHELS
CHICAGO	2,198,839	617,619	318,976	37,235,027
TOLEDO	137,538	122,382	35,957	14,504,903
ST. LOUIS	1,789,234	291,130	158,974	12,220,990
MILWAUKEE	178,963	109,795	52,382	11,102,042
CINCINNATI	894,515	352,829	131,487	6,368,302

<sup>48</sup> These statistics are taken from tables in the *Annual Report of the New York Produce Exchange*, 1873-1874, p. 352, 1880, p. 403, 1890-1891, p. 23.

<sup>49</sup> The statistics used in Table I showing the relative importance of the five leading primary grain markets of the Middle West in 1860 are taken from tables in the *Eighth Census of the United States*, 1860, Agriculture, pp. cxlix, cl, clv, clvi; and the *Annual Report of the Trade and Commerce of Chicago*, 1910, p. 18; *Annual Report of the Milwaukee Chamber of Commerce*, 1920-1921, pp. 83, 88.

This period witnessed the entrance, finally, of Peoria into the list of the great primary grain markets of the Middle West. Peoria was an important railroad center located in the heart of the grain belt about half way between Chicago and St. Louis. Five rail lines entered the city from the West and six from the East. These lines with their connections, by affording the lowest possible freight rates, enabled Peoria to enter the competitive struggle for the western grain and flour traffic, with the result that by 1880 this city had risen to fifth place as a primary grain and flour market. The geographical range of the Peoria grain market included the States of Illinois, Iowa, Nebraska, Kansas, and Northern Missouri, which contributed the great bulk of the flour, wheat, corn, oats, and rye receipts; while the barley receipts came principally from the States of Minnesota and Wisconsin. The principal competitors of Peoria for the surplus grain and flour trade of these States were Chicago, St. Louis, Toledo, and Indianapolis.<sup>50</sup>

The rapid growth of the Peoria grain market dates from about 1874. In that year the total grain and flour receipts amounted to 10,495,000 bushels, consisting of 45,000 barrels of flour, 631,000 bushels of wheat, 5,100,000 bushels of corn, 3,534,000 bushels of oats, 397,000 bushels of barley, and 610,000 bushels of rye. In 1880, the total grain and flour receipts amounted to 24,959,000 bushels, consisting of 197,000 barrels of flour, 560,000 bushels of wheat, 13,551,000 bushels of corn, 8,152,000 bushels of oats, 685,000 bushels of barley, and 1,124,000 bushels of rye. By 1890, the total grain and flour receipts of Peoria amounted to 32,624,000 bushels, or three times the receipts of 1874. The flour receipts amounted to 124,000 barrels, or nearly three times the receipts of 1874; and the wheat receipts amounted to

<sup>50</sup> *Annual Report on the Internal Commerce of the United States, 1882, Appendix No. 5.*

952,000 barrels, or nearly one-half more than the receipts of 1874. The corn receipts amounted to 12,912,000 bushels or more than two times the receipts of 1874. The oat receipts amounted to 16,432,000 bushels, or nearly five times the receipts of 1874. The barley receipts amounted to 1,462,000 bushels, or nearly five times the receipts of 1874. The rye receipts amounted to 309,000 bushels or a little more than one-half the receipts reported for 1860.<sup>51</sup>

TABLE II

FLOUR AND GRAIN RECEIPTS OF THE SIX LEADING PRIMARY MARKETS OF THE MIDDLE WEST FOR THE YEAR 1870 <sup>52</sup>				
PRIMARY MARKET	FLOUR (BARRELS)	WHEAT (BUSHEL)	CORN (BUSHEL)	
CHICAGO	1,766,037	17,394,409	20,189,775	
MILWAUKEE	824,799	18,883,837	435,318	
ST. LOUIS	1,491,626	6,618,253	4,708,838	
TOLEDO	1,296,260	6,881,471	6,294,032	
DETROIT	1,305,418	2,602,118	3,263,215	
CINCINNATI	705,579	866,459	2,068,900	

PRIMARY MARKET	OATS (BUSHEL)	BARLEY (BUSHEL)	RYE (BUSHEL)	TOTAL GRAIN, INCLUDING FLOUR REDUCED TO BUSHEL
CHICAGO	10,472,078	3,335,653	1,093,493	61,315,593
MILWAUKEE	638,231	585,897	190,593	24,857,871
ST. LOUIS	4,519,510	798,518	210,542	24,313,791
TOLEDO	4,103,139	160,397	94,171	23,714,510
DETROIT	1,398,672	489,055	5,118	14,045,868
CINCINNATI	1,215,794	800,988	289,775	8,769,811

<sup>51</sup> These statistics are taken from tables in the *Annual Report of the New York Produce Exchange, 1875-1876*, p. 259, 1890-1891, p. 22; *Annual Report on the Internal Commerce of the United States, 1881*, p. 401.

<sup>52</sup> The statistics used in this table showing the relative importance of the six leading primary grain markets of the Middle West in 1870 are taken from

The rapid growth and relative importance of the principal primary grain markets as competitive centers for the concentration and distribution of the surplus cereals of the

TABLE III

FLOUR AND GRAIN RECEIPTS OF THE TEN LEADING PRIMARY MARKETS OF THE MIDDLE WEST FOR THE YEAR 1880 <sup>53</sup>				
PRIMARY MARKET	FLOUR (BARRELS)	WHEAT (BUSHEL)	CORN (BUSHEL)	
CHICAGO	3,215,389	23,541,607	97,272,844	
ST. LOUIS	1,703,874	21,022,275	22,298,077	
TOLEDO	802,816	28,969,983	21,825,928	
MILWAUKEE	2,392,147	10,919,954	2,148,857	
PEORIA	197,427	559,620	13,550,650	
CINCINNATI	852,955	2,908,675	7,005,535	
DETROIT	341,334	9,835,164	427,976	
MINNEAPOLIS	103,000	10,264,100		
DULUTH-SUPERIOR	513,348	2,987,629	1,990,732	
KANSAS CITY	23,894	4,093,528	4,421,760	

PRIMARY MARKET	OATS (BUSHEL)	BARLEY (BUSHEL)	RYE (BUSHEL)	TOTAL GRAIN, INCLUDING FLOUR REDUCED TO BUSHEL
CHICAGO	23,490,915	5,211,536	1,869,218	165,855,371
ST. LOUIS	5,607,078	2,561,992	468,755	59,625,580
TOLEDO	4,240,679	254,583	166,641	59,070,486
MILWAUKEE	2,031,878	3,238,684	779,211	29,883,246
PEORIA	8,152,205	684,880	1,123,625	24,959,402
CINCINNATI	2,243,874	1,877,163	787,015	18,660,559
DETROIT	507,797	300,017	7,536	12,614,433
MINNEAPOLIS				10,879,100
DULUTH-SUPERIOR				7,288,427
KANSAS CITY	366,486	82,894	65,267	9,137,458

tables in the *Annual Report of the New York Produce Exchange, 1873-1874*, pp. 346, 349, 352, 1875-1876, p. 259.

<sup>53</sup> The statistics used in this table showing the relative importance of the ten leading primary grain markets of the Middle West are taken from tables in the *Annual Report of the New York Produce Exchange, 1881*, pp. 400-403, 405, 406.



Middle West during this period may now be summarized. It will be seen by reference to the accompanying tables that in 1860 Chicago already held first place in total grain and flour receipts, amounting to 37,235,000 bushels; Toledo held second place with 14,505,000 bushels; St. Louis held third

TABLE IV

FLOUR AND GRAIN RECEIPTS OF THE TEN LEADING PRIMARY MARKETS OF THE MIDDLE WEST FOR THE YEAR 1890 <sup>54</sup>			
PRIMARY MARKET	FLOUR (BARRELS)	WHEAT (BUSHELS)	CORN (BUSHELS)
CHICAGO	4,358,058	14,248,770	91,387,754
ST. LOUIS	1,229,975	11,730,774	45,003,681
MINNEAPOLIS	70,303	45,271,910	3,482,310
MILWAUKEE	2,401,235	8,046,461	844,200
PEORIA	123,842	951,950	12,911,900
KANSAS CITY	474,480	5,795,400	18,034,700
DULUTH-SUPERIOR	2,368,277	15,341,462	1,360,376
TOLEDO	949,681	5,776,033	16,558,288
CINCINNATI	1,423,080	1,127,770	6,896,326
DETROIT	162,912	4,767,085	1,507,932

PRIMARY MARKET	OATS (BUSHELS)	BARLEY (BUSHELS)	RYE (BUSHELS)	TOTAL GRAIN, INCLUDING FLOUR REDUCED TO BUSHELS
CHICAGO	75,150,249	19,401,489	3,520,508	223,320,031
ST. LOUIS	12,229,955	2,794,880	501,054	77,795,232
MINNEAPOLIS	3,568,600	477,000	76,200	53,192,383
MILWAUKEE	3,904,855	10,825,391	1,312,471	35,738,935
PEORIA	16,432,000	1,462,250	308,550	32,623,939
KANSAS CITY	4,739,000		351,000	31,055,260
DULUTH-SUPERIOR	1,289,388	104,746	3,111	28,756,330
TOLEDO	869,953	48,302	163,475	27,689,615
CINCINNATI	4,820,346	2,200,915	585,559	22,034,776
DETROIT	2,035,808	1,625,998	170,270	10,840,197

<sup>54</sup> The statistics used in this table showing the receipts of the ten great primary grain markets of the Middle West in 1890 are taken from the *Annual Report of the New York Produce Exchange*, 1890-1891, pp. 21-23.

place with 12,221,000 bushels; Milwaukee held fourth place with receipts amounting to 11,102,000 bushels; and Cincinnati held fifth place with receipts amounting to 6,368,000 bushels.

In 1870, Chicago retained the lead in total grain and flour receipts amounting to 61,316,000 bushels; Milwaukee forged ahead from fourth to second place with 24,858,000 bushels; St. Louis retained third place with 24,314,000 bushels; Toledo dropped from second to fourth place with 23,715,000 bushels; Detroit entered the list with 14,046,000 bushels; and Cincinnati was reduced from fifth to sixth place with 8,770,000 bushels.

In 1880, Chicago retained first place in total grain and flour receipts amounting to 166,000,000 bushels; St. Louis advanced from third to second place with 59,626,000 bushels; Toledo rose from fourth to third place with 59,070,000 bushels; Milwaukee dropped from second to fourth place with 29,883,000 bushels; Peoria entered the list as fifth with 24,959,000 bushels; Cincinnati retained sixth place with 18,661,000 bushels; Detroit dropped from fifth to seventh place with 12,614,000 bushels; Minneapolis entered the list as eighth with 10,879,000 bushels; Duluth-Superior entered the list as ninth with 7,288,000 bushels; and Kansas City entered the list as tenth with 9,137,000 bushels.

In 1890, Chicago continued to hold first place in total grain and flour receipts which were now increased to 223,320,000 bushels; St. Louis retained second place with 77,795,000 bushels; Minneapolis forged ahead from eighth to third place with 53,192,000 bushels; Milwaukee retained fourth place with 35,739,000 bushels; Peoria retained fifth place with 32,624,000 bushels; Kansas City advanced from tenth to sixth place with 31,055,000 bushels; Duluth-Superior advanced from ninth to seventh place with 28,756,000 bushels; Toledo dropped from third to eighth place

with 27,690,000 bushels; Cincinnati dropped from sixth to ninth place with 22,035,000 bushels; and Detroit dropped from seventh to tenth place with 10,840,000 bushels.

These ten primary grain markets were, in short, the chief concentrating and distributing centers for the great bulk of the surplus grain and flour of the Middle West which was destined for the consuming States of the East and South and the deficit countries of Western Europe. This surplus found its way eastward and southward via the great interior waterways and trunk line railroads which have been described in this article; and contributed to the development of the seaboard cities which became active competitors for the western grain trade. The movement of grain and flour from the primary markets to the Atlantic and Gulf ports constitutes, therefore, the next phase of this study which will be presented in the concluding article.

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## SOME PUBLICATIONS

*Recollections of Early Days in Kansas.* By Shalor Winchell Eldridge. Topeka: The Kansas State Historical Society. 1920. Pp. 235. Plates. This volume of reminiscences is issued as Volume II of the *Publications of the Kansas State Historical Society*, and covers the period of the conflict in Kansas for Statehood. Mr. Eldridge went to Kansas in 1855, partly because of a definite desire to assist in making the Territory a free State and was intimately connected with many of the events of the tragic struggle. He died at Lawrence, Kansas, on January 16, 1899.

The preservation of pioneer experiences is one of the important functions of historical societies and the history of Territorial Kansas is of especial interest. This account is also related to Iowa history since there are repeated references to the share of Iowa in the struggle for control of Kansas. Two chapters deal with the overland route through Iowa for anti-slavery emigrants, and two others describe a trip to Iowa for supplies — chiefly powder and lead. Brief statements taken from a letter may be a partial explanation of the inability of State officials to locate some of the military equipment belonging to the State of Iowa at the outbreak of the Civil War. The letter was from Robert Morrow, a Kansas free-state agent, and one of the quotations is as follows: “ ‘I went to Iowa City, the then capital, to see Governor Grimes about getting some state arms. He said if I could get them without compromising him he had no objections. Some friends of Kansas aided me, and at night we loaded three wagons with arms out of the arsenal. These were made part of your outfit and brought into Kansas.’ ”

Such reminiscences are invaluable for the sidelights they contain on important events and the extra-legal or illegal activities which characterized the struggle in Kansas present many incidents not recorded in official reports. The volume is provided with foot-notes and an index.

*The Arikara Narrative of the Campaign Against the Hostile Dakotas, June, 1876.* Edited by O. G. Libby. Bismarck: The State Historical Society of North Dakota. 1920. Pp. 276. Plates, maps. This publication is Volume VI of the *Collections of the State Historical Society of North Dakota* and contains the story of the Indian scouts who were serving with General Custer at the time his command was defeated and annihilated at the battle on the Little Big Horn on June 25, 1876. The narratives of the nine surviving Indians were secured at a conference in the summer of 1912 at which Mr. Libby and Judge A. McG. Beede with the aid of an interpreter took down the reminiscences of the former warriors. In addition to the information concerning one of the most tragic incidents in the military history of the United States, the stories of the Arikara scouts reveal many interesting sidelights on the customs and life of the Indians. Biographical sketches of a number of these Indian scouts add to the value of the narratives.

Included in the volume, though in no way related to the Arikara narratives, is an article on *The State Park System of North Dakota*, by O. G. Libby, and a list of the trees, shrubs, flowers, and grasses native to North Dakota. An index is provided and foot notes furnish some comments on the events described.

*Life and Times of Stevens Thomson Mason, the Boy Governor of Michigan.* By Lawton T. Hemans. Lansing: Michigan Historical Commission. 1920. Pp. 528. Plates. This biography of Governor Stevens is frankly a eulogy, rather than a critical estimate of Governor Mason, but it is, none the less, a valuable contribution to the history of the Northwest. Mason was appointed Secretary of the Territory of Michigan in 1830 when not quite nineteen years of age, served for a time as Acting Governor, and was elected Governor of the State of Michigan in 1835 when only twenty-four, serving until January, 1840. He died in New York three years later.

His life thus spans only a third of a century but it was a time of political excitement and economic adjustments. The organization of the new States and Territories presented innumerable problems. It was during the administration of Governor Mason, for example,

that the border dispute between Michigan and Ohio occurred. Iowa readers may find this of especial interest for it was the stern Robert Lucas, later Governor of Iowa, who as Governor of Ohio opposed the "Boy Governor" of Michigan.

The volume is interesting, also, because of the details presented concerning political affairs, elections, customs, and economic conditions. It is written with the touch of intimacy which denotes the keen personal interest of the writer in his subject. There are a large number of portraits, and a brief index but the volume lacks reference notes.

*Journal of a Fur-Trading Expedition on the Upper Missouri, 1812-1813.* By John C. Luttig, clerk of the Missouri Fur Company. Edited by Stella M. Drumm. St. Louis: Missouri Historical Society. 1920. Pp. 192. Plates, map. The fur-trade, with its ramifications into the fields of business, Indian affairs, and international relations is one of the romances of history; and in publishing this diary of a fur-trader the Missouri Historical Society has rendered a service to all students of American development. The diary covers a period of less than a year — from May 8, 1812, to March 5, 1813 — and gives brief but vivid details of a fur-trading expedition in charge of Manuel Lisa which ascended the Missouri as far as the Mandan villages. They were driven from their headquarters here by the hostility of the Indians who were under the influence of rival English traders.

From the introduction written by Miss Drumm it appears that John C. Luttig was probably of German extraction and evidently a man of some education and business experience. Some two years before the expedition described in this diary he sued Auguste Chouteau for salary and commission for serving as auctioneer at the sale of the personal property of Julien Dubuque at the Mine d'Espagne (now Dubuque, Iowa), on July 28, 1810.

Two entries will illustrate pictures of life at this remote trading post as they are presented in this journal. The record for September 23, 1812, was as follows: "Wednesday the 23 fine and clear weather, set 2 hens with 22 Eggs, traded the horse in the Evening another arrived to trade a horse and also his Wife, a handsome

Squaw he found trade for the horse but not for the Wife, a Mandan arrived, no news from above." On December 20, 1812, Luttig wrote: "Sunday the 20th, clear and moderate, our hunter say Rees went out and Killed 20 Cows . . . purchased a fine Dog of the Chajennes, this Evening the Wife of Charbonneau a Snake Squaw, died of putrid fever she was a good and the best Women in the fort, aged abt 25 years she left a fine infant girl." This Snake woman was Sacajawea — or Sakakawea, as her name is given by Miss Drumm — one of the guides of the Lewis and Clark expedition.

Copious foot notes and an appendix contain a great amount of information concerning the persons, places, and events mentioned in the diary and reveal the painstaking research of the editor. A bibliography and index complete the volume which is attractively printed and bound.

*A History of the Constitution of Minnesota with the First Verified Text.* By William Anderson, in collaboration with Albert J. Lobb. Minneapolis: University of Minnesota. 1921. Pp. 323. Maps. This volume is issued as number fifteen in the *Studies in the Social Sciences*. It is a comprehensive study of the constitutional history of Minnesota and, indeed, contains much information on other phases of State history. Chapter one presents the pre-Territorial period and relates largely to boundaries. The second chapter describes the period of the Territory, including the Organic Act and Territorial politics. The preliminary steps toward Statehood are considered in the third chapter. Four chapters are devoted to the constitutional convention, and the drafting and adoption of the constitution. Chapter eight traces the development of the constitution since its adoption, and the ninth and last chapter gives the history of the various amendments. In the appendix is the text of the constitution, a table of proposed amendments, and various acts relating to the organization and admission of Minnesota. Footnotes, a bibliography, and an index add to the usefulness of the volume which is a valuable contribution to students of political and constitutional history. It is of interest to Iowans because of the close relation between the histories of the two Commonwealths.

*Recent Explorations in Northwestern Texas*, by Warren K. Moorehead, and *Words for Tobacco in American Indian Languages*, by Roland B. Dixon, are two of the papers in the January-March issue of the *American Anthropologist*.

*Government War Contracts*, by J. Franklin Crowell, has been issued as number twenty-five of the *Preliminary Economic Studies of the War*, published by the Carnegie Endowment for International Peace.

*William Thornton and Negro Colonization*, by Gaillard Hunt, and *An Early Account of the Establishment of Jesuit Missions in America*, by Henry F. DePuy, are the principal articles in a recent number of the *Proceedings of the American Antiquarian Society*.

Among the articles and papers in the April issue of *Americana* are *Valparaiso University*, by Daniel Russell Hodgdon; and *Alexander Hamilton as a Promoter*, by Charles A. Shriner.

*The Nature of Canadian Federalism*, by W. P. M. Kennedy, *The Literature of the Peace Conference*, by R. Hodder Williams, and *The Brandy Parliament of 1678*, by William Bennett Munro, are three of the articles in *The Canadian Historical Review* for June.

*Government Control and Operation of Industry in Great Britain and the United States During the World War*, by Charles Whiting Baker, is a monograph published by the Carnegie Endowment for International Peace as number eighteen of the *Preliminary Economic Studies of the War*.

*Federal Reserve Policy*, by A. C. Miller, *Marketing of Agricultural Products*, by James E. Boyle, *Farmers' Co-operative Associations*, by Asher Hobson, *Grain Standardization*, by H. Bruce Price, and *Stabilization of Prices*, by B. H. Hibbard, are among the articles and papers in *The American Economic Review* for June.

*The Present State of the Study of Politics*, by Charles E. Merriam, and *The Constitutional Convention of Massachusetts*, by Lawrence B. Evans, are two of the articles in the May number of *The American Political Science Review*. *The Legislative Notes and*



*Reviews*, edited by Walter F. Dodd, includes a discussion of recommendations in governors' messages for 1921 by W. A. Robinson.

*Making West Virginia a Free State*, by A. A. Taylor, *Canadian Negroes and the John Brown Raid*, by Fred Landon, *The Negro and the Spanish Pioneers in the New World*, by J. Fred Rippey, and *The Economic Condition of the Negroes of New York Prior to 1861*, by Arnett G. Lindsay, are the four articles which appear in *The Journal of Negro History* for April.

*Iowa Legislature Violates Constitutional Mandate*, by Frank E. Horack, *The Small Town Awakens*, by Richard B. Watrous, *The Direct Primary Weathers the Storm*, by Ralph S. Boots, *A New Civic Army* (The League of Women Voters), by R. S. Childs, and *Ohio Reorganizes*, by D. C. Sowers, are among the papers in the *National Municipal Review* for June.

*Research Work in the Historical Branch of the General Staff*, by O. L. Spaulding, Jr., and a *Syllabus for Ninth Grade Study of American Industries*, prepared by Frances M. Morehouse for the Committee on History and Education for Citizenship of the American Historical Association, are two articles in the April number of *The Historical Outlook*. In the number for May, R. C. McGrane writes of the *Rise and Fall of the Independent Treasury*, D. C. Knowlton contributes a *Syllabus for Modern History in the Tenth Grade*, and H. O. Rugg discusses the question *How Shall We Reconstruct the Social Studies Curriculum? Education for Citizenship*, by J. G. de R. Hamilton and E. W. Knight, a *Syllabus for United States History in the Eleventh Grade*, by Frances M. Morehouse, and *Civics in Schools with Special Reference to Grades Nine and Ten*, by Arthur W. Dunn, are among the papers in the June issue.

*The International Trade Situation* is the general title of the March number of *The Annals of the American Academy of Political and Social Science*, edited by G. B. Roorbach. Among the papers in this collection are the following: *The Foreign Trade of the United States Since the Signing of the Armistice*, by Simon Litman; *Imports, the Tariff, and American Foreign Trade*, by George E. Rob-

erts; and *The Probable Future Development of Grain Trade of the United States*, by Julius H. Barnes. The number for May is concerned with *Taxation and Public Expenditures. Sources of Revenue of the States with a Special Study of the Revenue Sources of Pennsylvania*, by M. L. Faust, *The State Tax Commission and the Property Tax*, by H. L. Lutz, *Problems of a Model State Income Tax*, by Henry Herrick Bond, and *State Supervision of Local Assessments*, by Frank B. Jess, are among the papers.

## WESTERN AMERICANA

*Indian Music*, by Frances Densmore, and *God's Country*, by Elizabeth Shepley Sergeant, are two of the articles in *El Palacio* for June 15, 1921.

*A Hundred Years of Latter Day Saintism* is the title of a pageant, by Margaret Davis, which is published in the May issue of *Autumn Leaves*.

Volume thirty of the *Filson Club Publications* is *The Story of a Poet: Madison Cawein*, by Otto A. Rothert.

The following papers and articles of historical interest are found in *The Quarterly Journal of the University of North Dakota* for April: *The Dakota-Minnesota Interstate Drainage Suit*, by Elwyn F. Chandler; and *The Dust Storm of January, 1921*, by Leonard P. Dove.

*Chipped Flint and Quartzite Knives*, by Charles Edward Brown, and a sketch of the life of Publius V. Lawson, by the same author, are among the papers and reports in *The Wisconsin Archeologist* for February. In the number for April, George R. Fox writes of *Effigy Mound Photographs*, and Alanson Skinner contributes *Recollections of an Ethnologist Among the Menominee Indians*.

*The Book of Mormon*, by Walter W. Smith, *Harper's Criticism* — a survey reprinted from *Harper's New Monthly Magazine* for October, 1851, and *James W. Gillen*, a biography by H. O. Smith, are the three articles published in the *Journal of History* for January.

*Congregational Work of Minnesota, 1832-1920*, edited and partly written by Warren Upham, is a contribution to the religious history

of Minnesota. It is of interest to the people of Iowa as well because of the similarity in the church organizations in the two States, and because of the specific references to events and persons connected with Iowa.

Charles Edward Russell is the author of a volume entitled *The Story of the Nonpartisan League*. This account of the political discontent in the Northwest in recent years has much of interest for the student of politics and economics, for it tells how a political organization grew out of the difficulties of the farmers in marketing their wheat.

*The Rising Tide of Color*, by Charles W. Dahlinger, an article on the negro question, is one of the contributions to the April number of the *Western Pennsylvania Historical Magazine*. *Over the Old Roads to Pittsburgh*, by John S. Ritenour, another of the articles in this issue, presents an interesting picture of travel in the early days. *The Pilgrims in America*, by Samuel B. McCormick, and the first installment of *The Pittsburgh Blues*, by John H. Niebaum, are two other articles in this number.

#### IOWANA

*The State of Iowa Is a Thirty-five Million Acre Farm*, by D. P. Hogan, is one of the articles in the May issue of *The Northwestern Banker*.

*Local Medical Societies*, the story of the origin and development of medical organizations in various counties of the State, is an article of historical interest by D. S. Fairchild, published in *The Journal of the Iowa State Medical Society* for April.

*The Price of Our Heritage*, compiled by Winfred E. Robb, contains brief biographical sketches of the six hundred and fifty members of the One Hundred and Sixty-eighth Infantry who lost their lives during the World War, and pictures, if obtainable. This regiment was the old Third Iowa and contained a large number of men transferred from the other National Guard regiments. A brief history of the Iowa military organizations preceding the war is included.

*Wanted: A National Policy on Race Relations*, by Bolton Smith, *A Bit of Frontier Story*, by Robert Y. Kerr, and *Knowing the Japanese*, by Eleanor Lowden, are three of the papers in *The Grinnell Review* for April. The May issue contains a symposium on the question *Should We Have a New U. S. Constitution*. The subject is discussed by Frederick A. Cleveland, Walter George Smith, Victor J. West, and Nicholas Murray Butler. *Progress Toward Peace*, by John Holland Rose, is one of the contributions to the June number.

SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Brigham, Johnson,

*The Westward Course of Literature* (Iowa Library Quarterly, January-March, 1921).

Brisco, Norris Arthur,

*Retail Salesmanship*. New York: Ronald Press. 1921.

Brown, Bernice,

*Emperor Hadrian* (Collier's Magazine, April 23, 1921).

*Her Thousand Dollars* (Collier's Magazine, June 18, 1921).

*The Meeting* (poem) (McCall's Magazine, May, 1921).

Byfield, Albert Henry, (Joint author)

*Paranasal Sinus Disease in Children*. Iowa City: The State University of Iowa. 1921.

Campbell, Macy,

*Growth of Iowa Consolidated Schools* (The Iowa Homestead, March 10, 1921).

Chamberlin, Edward H.,

*Glimpses of the Michigan Union* (The Iowa Alumnus, April, 1921).

Clark, Donald H.,

*How Bankers Are Organizing and Arming to Fight the Robber* (The Northwestern Banker, May, 1921).

Cole, Cyrenus,

*A History of the People of Iowa*. Cedar Rapids: The Torch Press. 1921.

- Crowley, Lillian May,  
*A Lesson in Art* (The International Studio, May, 1921).
- Davis, Margaret,  
*A Hundred Years of Latter Day Saintism* (Autumn Leaves, May, 1921).
- Dean, Lee Wallace, (Joint author)  
*Paranasal Sinus Disease in Children*. Iowa City: The State University of Iowa. 1921.
- Devine, Edward Thomas,  
*Ourselves and the Irish* (The Survey, May 7, 1921).  
*Welfare Federations* (The Survey, May 14, 28, June 4, 18, 1921).
- Ensign, Forest Chester,  
*Compulsory School Attendance and Child Labor*. Iowa City: The Athens Press. 1921.
- Evers, Helene M.,  
*The Song of Gold* (The Grinnell Review, June, 1921).
- Fairchild, D. S.,  
*Local Medical Societies* (The Journal of the Iowa State Medical Society, April, 1921).
- Gallaher, Ruth Augusta,  
*A Colored Convention* (The Palimpsest, June, 1921).  
*Icaria and the Icarians* (The Palimpsest, April, 1921).
- Gesler, Earl E.,  
*Military Training for the Engineer* (The Iowa Engineer, April, 1921).
- Griffith, Helen Sherman,  
*The Ladies' Strike*. Philadelphia: Penn Publishing Co. 1921.
- Haines, Austin P.,  
*Persecuting the Poor Steel Trust* (The New Republic, June 29, 1921).
- Hansen, Marcus Lee,  
*Official Encouragement of Immigration to Iowa* (The Iowa Journal of History and Politics, April, 1921).

Haines, Ella Wister,

*Back to the Land for Women* (The Woman's Weekly, June 4, 1921).

*A Mile of Window Boxes* (The Woman's Weekly, June 18, 1921).

*A Public Health Leader* (The Woman's Magazine, June 11, 1921).

*The Woman's Community Council* (The Woman's Weekly, April 23, 1921).

Hanson, Leslie,

*The Investment Banker Is Vitally Affected by Farm Conditions* (The Northwestern Banker, May, 1921).

Helmick, Paul S.,

*The Blackening of a Photographic Plate as a Function of Intensity of Light and Time of Exposure* (The Physical Review, February, 1921).

Henderson, Rose,

*The Sun God* (poem) (Everybody's Magazine, June, 1921, and El Palacio, June 15, 1921).

Herriott, Frank Irving,

*A Neglected Factor in the Anti-Slavery Triumph in Iowa in 1854* (Jahrbuch der Deutch-Amerikanischen Historischen Gesellschaft von Illinois, Vol. XVIII-XIX).

Hoover, Herbert Clark,

*Central European Relief* (International Conciliation, March, 1921).

*Relief for Europe* (International Conciliation, March, 1921).

*What America Faces: A Review and Forecast of the Fundamental Relationship between Employer and Employee* (Industrial Management, April, 1921).

Horack, Frank Edward,

*The Government of Iowa* (Revised edition, 1921). New York: Charles Scribner's Sons. 1921.

*Iowa Legislature Violates Constitutional Mandate* (National Municipal Review, June, 1921).

- Hrbková, Sárka B.,  
*Americans of Czecho-Slovak Descent* (The Survey, June 11, 1921).
- Hughes, Rupert,  
*Beauty*. New York: Harper & Bros. 1921.
- Jessup, Walter Albert,  
*The Greatest Need of the Schools — Better Teaching* (Journal of the National Educational Association, April, 1921).
- Kay, George Frederick,  
*The Significance of the Relation of Proboscidian Remains to the Surface of Nebraskan Gumbotil* (Bulletin of the Geological Society of America, 1921).  
*Some Large Boulders in the Kansan Drift of Southern Iowa* (Iowa Geological Survey, Vol. XXVII, pp. 345–354).
- Lane, Maud,  
*Our Garden*. Published by the author. 1921.
- Lowden, Eleanor,  
*Knowing the Japanese* (The Grinnell Review, April, 1921).
- McMurry, Donald LeCrone,  
*The Pacific City Fight* (The Palimpsest, June, 1921).
- Marston, Anson,  
*What is Engineering* (The Iowa Engineer, May, 1921).
- Merriam, Charles Edward,  
*The Present State of the Study of Politics* (The American Political Science Review, May, 1921).
- Mingus, Edna, (Joint author)  
*Visual Education* (Oregon Normal School Bulletin, Salem, 1921).
- Muilenburg, Walter J.,  
*Peace* (The Midland, April, 1921).
- Newton, Joseph Fort,  
*Religious Basis of a Better World Order*. New York: Fleming H. Revell Co. 1920.

- O'Grady, Rose, (Mrs. W. B. Kerr)  
*Shorn Lamb and Russian Cat* (Smith's Magazine, July, 1921).
- Parish, John Carl,  
*Michel Aco — Squaw-Man* (The Palimpsest, June, 1921).  
*The Ripple* (The Palimpsest, April, 1921).
- Phelps, Arthur L.,  
*Poems*. Mount Vernon: English Club of Cornell College.  
 1921.
- Piper, Edwin Ford,  
*In the Potato Field* (poem) (The Midland, April, 1921).  
*Joe* (poem) (The Midland, May, 1921).
- Preston, Howard H.,  
*The Federal Farm Loan Case* (The Journal of Political Economy, June, 1921).
- Raymond, William Galt,  
*Value Versus Investment as a Basis for Utility Service Rates*  
 (Journal of the American Water Works Association, January, 1921).
- Reynolds, Arthur,  
*What I Consider the Most Important Thing in Business* (The American Magazine, July, 1921).
- Rice, Merton S.,  
*Dust and Destiny*. New York: The Abingdon Press. 1921.
- Robb, Winfred E.,  
*The Price of Our Heritage*. Des Moines: American Lithographing and Printing Co. 1919.
- Roberts, George Evan,  
*Financing Foreign Trade* (The American Review of Reviews, May, 1921).  
*Imports, the Tariff, and American Foreign Trade* (The Annals of the American Academy of Political and Social Science, March, 1921).  
*The Stupendous Fall in Prices* (The American Review of Reviews, February, 1921).



- Rosenbaum, Benjamin,  
*My Purple Gown from Tyre* (poem) (Poetry, January, 1921).
- Ross, Edward Alsworth,  
*The Russian Bolshevik Revolution*. New York: Century Co.  
1921.
- Russell, Charles Edward,  
*The Story of the Nonpartisan League*. New York: Harper  
& Bros. 1920.
- Schmidt, Louis Bernard,  
*The Internal Grain Trade of the United States, 1860-1890*  
(The Iowa Journal of History and Politics, April, 1921).
- Sergel, Roger L.,  
*Glare of Circumstance* (The Midland, June, 1921).
- Shaw, Albert,  
*Porto Ricans as Citizens* (The American Review of Reviews,  
May, 1921).
- Smertenko, Clara M.,  
*The Sin of Being Intelligent* (The Grinnell Review, May,  
1921).
- Smith, Grace Partridge,  
*The Quarter Centennial of Alpha of Iowa* (Phi Beta Kappa  
Key, March, 1921).
- Smith, Hulda Keller,  
*A Vacation in Burma* (The Iowa Alumnus, May, 1921).
- Springer, Frank,  
*The Crinoidia Flexibilia*. Washington: Smithsonian Institu-  
tion. 1920.  
*The Fossil Crinoid Genus Dolatocrinus and its Allies* (Bulletin  
No. 115, United States National Museum, 1921).
- Stapp, Emilie B.,  
*Water on the Moon* (poem) (People's Popular Monthly, April,  
1921).

Starch, Daniel, (Joint author)

*The Test and Study Speller*, Books 1, 2, and 3. Boston: Silver, Burdett & Co. 1921.

Stefánsson, Vilhjálmur,

*Plover Land and Border Land* (The Geographical Review, April, 1921).

Steiner, Edward A.,

*The Story of the Steerage* (The Independent, May 14, 1921).

Suckow, Ruth,

*The Resurrection* (The Midland, June, 1921).

*Retired* (The Midland, April, 1921).

Thompson, Elbert N. S.,

*Mysticism in the Literature of the XVII Century in England* (Studies in Philology, April, 1921).

Town, Clara H.,

*Analytic Study of a Group of Five and Six-Year-Old Children*. Iowa City: The State University of Iowa. 1921.

Van Ek, Jacob,

*The Underground Railroad in Iowa* (The Palimpsest, May, 1921).

Vance, Thomas F.,

*Mental Tests in Vocational Guidance* (National School Digest, January, 1921).

Vant Hul, J. G., Jr.,

*Across the Great Divide with Boy Scouts of Clinton, Iowa* (The Northwestern Banker, June, 1921).

Wallace, Henry C.,

*Farm Situation Presents Big Problem for New Administration* (The Northwestern Banker, April, 1921).

Wilson, I. B.,

*Banking as a Career for Young Men* (The Northwestern Banker, May, 1921).

## SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

- Grave of first white person to die in Montgomery County, in the *Shenandoah Post*, April 1, 1921.
- Narrow gauge railroad from Waukee to Adel, by A. C. Hotchkiss, in the *Perry Chief*, April 1, 1921.
- Pioneer days in Albia, in the *Albia Union*, April 2, 1921.
- The life and adventures of Captain Stephen B. Hanks, a cousin of Abraham Lincoln, edited by Fred A. Bill, in the *Burlington Saturday Evening Post*, April 2, 9, 16, 23, 30, May 7, 14, 21, 28, June 4, 11, 18, and 25, 1921.
- Across the plains in 1864, by John S. Collins, in the *Burlington Saturday Evening Post*, April 2, 9, 16, 23, 30, May 7, 14, 21, 28, June 4, 11, 18, and 25, 1921.
- Early ideas of Iowa, in the *Des Moines Register*, April 3, 1921.
- Early speech of Black Hawk, in the *Des Moines Register*, April 3, 1921.
- Customs of the Tama Indians, by Fred D. Fleming, in the *Des Moines Register*, April 3, 1921.
- Humorous reminiscences of Bloomfield pioneer days, by Dillon H. Payne, in the *Bloomfield Republican*, April 4, 7, 21, May 5, 12, 19, 26, June 2 and 9, 1921.
- W. Scott Newcomer — pioneer printer, in the *Marshalltown Times-Republican*, April 5, 1921.
- Reminiscences of Corning, by H. E. Baker, in the *Corning Union Republican*, April 6, 1921.
- The old Aasgaard buildings in Lake Mills, in the *Lake Mills Graphic*, April 6, 1921.
- Hard times in 1896, in the *Britt News*, April 7, 1921.
- Pioneer days in Iowa, in the *Monticello Express*, April 7, 1921.
- Early history of Bancroft, in the *Swea City Herald*, April 7, 1921.
- The blizzard of 1870, by Nate Wright, in the *Stuart News*, April 7, 1921.

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At the Winnebago Indian Mission, in the *Alton Democrat*, April 9, 1921.

The Spirit Lake Massacre, in the *Corning Free Press*, April 9, 1921.

Johnson Brigham and John Burroughs, in the *Des Moines Register*, April 10, 1921.

Sketch of the life of Mrs. Mary Hager, the first woman to practice law in Iowa, in the *Des Moines Capital*, April 11, 1921.

Sketch of the career of C. R. Marks, in the *Sioux City Tribune*, April 11, 1921, and the *Sioux City Journal*, April 12, 1921.

Early twine binder in Benton County, by August Schultz, in the *Waterloo Courier*, April 11, 1921.

Sketch of the life of Henry Sindt, in the *Davenport Times*, April 11, 1921.

Early days on the lower Mississippi, in the *Fort Madison Democrat*, April 12, 1921.

Farm conditions in the sixties, by J. J. Berkley, in the *Waterloo Courier*, April 13, 1921.

Early railroad building, by E. H. Talbot, in the *Traer Star-Clipper*, April 13, 1921.

Sketch of the life of Mrs. Elizabeth Connolly, in the *Chariton Leader*, April 14, 1921.

Sketch of the life of James Wilson, in the *Toledo Chronicle*, April 14, 1921.

First white child born in Decatur County, in the *Leon Reporter*, April 14, 1921.

Early settlers on the Des Moines River, in the *Madrid News*, April 14, 1921.

Memories of early Dubuque, in the *Dubuque Telegraph-Herald*, April 17, 1921.

William Shannon, Henry County's earliest settler, in the *Burlington Hawk-Eye*, April 17, 1921.

- Early history of Dubuque, in the *Dubuque Times-Journal*, April 17, 1921.
- Council Oak at Sioux City, in the *Des Moines Register*, April 17, 1921.
- Some incidents in the history of Cascade, in the *Cascade Pioneer*, April 18, 1921.
- The ancient road opposite Nauvoo, in the *Keokuk Gate-City*, April 20, 1921.
- Sketch of the life of E. H. Schmitt, in the *Sabula Gazette*, April 21, 1921.
- Log cabins and Indians at Waterloo, in the *Waterloo Courier*, April 21, 1921.
- Sketch of the life of John Alex Young, in the *Washington Democrat*, April 21, 1921, and the *Davenport Democrat*, April 24, 1921.
- Iowa's State flag, in the *Iowa City Press-Citizen*, April 22, 1921.
- Sketch of the life of Mrs. Jane Kirkwood, in the *Dubuque Herald*, April 22, 1921, and the *Des Moines Register*, April 24, 1921.
- When clothing and food were cheap, in the *Dubuque Times-Journal*, April 24, 1921.
- Sixty years in business — the Schmidt Music Company of Muscatine and Davenport, in the *Davenport Democrat*, April 24, 1921.
- Mississippi River traffic, by Stephen Hanks, in the *Dubuque Times-Journal*, April 24, 1921.
- Early experiences in Iowa, by W. H. Lewis, in the *Winterset Madsonian*, April 27, 1921.
- Sketch of the life of Wilson Daubney, in the *Decorah Journal*, April 28, 1921.
- Sketch of the life of Mrs. Jane Kirkwood, in the *Iowa City Press-Citizen*, April 28, 1921.
- Reminiscences of Rock Rapids, by H. G. McMillan, in the *Rock Rapids Review*, April 28, 1921.

Boys and religion in early days, in the *Osceola Sentinel*, April 28, 1921.

Jacob Cretsinger and early times in Coon Rapids, in the *Garst Standard*, May, 1921.

Fifty years of education, a pageant at Iowa State College, in the *Ames Tribune*, May 1, 1921.

Experiences of Billy Scott at Corning, in the *Corning Union-Republican*, May 4, 1921.

Iowans at Shiloh and Corinth, in the *Bloomfield Republican*, May 5, 1921.

First white child in Decatur County — Asa Burrell, in the *Leon Journal*, May 5, 1921.

Reminiscences of Bloomfield, by Henry C. Ethell, in the *Bloomfield Republican*, May 5, 1921.

Early settlers in St. Charles, Madison County, in the *St. Charles News*, May 5, 1921.

Ephraim Huntington, resident of Council Bluffs for seventy years, in the *Council Bluffs Nonpareil*, May 8, 1921.

Sketch of the life of Mrs. Mary Bradley, oldest resident of Clinton County, in the *Clinton Herald*, May 14, 1921.

Sketch of the life of Joseph Reynolds, the founder of the Diamond Jo packet line, in the *Dubuque Telegraph-Herald*, May 15, 1921.

Sketch of the life of J. M. Knott, in the *Sioux City Journal*, May 15, 1921.

Reminiscences of early days in Bloomfield, by E. A. Deupree, in the *Bloomfield Republican*, May 19, 1921.

Pioneer experiences in Boone County, in the *Madrid News*, May 19, 1921.

Pictures of Storm Lake, in the *Storm Lake Tribune*, May 20, 1921.

Hard times in 1857, by E. R. Zeller, in the *Winterset Madisonian*, May 25, 1921.

- Sketch of Henry Van Maren, pioneer of Marion County, in the *Knoxville Journal*, May 26, 1921.
- Iowa in 1856, in the *Forest City Republican*, May 26, 1921.
- Reminiscences of Bloomfield, in the *Bloomfield Republican*, May 26, 1921.
- Sketch of the life of J. O. Crosby, in the *Dubuque Telegraph-Herald*, May 29, 1921, the *Lansing Mirror*, June 2, 1921, and the *Madrid News*, June 9, 1921.
- Pioneer hard times, in the *Winterset Madisonian*, June 1, 1921, and the *Indianola Herald*, June 3, 1921.
- Indian remains at Fertile, in the *Des Moines Tribune* and the *Dubuque Telegraph-Herald*, June 8, 1921, and the *Marshalltown Times-Republican*, June 28, 1921.
- The first Americans killed in the World War, in the *Des Moines Tribune*, June 8, 1921.
- Oldest cemetery in Hardin County, in the *Eldora Herald*, June 9, 1921.
- Sketch of the life of J. L. Kennedy, in the *Sioux City Tribune*, June 11, 1921.
- Memorial of John F. Dillon, in the *Dubuque Telegraph-Herald*, June 11, 1921.
- Reminiscences of the Civil War, by J. S. M'Kee, in the *Cedar Rapids Gazette*, June 13, 1921.
- Early history of Jefferson Township, Harrison County, in the *Davenport Times*, June 16, 1921.
- Sketch of the life of Mrs. Mary Summers, in the *Davenport Times*, June 16, 1921.
- Wild rice as an Indian food, in the *Perry Tribune*, June 16, 1921.
- Anniversary of discovery of Mississippi River, in the *Davenport Democrat*, June 17, 1921, and the *Fort Madison Democrat*, June 18, 1921.

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Some of Polk County's oldest citizens, in the *Des Moines Register*, June 19, 1921.

Madison County in early days, by Mrs. Charlotte Clark Gordon, in the *Winterset Madisonian*, June 22, 1921.

Burial place of Ma-Ko-Ke-Ta, the daughter of a Winnebago chief, in the *Des Moines Register*, June 26, 1921.

Recollections of a pioneer schoolmaster, by W. H. Lewis, in the *Burlington Hawk-Eye*, June 26, 1921.

Mastodon jawbone found at Woodbine, in the *Des Moines Register*, June 28, 1921, and the *Cedar Rapids Republican*, June 29, 1921.



## HISTORICAL SOCIETIES

### PUBLICATIONS

*Grant Harris on Payne*, by T. E. Beck, and *Historic Oklahoma*, by Ruth B. Jesse, are short articles in the April number of *Historia*, published by the Oklahoma Historical Society.

*The Boston and Maine Railroad*, by Francis B. C. Bradlee, is concluded in the April issue of *The Historical Collections of the Essex Institute*.

*Early Powder Horns*, by Charles D. Cook, is one of the articles in the April number of the *Rhode Island Historical Society Collections*.

A comparatively new field of research is covered in the monograph, *One Hundred Years of Public Health in Indiana*, by Dr. W. F. King, which is published in a recent number of the *Indiana Historical Society Collections*.

Francis J. Swayze is the author of an *Epitome of the Constitutional Convention of 1844* which appears in the April number of the *Proceedings of the New Jersey Historical Society*.

The *Biennial Report of The State Historical and Natural History Society of Colorado* for the years 1918-1920 has just been issued.

The April, 1920, number of *The Louisiana Historical Quarterly* contains a single monograph, *A History of the Foundation of New Orleans (1717-1722)*, by Baron Marc de Villiers, translated from the French by Warrington Dawson.

The March number of the *Indiana Magazine of History* contains the following articles: *Methodism in Southwestern Indiana*, by John E. Iglehart; *The Savage Allies of the Northwest*, by Elmore Barce; and *The Quick Family in America*, by Rachel I. Buttz.

*Oregon — Its Meaning, Origin and Application*, by John E. Rees, *The Early Explorations and the Origin of the Name of the Oregon*

*Country*, by William H. Galvani, and *The Strange Case of Jonathan Carver and the Name Oregon*, by T. C. Elliott, are the three articles in *The Quarterly of the Oregon Historical Society* for December, 1920.

*Donelson's Mission to Texas in Behalf of Annexation*, by Annie Middleton, *Some Precedents of the Pershing Expedition into Mexico*, by J. Fred Rippey, and a sixth installment of A. K. Christian's *Mirabeau Buonaparte Lamar* are three articles in the April number of *The Southwestern Historical Quarterly*.

The *Jahrbuch der Deutch-Amerikanischen Historischen Gesellschaft von Illinois* has recently appeared after an interval of some three years. The present volume is a double number covering the years 1918-1919, and bears the volume numbers XVIII and XIX. Among the articles included is one by Frank I. Herriott entitled *A Neglected Factor in the Anti-Slavery Triumph in Iowa in 1854*. The factor emphasized is the foreign — particularly the German — vote.

*The April Blizzard, 1873*, is an account by Albert Watkins of an early day experience with winter storms in the spring which is published in the *Nebraska History and Record of Pioneer Days* for July-September, 1920. There is also a paper on *Nebraska Society Daughters of the American Revolution*, by Clara S. Paine.

The January issue of *The Virginia Magazine of History and Biography* contains a report by the Virginia War History Commission on *Source Material from Virginia Counties Collected for the Virginia War Archives*. There is also the final installment of the *Preston Papers and Documents Relating to Early Projected Swiss Colonies in the Valley of Virginia, 1706-1709*, in addition to other historical papers and reports.

The April number of *The American Historical Review* contains an account of the meeting of the American Historical Association at Washington, D. C., in December, 1920. There are two papers relating to American history: *The American Civil War Through the Eyes of a Russian Diplomat*, by Frank A. Golder; and *Troop*

*Movements on the American Railroads During the Great War*, by Ross H. McLean.

One of the articles in *The Register of the Kentucky State Historical Society* for May is "The Old Kentucky Home", by Willard Rouse Jillson. It is a description of Federal Hill, the house near Bardstown, Kentucky, which was the inspiration for the song "My Old Kentucky Home", composed by Stephen C. Foster in 1852. *The Religious Development of Early Kentucky* and a fifth installment of *Woodford County*, by Wm. E. Railey, are other articles in this number.

The four numbers of *The Journal of American History* for 1920 have been published as one volume. *The First Republican-Democratic Presidential Campaign*, by Charles Nevers Holmes, and three installments of *A History of the Origin and Development of Banks and Banking and of Banks and Banking in the City of New York* by W. Harrison Bayles and Frank Allaben, are articles of general historical interest in these numbers.

*Joseph Lane McDonald and the Purchase of Alaska*, by Victor J. Farrar, *Bibliography of Railroads in the Pacific Northwest*, by Marian Cordz, and a continuation of the *Origin of Washington Geographic Names*, by Edmond S. Meany, are the three articles which appear in the April number of *The Washington Historical Quarterly*. Another installment of *The Nisqually Journal*, edited by Victor J. Farrar, is also included.

*The Ohio Company: A Colonial Corporation* is the title of a monograph by Herbert T. Leyland published in the January-March number of the *Quarterly Publication of the Historical and Philological Society of Ohio*. This company, also known as "The Ohio Land Company", existed from 1748 until about 1769 and was composed of prominent Virginians and British merchants. The company was interested in the territory just west of the Alleghany Mountains.

*The Proceedings and Collections of the Wyoming State Historical Department, 1919-1920*, contains the first report of the State

Historian for 1919 to 1920. This office was created in 1919. The articles and papers include the following: *Reminiscences of a Pioneer, 1857-1869*, given by E. W. Whitecomb to his daughter Mrs. E. I. Rivenburg; *Constitution Making*, by Melville C. Brown; *Fort Bridger*, written in 1870 by Albert G. Brackett; *The Development and Evolution of the Union Pacific Railroad in Wyoming*, by W. E. Chaplin; *How Woman Suffrage Came to Wyoming*, by Grace Raymond Hebard; *Early Oil Discovery in Wyoming*, by John Hunton; and *Wyoming as a Literary Field*, by Mrs. Martin H. Hartung.

*The Rise of the Methodist Episcopal Church in Illinois from the Beginning to the Year 1832*, by John D. Barnhardt, Jr., is one of the articles in the *Journal of the Illinois State Historical Society* for July, 1919. *The Pioneers of Wabash County*, by Theodore G. Risley, and *The Harrison Festival in Fremont, Illinois, in 1840*, by Mary Gaither, are other contributions to this number. In the issue for October, 1919, are the following articles: *The War Work of the Women of Illinois*, by Mrs. Joseph T. Bowen; *War Diary of Thaddeus H. Capron, 1861-1865*; *Sketch of the Life and Services of Col. Theodore S. Bowers, former Adjutant General, on the Staff of General U. S. Grant*, by Theodore G. Risley; *Abraham Lincoln's Early Visits to Chicago*, by J. Seymour Currey; and *Will County, Illinois, Baptist History*, contributed by J. Stanley Brown.

#### ACTIVITIES

Plans have been made for the organization of a Montgomery County historical society. The committee to draft a constitution was composed of Clifford Powell, Mrs. Nora Collard, and Miss Sarah Palmer. A committee was also appointed to arrange for marking the grave of the first white person to die in the county.

An organization of the Pioneer Society of Sioux Trailers, Tribe of Sioux City, has been effected at Sioux City, and plans are being made to celebrate June 14th — Flag Day. Persons who have resided in Sioux City's trade territory since 1885 are invited to become members. The officers of the new organization are: G. W.

Kingsnorth, president; John M. McDonald, vice president; D. A. MaGee, secretary-treasurer; C. R. Marks, historian; and F. A. McCornack, flag custodian. It is the intention of the society to mark the Sioux trail, compile a directory of the pioneers, and commemorate the Louisiana Purchase.

The annual meeting of the Madison County Historical Society was held at Winterset on April 26, 1921. A biographical sketch of E. H. Conger, by Mrs. Conger, was read by H. A. Mueller; a paper on his early experiences in Iowa was presented by Judge W. H. Lewis; Professor Benj. F. Shambaugh, the Superintendent of The State Historical Society, delivered the annual address on the work and importance of historical societies; and A. B. Garretson gave some reminiscences of Winterset. Officers were elected as follows: H. A. Mueller, president; J. B. Anderson, vice president; and Mrs. T. M. Scott, secretary-treasurer.

#### THE STATE HISTORICAL SOCIETY OF IOWA

A volume entitled *Welfare Work in Iowa*, by Marcus Lee Hansen, is now in press. This is the second volume in the series *Iowa Chronicles of the World War* planned by The State Historical Society. The first volume in the series was *Welfare Campaigns in Iowa*, also by Mr. Hansen, published in 1920.

A meeting of members of The State Historical Society of Iowa was held in the rooms of the Society at Iowa City on June 27, 1921. The most important business transacted was the election of nine resident Curators. The following men were chosen: Arthur J. Cox, Marvin H. Dey, Henry G. Walker, S. A. Swisher, Charles M. Dutcher, Morton C. Mumma, W. O. Coast, W. L. Bywater, and Thomas Farrell. Together with the nine members appointed by the Governor, these men form the Board of Curators of the Society.

The following persons have recently been elected to membership in the Society: Mr. David B. Allen, Arlington, Iowa; Mr. L. B. Anderson, Guthrie Center, Iowa; Mr. Frederick F. Faville, Fort Dodge, Iowa; Mr. G. E. Held, Hinton, Iowa; Mr. H. E. Hutchinson, Sioux City, Iowa; Mrs. Clarence Knutson, Clear Lake, Iowa; Miss Mary Nicholson, Ames, Iowa; Mr. F. C. Robinson, West Union,

Iowa; Mr. R. E. Shaw, Indianola, Iowa; Mr. E. S. Wells, Chariton, Iowa; Miss Minnie Beals, Earlham, Iowa; Mr. Charles W. Chapman, Waterloo, Iowa; Mrs. C. T. Haskett, New Hampton, Iowa; Mr. Carl Fritz Henning, Boone, Iowa; Mr. W. R. Orchard, Council Bluffs, Iowa; Mr. Alonzo Pruitt, Holstein, Iowa; Mr. C. L. Robbins, Iowa City, Iowa; Mr. R. R. Roberts, Britt, Iowa; Mr. Lee O. Wolfe, Titonka, Iowa; Mr. O. L. Evans, Winterset, Iowa; Mr. Chas. Flanery, Jr., Guthrie Center, Iowa; Mr. J. J. Goheen, Lawler, Iowa; Mr. T. A. Moore, West Branch, Iowa; and Mr. Jacob Van Ek, Iowa City, Iowa. The following persons have recently been enrolled as life members: Mr. J. K. Ingalls, Oak Park, Illinois; Mrs. F. F. Jones, Villisca, Iowa; Mr. H. A. Mueller, St. Charles, Iowa; and Mr. L. B. Schmidt, Ames, Iowa.

## NOTES AND COMMENT

The old settlers' picnic of Hancock County was held at Maben's grove, near Forest City, on June 29, 1921. The chief address was delivered by Glenn C. Haynes, the State Auditor.

A pageant depicting the history of Storm Lake was presented at a point near that place on May 25, 1921. Grace Russell planned the episodes.

A National Park Conference was held at Des Moines on January 10-12, 1921. Representatives from many States were present.

The annual meeting of the Iowa Conservation Association was held at Ames, January 7 and 8, 1921, President H. S. Conard presiding.

Ralph E. Twitchell has been appointed a special attorney of the Bureau of Mines of the Department of the Interior. In connection with this work he will write a history of the Puebla Indians and a treatise on Indian land titles in New Mexico.

Publius V. Lawson, vice president of the Wisconsin Archeological Society, died at Menasha, Wisconsin, on December 1, 1920. He was born at Corning, New York, on November 1, 1853, and came to Wisconsin in 1855. Mr. Lawson was the author of a number of papers and monographs on archeology, particularly in Wisconsin.

Survivors of the battles of Shiloh and Appomattox Court House held a meeting at Washington in commemoration of these events on April 7, 1921. Short talks were given by Elliott Grayson, representing the American Legion; Mrs. Sadie Hollinger, of the Women's Relief Corps and the Woman's Auxiliary of the American Legion; S. K. Coats, of the Grand Army of the Republic; and Smith Brookhart, for the Spanish-American War veterans.

A meeting was held at Calmar in April, 1921, for the purpose of organizing an association to preserve and improve the "Old Mili-

tary Trail" which ran from Fort Crawford, at Prairie du Chien, to Fort Atkinson. The "Old Military Trail Association" was the name chosen for the organization and the following officers were selected: Geo. A. Beeber of Fort Atkinson, president; T. H. Goheen of Calmar, vice president; T. F. Schmitz of Ossian, secretary; and Eugene Malloy of Castalia, treasurer. The site of old Fort Atkinson is one of the chief points of historical interest along the trail.

#### MRS. JANE KIRKWOOD

Jane Clark, who as Mrs. Samuel J. Kirkwood was known and loved in Iowa for more than sixty years, was born in Richland County, Ohio, on September 1, 1821. After teaching school for a short time she became the wife of one of the young lawyers at Mansfield, on December 27, 1843. In 1855, Mr. and Mrs. Kirkwood came to Iowa, where Mr. Kirkwood became a miller and farmer at Coralville near Iowa City. When the will of the people of Iowa called Mr. Kirkwood from his business to the chief place of responsibility in the State during the Civil War, Mrs. Kirkwood accepted the responsibilities placed upon her and extended her sympathy and care from her family to the soldiers and their families.

Later when Governor Kirkwood became Senator and then Secretary of the Interior, Mrs. Kirkwood devoted herself to making a home at Washington just as she had at Mansfield and Iowa City. Indeed one of Mrs. Kirkwood's most attractive characteristics was this devotion to her home. Without children of her own she gave largely of affection and care to the young people of her family and the community.

Her interests, however, extended far beyond the immediate circle of her home, and she watched with keen interest the progress of national affairs. It is indicative of the length of her life and of the brief history of Iowa as a Commonwealth, that the five wars which have directly concerned Iowa as a settled community occurred during the span of her life. As a young girl of eleven she must have listened to stories of the Black Hawk War which opened Iowa to white settlers; as the wife of the Governor of the State, she was in close contact with the Civil War; and she was still knitting for



the soldiers of the World War. Between these came the Mexican War and the Spanish-American War.

Although Mrs. Kirkwood had no ambition for public life except for her husband, she was an early believer in equal suffrage and in November, 1920, she went to the polls to cast her first vote.

Her many friends hoped that she might at least round out the century but she died on April 28, 1921, at Iowa City where she had lived quietly since the death of Mr. Kirkwood on September 1, 1894.

## CONTRIBUTORS

CLARENCE RAY AURNER (see THE IOWA JOURNAL OF HISTORY AND POLITICS for April, 1919, p. 296).

LOUIS BERNARD SCHMIDT, Professor of History in the Iowa State College of Agriculture and Mechanic Arts. (See THE IOWA JOURNAL OF HISTORY AND POLITICS for October, 1912, p. 593.)

JOHN ELY BRIGGS, Assistant Professor of Political Science in the State University of Iowa. Author of *William Peters Hepburn*. (See also THE IOWA JOURNAL OF HISTORY AND POLITICS for July, 1915, p. 471.)

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**THE IOWA JOURNAL OF HISTORY AND POLITICS**  
**OCTOBER NINETEEN HUNDRED TWENTY-ONE**  
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## THE LEGISLATION OF THE THIRTY-NINTH GENERAL ASSEMBLY OF IOWA

In accordance with a constitutional provision<sup>1</sup> the Senate and House of Representatives of the Thirty-ninth General Assembly convened on January 10, 1921; and both houses adjourned eighty-nine days later on April 8th. This is the shortest regular session since 1909 when the period consumed by the Thirty-third General Assembly also included eighty-nine days. Both houses of the Thirty-ninth General Assembly were in actual session only sixty-seven working days: besides the twelve Sundays, recesses were taken on January 14th, 15th, and 17th at the end of the first week and again from February 26th to March 5th inclusive to permit the members to attend to business matters at home. On the basis of the number of days employed the compensation of members of the Thirty-ninth General Assembly amounted to approximately fifteen dollars a day.<sup>2</sup>

Some notion of the work of the Thirty-ninth General Assembly may be obtained from a summary of the number of bills considered. During the session 1147 measures were introduced. Of these, 529 bills and 10 joint resolutions originated in the Senate, and 606 bills and 2 joint resolutions in the House of Representatives. The House took action upon 463 of its own measures, and 257 of these were

<sup>1</sup> *Constitution of Iowa*, Art. III, Sec. 2.

<sup>2</sup> Most of the statistical information contained in the following paragraphs was compiled and verified by Mr. Jacob Van Ek. The facts were obtained from the bill files and *Acts of the Thirty-ninth General Assembly*, the *House Journal* and *Senate Journal* of the Thirty-ninth General Assembly, and the *Index and History of Senate and House Bills*, 1921. All tabulations and summaries were carefully checked.

also acted upon by the Senate;<sup>3</sup> the Senate took action upon 408 of its own measures and 225 of these were also acted upon by the House. In all, 404 acts and 7 joint resolutions passed both houses and were approved by the Governor — 150 of them receiving the executive signature after the date of adjournment, all but two being signed during the following week. One measure, the Springer Public Utilities Bill, was vetoed.

Two hundred and five of the measures that gained enactment originated in the Senate, and 207 in the House. There were 43 Senate bills and 2 joint resolutions which failed to pass the House; while 103 House bills failed to pass the Senate. This is in marked contrast to the Thirty-eighth General Assembly in which nearly twice as many Senate bills failed to pass the House as House bills failed in the Senate. Like the previous Assembly, however, the Thirty-ninth General Assembly enacted approximately thirty-six per cent of the bills introduced. The House passed nearly fifty-two per cent of its own measures, and the Senate passed more than forty-six per cent of the Senate bills. This again is almost the exact reverse of the situation in the Thirty-eighth General Assembly. It appears, therefore, that in the Thirty-ninth General Assembly the House was able to dispose of business with more expedition than the Senate. Perhaps this was due to the installation of the electrical voting mechanism. No less than 191 acts — over 46 per cent — were deemed to be of immediate importance and were declared to be in effect upon publication in designated newspapers. This is 75 more than were deemed of immediate importance by the Thirty-eighth General As-

<sup>3</sup> Action in this case is construed to mean that a bill has come to or beyond the stage of being placed on the calendar. This means, in most cases, that a committee report has been adopted or rejected, which implies that the whole house has expressed an opinion on the measure.

sembly. The remaining 220 measures became effective July 4, 1921.

In regard to the measures that failed of passage, by far the greater number were defeated in the chamber in which they originated. For example, of the 401 House files which failed of enactment 294 were lost in the House, 103 were lost in the Senate, one was lost in a conference committee, one was vetoed, and one was recalled from the Governor by both houses. Of the Senate files which failed of enactment 289 were lost in the Senate, while only 45 were lost in the House. The manner in which the bills were defeated constitutes an enlightening commentary on the methods of legislation. No less than 217 of the 735 propositions that failed were withdrawn. More measures were disposed of adversely by this method than in any other way. This practice has the parliamentary advantage of disposing of a bill without prejudice and leaving the way open for its re-introduction at a more auspicious time in the same or future sessions. There were 204 bills which failed of enactment by being indefinitely postponed and 174 measures were lost in committee. Indefinite postponement was often recommended by committees on the theory that the matter would be handled during a special session on code revision. A surprisingly small number of bills — only 69 — were defeated by an adverse vote on the question of passage. It appears that the chances of passage are good if a bill can be brought to the stage of the final vote. A few bills were lost by being passed on file and forgotten, and the career of others ended with the substitution of another bill on the same subject. There were only eight instances of bills being killed by striking out the enacting clause.

As in the Thirty-eighth General Assembly the number of bills introduced by individual members is, roughly speaking, inversely proportional to the size of the house. The

average number of bills per member introduced in the Senate of the Thirty-ninth General Assembly was approximately ten and four-fifths, while the average number introduced in the House was five and two-thirds. The largest number of bills introduced in the Senate by any one member was 38 by Addison M. Parker. Mr. Parker holds the record for the Thirty-eighth General Assembly also, having introduced 38 measures. In the House the largest number of bills introduced was 22 by A. O. Hauge. Mr. Hauge like Mr. Parker lives in Des Moines and represents Polk County. Another coincidence is that J. B. Weaver, also of Des Moines, was sponsor for 18 bills, the third highest number introduced in the House. There were eight Representatives who did not present a single bill.<sup>4</sup> Seven bills were introduced in the Senate by request, none of which passed that chamber; while in the House thirty bills were introduced by request, four of which became law.<sup>5</sup> The journals show that 105 measures were introduced by committees.

As in the case of the Thirty-eighth General Assembly, most of the legislation of the Thirty-ninth was passed before the last week of the session.<sup>6</sup> Before April 4th, action up to the stage of enrollment had been taken by both houses on 232 measures — a little over fifty-six per cent of the total number of enactments. This is not as good a record as the Thirty-eighth General Assembly made with nearly sixty-eight per cent of its enactments passed before the

<sup>4</sup> Among the number who did not introduce any bills is Representative D. O. Stone, who became ill at the end of the first month of the session and died on February 18th.

<sup>5</sup> The bills here referred to as introduced "by request" are formally designated as so introduced. Of course many other bills not so designated were introduced upon the request of individuals or groups of individuals.

<sup>6</sup> The last week is taken to include the five working days from Monday, April 4th, to Friday, April 8th, inclusive.



last week. While the Thirty-ninth General Assembly passed 179 measures during the last week of the session, only 45 of these acts passed both houses during this time. Furthermore, of the 179 measures upon which one or both houses took final action during the last week of the session, 16 were introduced in January, 67 in February, 82 in March, 4 on the first and second of April, and 10 during the last week of the session. Of the 134 measures which passed one house during the last week, 6 were passed by the other house in February, 101 in March, and 27 on the first two days of April. Although it appears that one or both houses took final action upon nearly half of the legislation of the Thirty-ninth General Assembly during the last five days, it is also obvious that the great majority of measures had been under consideration for some weeks before the final vote.

A sifting committee was appointed in the Senate on March 28th and in the House the following day. The expedient of sifting committees is resorted to for the purpose of selecting those bills for further consideration which are most important, which are supported by public opinion, and which are not apt to require protracted debate. Bills which have reached the calendar are seldom referred to the sifting committee, and appropriation bills never are. Usually the measures that have already passed one branch of the legislature are favored by the sifting committee. For example, the Senate Sifting Committee in the Thirty-ninth General Assembly considered 143 bills and reported out 55 of them. Of those reported 50 were House bills while only 5 were Senate files. A two-thirds affirmative vote in the committee is generally required for reporting out a bill, though the sifting committee is free to adopt any rule it pleases.

There is nothing especially unusual about the character

of the legislation of the Thirty-ninth General Assembly. Only 163 enactments may be considered new legislation in the sense that they do not specifically repeal or amend existing statutes. Of this number 68 are legalizing acts, 30 are appropriation acts, and 7 are joint resolutions. Most of the appropriations are for purposes already provided by law. Moreover, practically all of the 59 remaining acts are in the nature of additional legislation (not amendatory) on subjects upon which there was previous legislation. Thus the absolutely new legislation is limited almost entirely to appropriations to settle claims and to legalizing acts. While the number of legalizing acts is nearly double that of the Thirty-eighth General Assembly the total is still 35 short of the number passed by the legislature in 1917.

Slightly more than sixty per cent of the acts of the Thirty-ninth General Assembly — 248 to be exact — specifically amended or repealed existing statutes. Probably a more accurate impression of the amount of change may be obtained by summarizing the number of sections that were altered or repealed.

Of the *Code of 1897*, it appears that 13 sections were repealed, 18 were amended by adding new clauses, 21 were amended by striking out parts, 19 were amended by substituting new words, phrases, or clauses, and 55 sections were struck out and new sections substituted — a total of 126 sections.

Of the *Supplement to the Code of Iowa, 1913*, 33 sections were repealed, 82 were amended by adding new clauses, 55 were amended by striking out parts, 44 were amended by substituting new words, phrases, or clauses, and 50 sections were struck out and new sections substituted — a total of 264 sections.

Of the *Supplemental Supplement to the Code of Iowa, 1915*, it is noted that 2 sections were repealed, 20 sections

were amended by adding new clauses, 21 were amended by striking out parts, 18 were amended by substituting new words, phrases, or clauses, and 37 sections were struck out and new sections substituted — a total of 98 sections.

Of the legislation of the Thirty-seventh General Assembly, 16 sections were repealed, 7 were amended by adding new clauses, 2 were amended by striking out parts, 11 were amended by substituting new words, phrases, or clauses, and 39 sections were struck out and new sections substituted — a total of 75 sections.

Of the legislation of the Thirty-eighth General Assembly, 6 sections were repealed, 41 were amended by adding new clauses, 13 were amended by striking out parts, 54 were amended by substituting new words, phrases, or clauses, and 19 sections were struck out and new sections substituted — a total of 133 sections.

Moreover, the Thirty-ninth General Assembly repealed one section and made slight additions to two other sections in one of its own acts (chapter 38), and repealed a section in another previous act (chapter 2) for the purpose of substituting a new section (chapter 210). Both of these acts of the Thirty-ninth General Assembly had previously gone into effect upon publication. Chapter 57 is superseded by chapter 152, and section one of chapter 327 which was approved on February 24th is practically identical with section five of chapter 163 which was approved on April 8th.

All together 700 sections of existing statute law were repealed or amended in some manner by the Thirty-ninth General Assembly.<sup>7</sup> This appears to be an unusually large

<sup>7</sup> There were a few instances of a particular section of the law being amended more than once by the Thirty-ninth General Assembly, so that the figure 700 represents a slight duplication in the actual number of sections amended.

number — the total number of sections repealed or amended by the Thirty-eighth General Assembly being 426, while the Thirty-seventh General Assembly repealed or amended only 364 sections.

The favorite method of amendment used by the Thirty-ninth General Assembly was to repeal the section and enact a substitute — one of the better forms, though not the best. This form was used in more than 200 instances. The next most prevalent practice in effecting changes in the law was to add or insert new matter without altering what already existed. There are over 140 instances of substituting new words, phrases, or clauses within particular sections. In more than 100 cases sections were amended by striking out particular words, phrases, or clauses without substituting others in their place. Only 71 entire sections were repealed, and of these the substance was in some instances retained by rewriting the statute of which they were a part though corresponding new sections were not specifically substituted.

#### CODIFICATION OF THE LAWS

During the past three years a new codification of Iowa statute law has been an ever present legislative problem. The Thirty-eighth General Assembly created a Code Commission which produced the *Compiled Code of 1919* and drafted a series of bills, known as Code Commission Bills, which were to be considered at a special session of that Assembly. The Governor, however, failed to call a special session in 1920 as requested; and so when the Thirty-ninth General Assembly convened the work of code revision was uppermost in the minds of the members.

On November 16, 1920, an informal meeting of members-elect was held at the Savery Hotel in Des Moines. Seventy-eight Representatives and thirty-seven Senators, at their own expense of time and money, attended this preliminary

caucus. A committee composed of six members from each house was appointed to consider the problem of code revision and to recommend to the General Assembly a plan of procedure. Accordingly, on January 10, 1921, the first day of the session, this committee submitted a report which suggested that code revision be postponed to a special session. This recommendation was based upon the experience of other Iowa General Assemblies in connection with the codes of 1873 and 1897. The committee, however, wishing to expedite as much as possible the work of the proposed special session, offered a resolution, which was adopted, providing that as much of the work of revision as possible be done during the regular session and that a Joint Committee on Code Revision be appointed to supervise the work. Governor Harding, in his biennial message stated that "about 90 per cent of the work of every legislative session is code revision" and that he did not believe the task of adopting a new code was impossible if the legislature would properly systematize its work.<sup>8</sup>

With a view to devoting as much time as possible to code revision a concurrent resolution was passed fixing the second legislative day in March as the final date for the introduction of all bills except appropriation and committee bills, and providing that only as many code bills be brought upon the calendar for passage on that date as was believed could be passed, lest there be prejudice to those which might not be reached.<sup>9</sup> In accordance with a recommendation of the Joint Committee on Code Revision eight special committees were appointed in each house, comprising

<sup>8</sup> *House Journal*, 1921, pp. 21-24, 30.

<sup>9</sup> In anticipation of code revision a concurrent resolution was adopted the first day of the session whereby the bill file numbers in each house from one to two hundred and seventy inclusive were reserved for Code Commission bills, so that the regular bill numbers began with two hundred and seventy-one.—*House Journal*, 1921, p. 13; *Senate Journal*, 1921, pp. 12, 13.

all members of the Assembly, and these committees, under the direction of the Joint Committee on Code Revision, proceeded to verify the *Compiled Code*. Their reports were made on mimeographed forms and filed with the Code Editor who transferred the data to a set of books prepared for the purpose so that by a system of marks the approval or disapproval of a particular section by the legislative checking committee may be observed at a glance. A great deal of time was consumed in this work, and fourteen of the sixteen committees entirely completed their assignments.<sup>10</sup>

By the time the Assembly reconvened after the March recess it appears that the hope of doing more than verifying the *Compiled Code* during the regular session had been abandoned. On March 8th Senator John R. Price offered a concurrent resolution providing for a special session to revise the code, to be called for the first Monday in June, 1921. This proposition was never considered and on March 21st it was withdrawn by the author. In the House, Representative J. H. Van Camp offered a concurrent resolution which provided for a special session to meet not later than November 28, 1921. This resolution was before the House on March 17th, when further consideration was deferred until March 22nd, but on that date the resolution failed to be called up. On March 28th, however, a concurrent resolution was introduced in the House and adopted, after amendment on April 5th, which declared that a special session to revise and codify the laws was necessary and advisable. Furthermore, to facilitate the work of the extra session the organization of the regular session was to be retained and prior to the adjournment of the regular session, in compliance with the terms of the concurrent reso-

<sup>10</sup> *House Journal*, 1921, pp. 21-24, 25, 26, 232, 233, 287, 289, 296; *Senate Journal*, 1921, pp. 207, 208, 218, 269, 270, 271, 272, 295, 296, 300, 301, 339, 345, 367.

lution, all code bills were assigned to standing committees and referred to sub-committees with a view to having reports ready at the beginning of the special session.<sup>11</sup>

It appears that the members of the General Assembly were fairly well convinced from the beginning that a special session would be necessary to take care of the work of code revision, but they thought there was a possibility of accomplishing something during the regular session. As time passed, however, it seems that the idea of deferring the task to a special session found general approval, of which the concurrent resolution that was finally adopted is the evidence. Since the adjournment of the General Assembly, however, Governor Kendall has let it be known that he does not intend to call the special session which the Assembly planned.

After it had become evident that code revision would not be attempted at the regular session of the Thirty-ninth General Assembly an act was passed which provided for keeping the work of codification up to date. Besides publishing the legislation of the last Assembly in the usual form of session laws, the Supreme Court Reporter was directed to prepare a supplement to the *Compiled Code* containing this legislation arranged according to the titles, chapters, and sections of the *Compiled Code*. Moreover, the Committee on Retrenchment and Reform was authorized to provide for and supervise the revision of the Code Commission Bills so as to harmonize them with the legislation of the Thirty-ninth General Assembly. The Code Commissioners have been called upon to do this work, and the Committee on Retrenchment and Reform has power to employ any other assistance necessary. A sum sufficient to cover all expenses was appropriated.<sup>12</sup>

<sup>11</sup> *Senate Journal*, 1921, pp. 739, 1046, 1604; *House Journal*, 1921, pp. 871, 872, 1113, 1114, 1577, 1604, 1876.

<sup>12</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 333.

Another act closely related to code revision extended the time for the preparation of the book of annotations for the Code until the General Assembly should adopt a new code. The Thirty-eighth General Assembly had directed that the first book of annotations should be ready by January 1, 1920, unless the Supreme Court should extend the time. The Supreme Court on November 22, 1919, extended the time until July 1, 1920, and on June 30, 1920, until sixty days after the convening of the Thirty-ninth General Assembly. A considerable part of the book of annotations has already been prepared.<sup>13</sup>

A sidelight on the status of the *Compiled Code* is seen in an act which states that all parenthetical references in bills of the Thirty-ninth General Assembly to the *Compiled Code* are to be deemed to have been inserted solely as cross references, unless otherwise specified, and do not constitute any part of the final act.<sup>14</sup>

Two Iowa statutes, the Soldiers' Bonus Law and the Blue Sky Law, were considered of such importance that the Thirty-ninth General Assembly provided by joint resolution for separate publication and distribution of two thousand copies of the former and one thousand copies of the latter. Copies of the Bonus Law are distributed through the Governor's office, while the Blue Sky Law is distributed by the Secretary of State.<sup>15</sup>

#### CONSTITUTIONAL AMENDMENT AND REVISION

The Constitution provides that, beginning in 1870, the question of calling a constitutional convention shall be submitted to the voters of the State every ten years. In 1920 for the first time those voting "Yes" on the proposition were in the majority, the official vote being 279,652 in the

<sup>13</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 323.

<sup>14</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 324

<sup>15</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 410



affirmative and 221,763 against the proposition — one of the most decisive of the six votes that have been taken since 1857.<sup>16</sup> The Constitution further provides that when the question is decided in the affirmative “the General Assembly, at its next session, shall provide by law for the election of delegates to such Convention.”

Although some doubt was expressed as to the advisability or necessity of holding a convention at this time, a bill providing for a partisan convention to meet in 1923 passed the House on March 15th. The Senate passed a substitute on March 30th which the House refused to accept. A conference committee report in favor of the House bill with slight modifications was adopted in the House by a vote of 78 to 8. The question was immediately reconsidered and on the second vote the proposal to adopt this report lost by a vote of 24 to 66. A second conference committee was appointed, but before it reported the House adopted a resolution during the last hours of the session whereby the bill was to be retained in the possession of the chief clerk until the time of the final adjournment, was not to be enrolled, and was not to be signed by the Speaker. This appears to give substance to the report that the purpose of the House in insisting upon the adoption of its own bill was to kill the measure. The General Assembly adjourned without fulfilling the wishes of the people as expressed at the general election in 1920 and without complying with the provisions of the Constitution.<sup>17</sup>

<sup>16</sup> The votes on the question, “Shall there be a Convention to revise the Constitution, and amend the same?” are as follows: in 1870, 24,846 for and 82,039 against; in 1880, 69,762 for and 83,784 against; in 1890, 27,806 for and 159,394 against; in 1900, 176,337 for and 176,892 against; and in 1910, 134,083 for and 166,054 against. Thus the narrowest majority was 555 against in 1900 while next to the largest majority was 57,789 for in 1920 — the largest majority on the question being 131,588 against in 1890.

<sup>17</sup> *Constitution of Iowa*, 1857, Art. X, Sec. 3; *House Journal*, 1921, pp. 1043, 1976, 2209, 2213, 2220; *Senate Journal*, 1921, pp. 1422-1426, 1915; House File No. 307.

The Constitution provides that a law contracting a State debt in excess of \$250,000 — except to repel invasion, suppress insurrection, or defend the State in war — must be approved by a majority of the votes cast on the proposition at a general election. For the first time in the history of the State that clause is to be brought into use in connection with raising funds to pay soldiers' bonuses. The passage of the Soldiers' Bonus Law thus made it necessary to rewrite the Code provisions regulating the compulsory referendum, which in this State has hitherto functioned only in case of constitutional amendments. The only changes in the procedure of submitting amendments is the additional duty of the Secretary of State to transmit a copy of the amendment and a sample ballot to the auditor of each county twenty days before the election, and the provision authorizing judges of election, county boards of canvassers, and other election officials to canvass the vote and make returns of the result. These provisions apply also to the public measures like the Soldiers' Bonus Law which are subject to the compulsory referendum. Such measures, unlike constitutional amendments, can not according to a constitutional provision be submitted at a special election: if no general election is specified in the act they are submitted at the one first ensuing. Instead of being published in two newspapers in general circulation in each congressional district of the State, as in the case of amendments, public measures must be published in at least one such newspaper in each county. The proof and record of publication provisions are identical with those for constitutional amendments.<sup>18</sup>

#### PUBLIC PRINTING

From the earliest times the public printing in Iowa has

<sup>18</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 283; *Constitution of Iowa*, Art. VII, Sec. 5.

been a subject of much criticism and investigation. For more than fifty years the work was done by a State Printer and a State Binder without competition and at exorbitant prices. Year after year bills to have the work done by contract in open competition were defeated until 1917 when the offices of State Printer and State Binder were abolished and a Board of Public Printing and Binding was created to supervise printing on a competitive basis. This board was composed of the Governor, Secretary of State, State Auditor, and State Treasurer, with the Document Editor, whose office was established in 1915, acting as secretary. Since the establishment of the offices of State Printer and State Binder the prices for State printing and binding had been rigidly fixed by law, and the revised law of 1917 included a provision requiring the Printing Board to establish the existing schedule of maximum charges within which the competitive bids were required to come. Originally these prices were very generous, but by 1920 printing costs had advanced so much that no publisher could afford to do the work.<sup>19</sup>

When the Thirty-ninth General Assembly convened none of the reports of State officers had been printed, and special legislation was necessary before the legislative printing could be done. Accordingly, a bill was introduced on the first day of the session, passed, and approved on the third day authorizing the Board of Printing and Binding to contract for emergency printing at prices above the schedule of maximum rates and at an unlimited total cost. Formerly the Board had been limited to \$100 for emergency work and required to keep within the maximum rates. Furthermore, the Board was later empowered to contract for the printing of reports, documents, and job work provided by law or needed in the conduct of State business

<sup>19</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 183.

notwithstanding any provisions of the existing law to the contrary. Both of these measures — the latter a joint resolution — terminated upon the adjournment of the Thirty-ninth General Assembly.<sup>20</sup>

Before the Assembly adjourned, however, the entire law relating to public printing and binding, publication and distribution of State documents, the office of Document Editor, and the Board of Public Printing and Binding was repealed and rewritten. The new law is the longest act passed by the Thirty-ninth General Assembly, and in some respects the most important. It constitutes one of the few successful attempts at constructive legislation by the session under review. Senator Ed. M. Smith and Representative E. P. Harrison, both experienced newspaper men, devoted themselves earnestly to establishing a thorough-going system of regulating the State printing which would ensure competent supervision and at the same time prevent a recurrence of the recent experience. The competitive plan was of course retained; but many regulations which had previously been specified by law were left to administrative discretion.<sup>21</sup>

The new act creates a State Printing Board composed of the Secretary of State, the State Auditor, the Attorney General, and two residents of the State of good moral character with at least five years actual experience in the printing trade.<sup>22</sup> The term of office is two years, one appointive member being selected by the Governor each year. The compensation is ten dollars and expenses for every day actually employed.

<sup>20</sup> *Index and History of Senate and House Bills*, 1921, p. 34; *Acts of the Thirty-ninth General Assembly*, Chs. 322, 330.

<sup>21</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 286.

<sup>22</sup> The Board as first organized consists of W. C. Ramsay, Glenn C. Haynes, Ben J. Gibson, W. R. Orchard, and James C. Gillespie.

The duties of the Printing Board are to let contracts for the printing "for all state offices, departments, boards and commissions" when paid for out of funds collected for State purposes; to direct the "manner, form, style and quantity of all public printing"; to employ, discharge, and fix the compensation of necessary assistants; to prescribe rules for the conduct of its business; to keep a record of all its meetings and actions; to hear and determine complaints against any official action of the Superintendent of Printing; to make biennial reports to the Governor; and to perform any other duties required by law.

Potentially the Board is very powerful. While the law includes many specific regulations there is little encroachment upon administrative discretion. Private printers are protected against the competition of printing plants at various State institutions. All printing bills will be paid from one fund and then charged to the departments for which the printing was done, thus furnishing a check on all State printing which, it is hoped, will obviate much of the criticism that has customarily been made.

To facilitate handling the printing of State institutions and departments located outside of Des Moines, the Board has authority to appoint assistants and authorize them to issue orders for printing. Furthermore, the Board may authorize the managing board, head, or chief executive officer of such State institutions to contract for printing with the approval of the Board. In some instances the chief executive officer will probably be made an assistant to the Board, so that the direction of printing for that particular institution may remain practically as at present.

The general administrative officer of the State Printing Board is the Superintendent of Printing who in a sense takes the place of the former Document Editor. He is ap-

pointed by the Board for an indefinite period and must be a resident of Iowa, of good moral character, and with at least five years experience as a printer.<sup>23</sup> His office is located in Des Moines and he is required to devote all his time to office duties which comprise having charge of the equipment and supplies of the Printing Board, exercising general supervision of all matters pertaining to the printing contracts, keeping detailed records of the proceedings of the Board and the award of contracts, preparing specifications and advertisements for printing, directing the document department, editing the manuscripts of all reports, documents, or books printed by the State, and performing any other functions incident to the position. As director of the document department he is responsible for the distribution of State publications, except that the reports of the geological survey are at the disposal of the State Geologist and the codes, supplements, and session laws are turned over to the Secretary of State for distribution. The Superintendent of Printing is responsible for the publication of the bills and daily journals of the General Assembly and is required to compile and print weekly a cumulative bulletin containing a history of each bill.<sup>24</sup>

Another change in the law relating to State printing is to be found in chapter 165. In the past the *Reports* of the Iowa Supreme Court have not come within the scope of the statute regulating other State printing, but have been printed under contracts let by the Supreme Court — though the Court had authority to have the *Reports* published by the State. This arrangement, somewhat amended, still obtains under the new printing law. Formerly, the printer of the Supreme Court *Reports* was required by law to deliver

<sup>23</sup> The first incumbent of this office is the former State Printer, Robert Henderson.

<sup>24</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 286.

the first three hundred and fifty copies to the Secretary of State free of charge, for distribution to the district judges, deposit in various libraries, and exchange with other States. Inasmuch as only about fifteen hundred copies were printed, this practice increased the cost of copies sold to private purchasers approximately thirty per cent. Moreover, the Court experienced much difficulty in making satisfactory contracts according to the terms of this statute. The law was therefore amended to allow the Court to make contracts whereby the State would pay for its copies of the *Reports* and the number printed for the State, not exceeding three hundred and fifty, will now be determined by the Court.<sup>25</sup>

#### SUFFRAGE AND ELECTIONS

It was to have been expected that the adoption of the equal suffrage amendment to the Constitution of the United States and the consequent doubling of the electorate would necessitate readjustments of the law regulating suffrage and elections in Iowa. It will be recalled that in 1919 an act was passed permitting the women in Iowa to vote for presidential and vice presidential electors. This statute having been rendered obsolete by the adoption of the Nineteenth Amendment to the Federal Constitution in 1920, the Thirty-ninth General Assembly repealed the act of 1919. While the suffrage provisions in the Iowa Constitution and several statutory regulations have been nullified by the Nineteenth Amendment, no effort was made by the Thirty-ninth General Assembly to thoroughly amend the suffrage statutes in this connection or to correct the State Constitution by passing the pending equal suffrage amendment. While this neglect may be explained by the confident anticipation of code revision and of a constitutional convention, the business of harmonizing the Iowa Constitution with the

<sup>25</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 165.

Nineteenth Amendment has been delayed for at least four years.<sup>26</sup>

By doubling the electorate the task of counting votes was greatly augmented, resulting in delayed returns and an excessive amount of work on the part of election officials. To remedy this situation the board of supervisors was authorized by the Thirty-ninth General Assembly to appoint a bipartisan election "counting board" consisting of three judges and two clerks at each primary and general election in any precinct polling three hundred votes or more. The judges and clerks of election previously provided for are now known as the "receiving board". The counting board begins work at one o'clock and is assisted by the receiving board after the polls have closed. The place occupied by the counting board must be policed in such a way as to prevent anyone's gaining information regarding the progress of the count until the polls are closed. Anyone violating the secrecy of the ballot may be fined as much as five hundred dollars, or imprisoned not over six months, and disfranchised for five years. The act does not apply to school or municipal elections or in precincts where voting machines are used.<sup>27</sup>

The act of 1919 restoring the party circle to the ballot in Iowa caused much difference of opinion as to the use of voting machines not equipped with party levers. There were more than twenty counties which owned such machines. In August, 1920, the Attorney General rendered an opinion to the effect that the use of voting machines without party levers would not invalidate the vote; and while he strongly advised the equipment of such machines with party levers before the general election, he thought it would be proper to use them as they were, though county

<sup>26</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 19.

<sup>27</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 60.



officials who attempted to do so would run the risk of being enjoined. Toward the end of September, after several conferences and when it became known that injunction actions were threatened in several counties, the Attorney General withdrew his former opinion. Voting machines without party levers were, nevertheless, used in some counties without protest. To settle the question and to prevent the money invested in such machines from being wasted or to save the expense of having them equipped with party levers the Thirty-ninth General Assembly legalized voting machines not so equipped if purchased before April 1, 1921.<sup>28</sup>

In 1920 there arose in a number of places a question regarding the propriety of recording upon the voting machine the ballots cast by absent voters. In order to dispel any doubt on this procedure an act was passed by the Thirty-ninth General Assembly specifically providing that henceforth two election judges of different parties shall register the absent voters' ballots on the voting machine during the time that the polls are open on election day.<sup>29</sup>

The usual effort to change the law regulating primary elections occurred during the Thirty-ninth General Assembly. Representative L. H. Mayne was the sponsor of a bill to return to the convention system of nominations, while another bill by Senator George S. Banta proposed to modify the primary election system by first nominating at conventions the candidates to be voted on at the primary. Other House bills proposed changing the date of the primary and modifying the requirement that a candidate must receive thirty-five per cent of the vote cast for the office in order to be nominated. None of these bills passed the house in which they originated. The only change that was made in the primary law fixed the final date for filing nomi-

<sup>28</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 266.

<sup>29</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 279.

nation papers twenty days prior to the primary election instead of fifteen days as formerly.<sup>30</sup>

The Thirty-eighth General Assembly changed the law regulating the withdrawal of candidates by fixing the time limit for filing the written request with the auditor at fifteen or with the county clerk at twelve days before the election. Now the Thirty-ninth General Assembly has extended the time limit for filing the request to withdraw with the auditor at twenty days before the election, but such a request can still be filed with the clerk as late as twelve days before the election. This will allow ten days for the auditor to prepare and have the ballots printed before he is required to furnish them to absent voters.<sup>31</sup>

Since 1907 candidates for practically all elective offices in Iowa have been required to file a statement of campaign expenses within ten days after the election. An act of the Thirty-ninth General Assembly requires the filing of subsequent statements covering campaign contributions received after the regular report has been made. Moreover, lest public office become a commodity to be purchased by the expenditure of unseemly sums for campaign purposes, a candidate for public office in Iowa is now forbidden to spend in a campaign more than the annual salary of the position sought. Not more than fifty per cent of the amount of the annual salary can be spent to secure the nomination and not more than fifty per cent to win the election.<sup>32</sup>

#### COMPENSATION OF PUBLIC OFFICIALS

The enormous increase in the cost of living caused a general salary raise in 1919 for practically all public offi-

<sup>30</sup> House File Nos. 281, 629, 729, 747; Senate File No. 395; *Acts of the Thirty-ninth General Assembly*, Ch. 75.

<sup>31</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 100; *Acts of the Thirty-ninth General Assembly*, Ch. 105.

<sup>32</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 197.

cial in Iowa. Although there was some demand in 1921 for further increases of compensation, the Thirty-ninth General Assembly did not provide for another general raise. At the same time there were many instances of salary increases by this Assembly. There were very few reductions in compensation. The members of the Pharmacy Commission, instead of receiving \$1500 annually and expenses, will now receive \$10 per day, not to exceed ninety days, plus expenses. A reduction of \$500 was effected in the case of one of the Assistant Attorney Generals.<sup>33</sup>

The list of State officers who will receive more compensation than in the past is long.<sup>34</sup> Thus the salary of the Deputy Secretary of State was raised from \$2200 to \$2400; the Superintendent of the Bond and Investment Department in the office of Secretary of State now receives a salary of \$3000 instead of \$2400. In the Treasurer's office there were two officers who received an increase in their pay — the Deputy Treasurer of State and the Cashier. The salary of the former was raised from \$2400 to \$2700, and that of the latter from \$1800 to \$2100. Two Assistant Attorney Generals received a raise — one from \$3500 to \$3600, and the other from \$3000 to \$3600 — while the salary of another was reduced \$500. In the office of the Board of Control there seems to have been a general increase. The Architect was raised in salary from \$3000 to \$3600, the Accountant from \$2100 to \$2200, one of the Assistant Accountants from \$1600 to \$1800, another Assistant Ac-

<sup>33</sup> *The Des Moines Register*, January 27, 1921; *Acts of the Thirty-ninth General Assembly*, Ch. 340.

<sup>34</sup> These changes are as indicated by a comparison of the general salary acts of 1919 and 1921. Inasmuch as the Committee on Retrenchment and Reform may increase or reduce an officer's salary at any time, several of these increases were actually in effect before the new salary act was passed, and some changes have been made since. All salaries listed are annual unless otherwise indicated.

countant from \$1500 to \$1600, the Purchasing Agent from \$2000 to \$2500, and the Draftsman from \$1500 to \$1700. The salaries of both the Supreme Court Reporter and his deputy were raised from \$3500 to \$4000 and from \$2000 to \$2400 respectively. Nine of the more important employees in the reorganized office of Custodian of Public Buildings and Grounds had their pay raised: the Assistant Custodian and Engineer from \$2200 to \$2420, the First Assistant Engineer from \$1500 to \$1725, the Second Assistant Engineer from \$1400 to \$1610, the Machinist and Electrician from \$1500 to \$1725, the Assistant Machinist from \$1400 to \$1610, the Carpenter from \$1500 to \$1725, the Extra Engineer from \$1400 to \$1610, the Florist from \$1400 to \$1610, and the Painter from \$1500 to \$1900. The salaries of Inspectors in the office of Superintendent of Public Instruction were raised from \$2400 to \$2700; and the Secretary for the Board of Educational Examiners received an addition of \$200 to his former pay of \$1800. Two assistants in the State General Library had their pay increased, one of them from \$1500 to \$2000 and the other from \$1400 to \$1700. In this same department the Cataloguer's pay was raised from \$1400 to \$1900 and that of Accountant and Bookkeeper from \$1400 to \$1600. In the State Law Library the Assistant Librarian's salary was fixed at \$1800 as compared with \$1400 previously, and the Research Assistant for this library now receives a salary of \$2000 instead of \$1800. The Secretary of the Library Commission receives \$2400 instead of the former salary of \$1800. The three Assistant Curators in the Historical Department received a raise of \$300 each, so that two of them now receive \$2400 and the other \$1700. The Thirty-ninth General Assembly made a large number of increases in the salaries of employees in both the office of Railroad Commissioners and the office of Insurance Commissioner. The salary of the Secretary to the Rail-

road Commissioners was raised from \$2700 to \$2820, the Chief Rate Clerk's compensation was increased from \$2400 to \$2520, the Reporter's from \$2000 to \$2400, the Chief Clerk's from \$1800 to \$1920, one of the Assistant Rate Clerk's from \$1600 to \$1920, and the Statistician's from \$1800 to \$2000. In the office of the Insurance Commissioner the following increases in salaries were made: the Insurance Commissioner from \$3600 to \$4000, the Deputy Insurance Commissioner from \$2400 to \$2700, the Security Clerk from \$2100 to \$2400, the Fee Clerk from \$1400 to \$1800, and the General Clerk from \$1400 to \$1600. The compensation of the Assistant Commerce Counsel was increased from \$2400 to \$2700 and that of the Law Clerk in the office of the Commerce Counsel from \$1800 to \$2100. In the office of the Commissioner of Labor the Deputy Commissioner's salary was increased from \$1800 to \$2000, while three Factory Inspectors, the Chief Clerk of the Employment Service, and the Statistician were all raised from \$1500 to \$1800. The compensation of three officials in the office of the Industrial Commissioner were increased as follows: the Industrial Commissioner from \$3300 to \$3600, the Deputy Industrial Commissioner from \$2400 to \$2700, and the Secretary for this office from \$1800 to \$2000. The Chief Clerk in the Dairy and Food Department will receive \$2000 instead of \$1800 as formerly while the Secretary for the Geological Survey received a raise of \$200 making his present salary \$1600. The compensation of three Mine Inspectors is to remain at \$2700, but they are to be allowed a sum up to \$750 each year for travelling expenses. Finally the salary of the Fire Commissioner was raised from \$2500 to \$2700 and that of the Warden of the Fish and Game Department from \$2400 to \$2700.<sup>35</sup>

From the above enumeration it appears that the great

<sup>35</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 340.

majority of increases in salaries were in behalf of deputies and assistants, particularly those of whom some special training is required. Only five heads of departments were given a raise. These are the Supreme Court Reporter, the Insurance Commissioner, the Industrial Commissioner, the Fire Commissioner, and the Fish and Game Warden. Thus it would seem that the salaries of the officers of greatest importance and those of least importance were in the main not changed. By far the larger number of increases was in sums of two hundred or three hundred dollars. Of the changes enumerated there were five six hundred dollar raises, four of five hundred dollars, six of four hundred dollars, twenty-two of three hundred dollars, twenty-one of two hundred dollars, and six of one hundred dollars.

The most notable work of the Thirty-ninth General Assembly on the subject of compensation was to definitely establish the practice of fixing the salaries and compensation of State officials every two years. Before 1919 it was the custom to determine the salaries of many of the State officers by joint resolution and then provide the funds to pay them in an appropriation act. In addition to the salaries fixed by such resolution there were many others prescribed by law as found in the Code and Supplements. Not infrequently it occurred that salary provisions in the Code would be changed for a particular officer without regard to what other officers holding similar positions were paid. Moreover, it was not impossible to increase the salary of an officer whose compensation was already fixed by including an item for him in the joint resolution. Thus the whole subject of compensating State officers was confusing, unfair, haphazard, and conducive to petty politics.

The Thirty-eighth General Assembly inaugurated a new plan. A general salary act in the form of an ordinary law was passed which not only designated the salaries of State

officers but also appropriated the money to pay them. Moreover, many officials were included whose salaries were already fixed by law, and a clause was inserted which in effect amended all such conflicting provisions. At that time, however, the salary provisions in the statute concerning the various officers were not specifically repealed and continued to be permanently prescribed, presumably as amended.

In order to clear up this matter, the Thirty-ninth General Assembly continued the policy of the Thirty-eighth Assembly by passing a general salary act and specifically repealing nearly all of the former salary provisions in the Code and Supplements. Thus the salaries of practically all State officers will now be determined every two years. In most instances where the appropriation for support formerly included salaries, the two were separated and the appropriations for maintenance of State offices and institutions are made in the omnibus bill or in separate acts. Besides repealing the existing salary provisions, the Thirty-ninth General Assembly placed the appointment of extra assistants in the hands of the Committee on Retrenchment and Reform so that it is no longer necessary to give departments that power. The fact that several acts of the Thirty-ninth General Assembly do contain provisions for new offices prescribing definite salaries for the appointment of additional assistants by heads of departments, and for the determination of salaries other than by the Committee on Retrenchment and Reform or in the general salary act, may be explained as oversights or due to the unfamiliarity of some of the legislators with the new policy in regard to salaries.<sup>36</sup>

The Thirty-eighth General Assembly provided a new schedule of salaries for all of the county officers except the

<sup>36</sup> *Acts of the Thirty-ninth General Assembly, Ch. 209.*

coroner, and for most of the deputy county officers. In most cases this new schedule provided for an increase in salaries. In anticipation of possible lower costs of living the legislature at that time provided that the increases should not apply after June, 1921.<sup>37</sup> When the Thirty-ninth General Assembly met, the period of lower costs of living had not yet arrived and as there was no reason to expect it immediately the increases in the salaries of county officers and deputies as provided by the Thirty-eighth General Assembly were continued until June, 1923. The bill relating to the salaries of county officers as originally introduced provided that the increases of 1919 be made permanent, but the committee to which it was referred reported in favor of extending the increases only until 1923.<sup>38</sup>

In fixing the salaries of the county auditor and county treasurer the Thirty-eighth General Assembly provided an extra three hundred dollars for each of these officers in Scott, Muscatine, and Clinton counties if the auditor made up the tax books for the special charter city in those counties and if the treasurer collected the taxes of those cities. The Thirty-ninth General Assembly amended this provision by providing that these officers in counties having a population of twenty-five thousand and containing a special charter city shall receive the extra compensation only when the special charter city has five thousand inhabitants or more. By virtue of the fact that Camanche, the special charter city in Clinton County, has only six hundred and ten inhabitants the effect of the change is to deprive the auditor and treasurer in Clinton County of the extra \$300 compensation they were formerly entitled to receive.<sup>39</sup>

<sup>37</sup> The Act granting increases of salary to county officers expired June 30, 1921, and that for deputy county officers on June 1, 1921. The new legislation extended these increases to June 30th, 1923, and June 1st, 1923, respectively.

<sup>38</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 74, 97.

<sup>39</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 293; *Acts of the Thirty-ninth General Assembly*, Ch. 74.



The schedule of salaries for deputy county officers fixed by the Thirty-eighth General Assembly provided in the cases of the deputy clerks, the deputy county auditors, the deputy county treasurers, and the deputy county recorders that in counties having within their limits a city of 60,000 or over the salary of the first and second deputy shall be 65% of that of the principal, and the salary of the third and fourth deputy shall be 50% of that of the principal, and in case additional deputies and clerks are needed the salary of such additional deputies and clerks shall be fixed by the board of supervisors.<sup>40</sup> This provision was changed so as to apply to counties which have within their limits a city of forty-five thousand or over, thus adding Scott and Linn counties to the category of Polk and Woodbury. That part of the former act which related to the appointment and salaries of deputy sheriffs was rewritten. The duty of the sheriff to appoint one or more deputies was made optional instead of mandatory, and the bond of deputy sheriffs may now without question be approved by the board of supervisors. Deputy sheriffs are now required to take the same oath as the sheriff. Salary provisions were also changed in a few particulars so that the board of supervisors may not pay the deputy sheriffs more than \$1500, except that in counties with a population of fifty thousand or over the first deputy shall receive a compensation equal to sixty-five per cent of that of his principal but not over \$1800.<sup>41</sup>

The act of the Thirty-ninth General Assembly which makes the above changes in the salaries of deputy county clerks, auditors, treasurers, recorders, and sheriffs is amendatory to chapter 278 of the *Acts of the Thirty-eighth General Assembly* which contains nearly all other salary provisions pertaining to deputy county officers. This same

<sup>40</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 278.

<sup>41</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 260.

chapter 278 was previously amended by the Thirty-ninth General Assembly, however, continuing the effect of its provisions until June, 1923. The provisions of the later act of the Thirty-ninth General Assembly affecting the deputy clerks, auditors, treasurers, recorders, and sheriffs will also become ineffective after that date.

Changes made in the compensation of township and municipal officials will be discussed in connection with the topics of township government and municipal legislation.

#### THE STATE LEGISLATURE

An amendment of the Iowa Constitution adopted in 1904 requires that the General Assembly at the next session following each State and national census shall apportion the State Senators and Representatives among the several counties or districts according to population. This was done in 1906 and 1911, but the Thirty-seventh General Assembly failed to make any reapportionment, and the Thirty-ninth General Assembly readjusted only the representative districts. The only problem in redistricting the State for the election of Representatives is in determining the nine largest counties which shall have two Representatives. According to the 1906 apportionment they were Lee, Des Moines, Pottawattamie, Polk, Scott, Clinton, Linn, Woodbury, and Dubuque. Since 1911 Black Hawk County has displaced Des Moines County, while Wapello County took the place of Lee County in 1911 and retained it until 1921 when Lee County was again placed among the nine counties entitled to two Representatives.

Bills were introduced in the Thirty-ninth General Assembly to reapportion the senatorial districts, and although the matter was considered neither of these bills passed the house in which it was introduced, despite the fact—or perhaps on account of it—that the senatorial districts have not been changed since 1886 and the representation of

the cities and counties in the western part of the State is entirely inadequate while the older counties in eastern Iowa have a much larger representation in the Senate than they deserve on the basis of population.<sup>42</sup>

During the session of the Thirty-ninth General Assembly the usual number of extra janitors and other assistants were employed. A research assistant in the State Law Library, two electricians to operate the House voting machine, and an assistant sergeant-at-arms in the House should be mentioned particularly. The compensation of officers and employees of the Thirty-ninth General Assembly was fixed at the same wages as that provided by the previous Assembly, with one exception. After heated debate extending over a period of three weeks, during which numerous parliamentary tangles were encountered, the per diem compensation of the enrolling clerk in the House was increased a dollar and a quarter a day.<sup>43</sup>

The statute governing the organization and authority of the Joint Committee on Retrenchment and Reform was repealed and rewritten. Heretofore the law required that two members of this committee in each house should be members of the minority party or parties. In the Thirty-ninth General Assembly there were only two Democrats in the Senate and all the other Senators were Republicans, while in the House there were only six Democrats. Many members of the legislature felt that the minority was over-represented on this important committee and there was some anxiety lest the time should come when, for lack of any minority party members in one branch of the legislature, the organization of the committee would be prevented. In view of these considerations the new law is so worded that in addition to the chairmen of the Ways and Means, Judiciary, and Appropriations committees in each

<sup>42</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 331.

<sup>43</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 406, 407, 408.

house the two appointive members may also be of the majority party if no minority party is represented, or if there is but one representative of a minority party in either house the other appointive member shall be of the majority party. Furthermore, members of this committee are now to receive ten dollars a day compensation, in addition to their travelling expenses, for meetings when the legislature is not in session.<sup>44</sup>

An act in the interest of uniformity in State legislation provides for the appointment by the Governor of three members of the Iowa bar to constitute a Commission on Uniform State Laws. The commissioners are to serve for a term of four years and without compensation except actual expenses. They are required to hold at least one meeting once in two years, attend the meetings of the National Conference of Commissioners on Uniform State Laws, promote uniformity in State laws, report recommendations to the legislature, and urge uniform judicial interpretation of uniform State laws. This measure was proposed by the National Conference of Commissioners on Uniform State Laws.<sup>45</sup>

The Legislative Reference Bureau in connection with the State Law Library was established in 1911 and has been of constantly increasing service to the General Assembly. No provision has ever been made, however, for the employment of a scientific bill drafter. While many laws in the past have been well drawn by experts there has been no one to whom any legislator might go for impartial and scientific aid in drafting a measure. Indeed, some members of the General Assembly have been inclined to hold aloof from any such service. With the stimulus of code revision there has been a definite tendency on the part of the legislature

<sup>44</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 218.

<sup>45</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 201.

to seek expert advice in the drafting of bills. A slight beginning was made in the Thirty-eighth General Assembly, but the inauguration of scientific bill drafting as a common practice in Iowa probably dates from the Thirty-ninth General Assembly. Realizing the advantage of careful preparation of measures, committees and members of the legislature frequently consulted the Code Editor and his assistants for advice in bill drafting. The result is apparent in several of the more important acts.

#### THE STATE ADMINISTRATION

When the Thirty-ninth General Assembly convened there was considerable talk of changes in State administrative organization. Governor Kendall recommended the merging of the Board of Parole with the Board of Control, and a bill to that effect was introduced in the Senate but failed to pass. Then came the incident involving the appointment of a woman to membership on the Board of Control. Twice the Governor submitted the name of a woman, but the Senate steadfastly refused to ratify his nominations. Two bills were introduced in the Senate requiring that one member of the Board of Control be a woman, but neither of these measures passed the Senate. At the same time two women members were appointed to the Board of Education.

The State Highway Commission was the subject of some criticism and bills were introduced making the Commissioners elective, limiting their authority to primary roads, depriving them of the authority to relocate primary roads, and removing the headquarters of the Commission from Ames to Des Moines — none of which passed the house in which they were introduced.

Efforts were made also to reorganize the State Board of Agriculture and have the elective members selected by con-

gressional district caucuses instead of chosen by the State agricultural convention as a whole, but a bill to that effect which passed the House failed of consideration in the Senate.

A long bill containing a hundred and ten sections proposed to create the office of Commissioner of Land Titles. The measure was introduced by Senator E. H. Campbell but was never reported out of the committee.

Senator Milton B. Pitt proposed the establishment of a central purchasing bureau to be composed of the Superintendent of Banking, the chairman of the Board of Control, and the chairman of the Board of Education, but nothing came of his bill.<sup>46</sup>

In connection with the law regulating the annual settlement of accounts of all State officials handling State funds with the Executive Council, a new provision forbids the State Auditor to draw warrants reimbursing any State officers, except the Governor, Attorney General, Railroad Commissioners, Commerce Counsel, and those under the supervision of the Board of Control or Board of Education, for expenses incurred by attending conventions or conferences outside the State, unless a permit from the Executive Council is filed with the Auditor. This measure was prompted by the disclosure that many State officers were traveling extensively at public expense.<sup>47</sup>

The Governor was made responsible for the certification of Commissioners for Iowa in other States, the publication of a list of them, the keeping of a record of all appointments of such Commissioners, and the preserving of certificates of commissioners of other States in Iowa. Formerly, the Governor was charged only with the appointment of the

<sup>46</sup> House File Nos. 452, 488, 531, 727, 811; Senate File Nos. 417, 422, 519, 520, 578, 651, 680; *House Journal*, 1921, p. 165.

<sup>47</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 221.

Commissioners, while the functions mentioned were performed by the Secretary of State: now the entire administrative supervision of the Commissioners for Iowa in other States and the commissioners of other States in Iowa is centered in the Governor's office.<sup>48</sup>

The services of Commissioners in other States are of the same general character as those of notaries public. The jurisdiction of a notary public in Iowa extends only to the county of his residence and the adjoining counties in which he files a certified copy of his certificate of appointment. Notaries have, however, sometimes acknowledged instruments outside of their jurisdiction and on account of the impossibility of having many of these instruments re-acknowledged the Thirty-ninth General Assembly legalized all acknowledgments heretofore taken by notaries outside of their jurisdiction. The fee for a commission as notary public was definitely fixed at five dollars.<sup>49</sup>

The schedule of fees which the Secretary of State may collect was revised. For issuing a commission to Commissioners in other States the fee was changed from \$5 to \$15; for a certificate the charge was raised from \$1 to \$2; and for a copy of a law or record for a private person the cost was increased from ten cents to twenty-five cents for every hundred words.<sup>50</sup>

A bill to alter the personnel of the Executive Council by making the Attorney General a member passed the Senate but was lost in the House Sifting Committee. Another act relating to the Executive Council gives that body authority to summon witnesses and require the production of evidence. A person failing or refusing to comply may be

<sup>48</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 233.

<sup>49</sup> *Code of 1897*, Sec. 377; *Acts of the Thirty-ninth General Assembly*, Chs. 80, 151.

<sup>50</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 80.

punished for contempt. There was no law on the statute books previous to 1921 which specifically granted the Executive Council this authority, and inasmuch as the Committee on Departmental Affairs turned over to the Executive Council certain unfinished investigations it was thought advisable that they should be able to procure the necessary witnesses.<sup>51</sup>

The organization of the State Board of Audit, which was established in 1915, was changed by excluding the first assistant secretary of the Executive Council, who might have been a member under the former statute, and naming as secretary of the Board the State Auditor instead of the secretary of the Executive Council or his first assistant.

An attempt was made to have the accounts of the Board of Education and the Board of Control brought under the jurisdiction of the Board of Audit, but the suggestion was not approved by the Senate Committee on Departmental Affairs. Warrants on the State Treasurer for money appropriated for the support of the Iowa National Guard not in active service are now subject to check by the State Board of Audit.<sup>52</sup>

For many years the Governor of Iowa has had the authority to appoint a commission to examine the accounts of any State officer with a view to suspending the officer if the findings warrant. Such a commission, according to the legislation of the Thirty-ninth General Assembly, may now be appointed to investigate any State board, commission, or other person spending State funds.<sup>53</sup>

Since April 15, 1921, the State Treasurer has been re-

<sup>51</sup> Senate File No. 454; *Acts of the Thirty-ninth General Assembly*, Ch. 158.

<sup>52</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 171, 226; Senate File No. 452.

<sup>53</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 171. In the first section of this act as printed in the session laws there is a typographical error, the word "of" at the end of line five appearing in place of the word "or".



quired to keep a daily balance sheet which shows the balance or deficit of each fund and the total amount of money in the treasury.<sup>54</sup>

The so-called crime wave of the past two or three years is probably responsible in part for the act of the Thirty-ninth General Assembly which authorizes the Attorney General to establish a Bureau of Criminal Investigation composed of the State special agents and all other peace officers in Iowa. This measure was endorsed by the Iowa Bankers Association. The Attorney General has inaugurated under this law a system of criminal identification, for which purpose all sheriffs and chiefs of police are required to furnish criminal identification records. The expenses of the Bureau are to be paid out of the contingent fund of the office of Attorney General. The object of this act is to centralize criminal investigation. Thus the Bureau will make the work of local peace officers more effective, afford a means of coöperation with officers of other States and the Federal government, and provide a clearing house for the detection of automobile thieves, the recovery of stolen property, and the accumulation of information relative to criminal activities. The establishment of this system may obviate the organization of a State police force.<sup>55</sup>

Another act relating to the apprehension of criminals amends the law pertaining to rewards offered by the Governor. Such rewards will no longer be offered for the arrest and delivery of persons "charged" with a crime but rather for those "committing" a crime. Moreover, the State is protected against the payment of unearned rewards by the stipulation that no reward is to be paid until the person arrested and delivered has been convicted and the

<sup>54</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 185.

<sup>55</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 186.

conviction affirmed in case of an appeal to the Supreme Court.<sup>56</sup>

The bond of the Supreme Court Reporter was reduced from \$10,000 to \$1000, because he handles no State funds so that there seemed to be no good reason for requiring the larger bond.<sup>57</sup>

The statute relating to the office of Custodian of Public Buildings was repealed and a new law enacted providing for a Custodian of Public Buildings and Grounds. Formerly, the Adjutant General was ex officio in charge of State buildings and grounds at the capital, but for some time the work of organizing the National Guard has made it impossible for him to attend to the duties of the Custodian's office. The new act provides for the appointment of a Custodian by the Executive Council. When the bill was passed there was an understanding that the Assistant Custodian, who had served the State efficiently for many years, would be elevated to that position. The compensation for the office of Custodian, however, was inadvertently omitted from the salary act, so it appears that the Executive Council has appointed itself Custodian, leaving the Assistant Custodian to continue doing the work. Moreover, the Soldiers Preference Law seems to have interfered with the retention of the former Assistant Custodian in that position. Except for the changes noted and the addition of a penalty clause against the Custodian's having any pecuniary interest in any contracts for supplies or business enterprises involving expenditure by the State, the new act is almost identical with the Code Commission Bill on this subject which restates the provisions of the former statute in simpler and clearer language.<sup>58</sup>

<sup>56</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 250.

<sup>57</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 4.

<sup>58</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 108; Code Commission Bill No. 13.

The annual appropriation for the support of the State Library Commission was doubled by fixing the amount at \$12,000 exclusive of the \$9000 which formerly came out of the \$15,000 appropriation for maintenance. Salaries will now be taken care of in the general salary act.<sup>59</sup>

To the personnel of the Board of Educational Examiners was added a third appointive member to represent the privately endowed colleges of the State which maintain teachers' training courses.<sup>60</sup>

The term of office of the State Veterinary Surgeon and the other members of the Commission of Animal Health was extended from three to four years.<sup>61</sup>

A new statute which applies to all public officers, boards, commissions, departments, and institutions of the State, county, township, municipality, school corporation, and to public libraries requires that on or before December 1, 1921, and every year thereafter these officials shall file an inventory, verified by oath, of all real and personal public property under their charge, care, custody, control, or management. These inventories remain on file in the office wherein they have been prepared for public use and inspection. Moreover, State officials are required to file duplicates with the State Auditor, except that inventories of property under the Board of Control and Board of Education are filed with these boards, and all other public officials must file duplicate inventories with the county auditor. It is the duty of the State and county auditors to see that these duplicate inventories are filed in their offices. A series of forms will be furnished by the State Auditor. Failure to file the inventories is punishable by removal from office.<sup>62</sup>

<sup>59</sup> *Acts of the Thirty-ninth General Assembly, Ch. 235.*

<sup>60</sup> *Acts of the Thirty-ninth General Assembly, Ch. 248.*

<sup>61</sup> *Acts of the Thirty-ninth General Assembly, Ch. 146.*

<sup>62</sup> *Acts of the Thirty-ninth General Assembly, Ch. 177.*

In addition to the changes made in the State administrative offices by acts designed especially for that purpose it appears that a few new officials were authorized by the general salary act. Moreover, no salary seems to have been provided for some well established offices — an assistant county accountant in the office of State Auditor, a lecturer on tuberculosis, and one inspector in the office of Superintendent of Public Instruction.<sup>63</sup>

#### THE STATE INSTITUTIONS

*Support.*— The cost of maintaining State institutions has continued to rise and even the substantial increases in the monthly support which were granted by the Thirty-eighth General Assembly were not adequate to meet present demands.

At the Soldiers' Home in Marshalltown the monthly support was increased from \$22 to \$28 for each inmate. The law now provides that in case there are less than seven hundred and fifty inmates any one month the support for that month shall be \$21,000 as compared with a minimum of \$18,700 for eight hundred and fifty inmates in 1919. The amount allowed for each employee was increased from \$10 to \$15 per month.

The monthly support for each inmate of the Institution for Feeble-minded Children at Glenwood was increased from \$17 to \$21.

The minimum monthly support of the Iowa Soldiers' Orphans' Home was changed from \$9000 in any month when there might be less than three hundred and sixty inmates to \$10,000 monthly if the number of inmates should fall below four hundred.

The support for each patient in the Sanatorium for Tuberculosis at Oakdale was increased from \$50 to \$65 per month.

<sup>63</sup> *Acts of the Thirty-ninth General Assembly, Ch. 340.*

For the Colony for Epileptics the total minimum monthly support was changed from \$7000 for three hundred patients to \$10,000 for four hundred and fifty, but no increase was made in the per capita monthly allowance which, therefore, remains at \$24 as fixed by the Thirty-eighth General Assembly.

A comparison of the work of the last two General Assemblies is interesting. Thus, no further change was made in the allowances provided by the Thirty-eighth General Assembly for support of the hospitals for the insane at Mount Pleasant, Clarinda, Cherokee, and Independence, for the Men's Reformatory at Anamosa, or the Penitentiary at Fort Madison. The support funds of the Training School for Boys, the Training School for Girls, and the Industrial Reformatory for Women also remains as fixed by the Thirty-eighth General Assembly. It is to be observed, however, that the institutions for which the per capita support was not increased are those which engage in agriculture or manufacture, the income from which supplements the appropriations. The per capita increase of \$6 monthly for the Soldiers' Home at Marshalltown was equal to the increase made by the Thirty-eighth General Assembly in 1919 as was also the \$4 per month increase for each inmate of the Institution for Feeble-minded Children at Glenwood. In case of the Tuberculosis Sanatorium, however, the \$15 per capita increase in the monthly support was three times the increase allowed for the same purpose by the Thirty-eighth General Assembly.<sup>64</sup>

*Educational Institutions.*— With one exception all of the legislation of the Thirty-ninth General Assembly relative to the three State educational institutions is in the nature of appropriations. Besides the usual appropriations neces-

<sup>64</sup> *Acts of the Thirty-ninth General Assembly, Ch. 297.*

sary for the maintenance the legislature yielded to the urgent requests for appropriations that would enable these institutions for higher education in the State to construct new buildings which they needed to satisfy the demands imposed upon them by the increased enrollment of the past few years. Because of the desire to practice economy and to keep expenditures as low as possible, the General Assembly did not see its way clear to appropriate all that was asked for building purposes. To the State University of Iowa \$500,000 was granted for the purpose of purchasing land and constructing buildings. An equal amount for similar purposes was appropriated to the Iowa State College of Agriculture and Mechanic Arts, while a sum of \$230,000 was voted to the Teachers College for the specific purposes of purchasing land and constructing a home economics laboratory and an additional section to the women's dormitory.<sup>65</sup>

In connection with the Iowa State College, the Board of Education was authorized to transfer a certain tract of land to the City of Ames so that the north end of Lynn Avenue could be re-aligned in accordance with the plans of the city to make that thoroughfare safer.<sup>66</sup>

The establishment of three more normal schools was proposed, but nothing came of the suggestion.<sup>67</sup>

The State Historical Society of Iowa on account of the nature of its activities is closely related to the educational institutions of the State. By the addition of \$20,500 annually for support the permanent annual appropriation for this institution was nearly doubled.<sup>68</sup>

<sup>65</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 287, 289, 292.

<sup>66</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 334.

<sup>67</sup> Senate File No. 612.

<sup>68</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 294.

*Medical Institutions.*—In 1904 the bacteriological laboratory of the medical department of the State University of Iowa was established with a rather modest appropriation of \$1000 for equipment and \$5000 biennially to pay the salaries and all other expenses connected therewith. In the year 1915 this institution was allowed an annual appropriation of \$6000, and the Assembly of that year also made the \$5000 annually it had previously appropriated for the epidemiology laboratory available for the bacteriological laboratory. The Thirty-seventh General Assembly increased the appropriation for the bacteriological laboratory to \$8000 annually, and in 1921 the annual appropriation was raised to \$15,000.<sup>69</sup>

A State Psychopathic Hospital was established at Iowa City in connection with the State University of Iowa by an act of the Thirty-eighth General Assembly, carrying an appropriation of \$175,000 for the erection and equipment of a building to be used for that purpose. Accordingly the hospital was established with temporary quarters on the upper floors of what had previously been the homeopathic hospital at the State University, and the construction of the new building was begun. It was necessary, however, for the Thirty-ninth General Assembly to appropriate an additional sum of \$97,000 to complete this hospital—\$35,000 to be used to finish the building and \$62,000 for equipment.<sup>70</sup>

Not only did the Thirty-ninth General Assembly appropriate additional funds for the Psychopathic Hospital, but it also paid some attention to its administration. The medical director, the assistant medical director, and one other member of the medical staff of the State Psychopathic Hospital now constitute a board of insanity commissioners

<sup>69</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 293.

<sup>70</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 291.

to decide whether patients referred to the board by the medical director are fit subjects for observation and treatment in a State hospital for the insane. This board is given practically the same powers as those possessed by other commissioners of insanity and provision is made for its organization and for appeal from its decisions. Formerly, power to transfer patients rested with the medical director who was required to appoint some person to accompany the patient from Iowa City to the proper State hospital. As the law now reads the appointment of an attendant seems to be optional with the board. Provisions for the pay and expenses of attendants remain practically the same.

The Thirty-eighth General Assembly made provision for the transfer of patients from the Psychopathic Hospital to the general University Hospital and for the manner of paying the expenses. These provisions were extended to cover the transfer of patients afflicted with abnormal mental conditions from the general hospital to the Psychopathic Hospital, with special reference to public patients. The law relating to the discharge of patients was somewhat simplified so that now only the committing judge need be notified by the medical director of the discharge of a patient, and a provision was added which requires the judge to appoint an attendant, or authorize the medical director to do so, to accompany a discharged patient to a place which the judge may designate. A section was added which makes it possible for a private patient to become a public patient after commitment. Finally, provision was made for the payment of expenses resulting from death and transportation of bodies of persons who may die while at the Psychopathic Hospital in the case of public patients, and for the collection of such expenses when the person was a private patient.<sup>71</sup>

<sup>71</sup> *Acts of the Thirty-ninth General Assembly, Ch. 245.*



In order that the students of the Nurses Training School at the University may be properly housed while receiving instruction, particularly in connection with the Children's Hospital and the Psychopathic Hospital, the Thirty-eighth General Assembly appropriated \$150,000 for a nurses' home in the vicinity of these two institutions, but it was necessary for the Thirty-ninth General Assembly to appropriate \$25,000 additional for its completion.<sup>72</sup>

*Institutions for Defectives.*—Emergency appropriations were made for the College for the Blind and for the School for the Deaf. The former institution received for this purpose the sum of \$16,000; while \$25,000 was voted for the latter.<sup>73</sup>

The replacement of property destroyed by fire at the Institution for Feeble-minded Children was made possible by the appropriation of \$35,000 for the construction and equipment of an industrial building.<sup>74</sup>

The sum of \$2000 was appropriated to meet the deficiency in funds for paving and improving the highway at the Hospital for the Insane at Cherokee. Although there was a deficit of \$4745, the difference will be made up by taxation of the city of Cherokee inasmuch as this paving is adjacent to the Cherokee cemetery.<sup>75</sup>

In accordance with the act of the Thirty-eighth General Assembly ordering the State Hospital for Inebriates at Knoxville to be abolished, the Executive Council was authorized to sell several plots of ground containing about three hundred and forty-five acres upon which the institution was located.<sup>76</sup>

<sup>72</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 290.

<sup>73</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 288.

<sup>74</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 299.

<sup>75</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 336.

<sup>76</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 326.

*Institution for Delinquents.*—The Board of Control was authorized to purchase a farm of about two hundred and sixty acres in Jones County in connection with the Reformatory for Men at Anamosa, for which purpose a sum not to exceed \$52,000 was appropriated.<sup>77</sup>

The Flynn farm, owned by the State of Iowa and used as a prison farm, was ordered to be sold.<sup>78</sup>

*Institutions for Dependents.*—The purpose for which the Iowa Soldiers' Home at Marshalltown is maintained was restated so as to include any dependent honorably discharged United States soldier, sailor, marine, army or navy nurse, or their dependent widows or wives otherwise qualified. Formerly, the Home was open only to those who had served in the Union army and their dependent widows, wives, fathers, and mothers. Thus, the new statute excludes the fathers and mothers, but adds the veterans of recent wars and navy nurses. A change in rules for admission was also made to include among those eligible, persons who were residents of Iowa when they enlisted or were inducted into service, as well as those who served in Iowa regiments or batteries, or were accredited to Iowa. Women who are the lawful wives of honorably discharged soldiers, sailors, or marines at the time they are admitted to the home may also be admitted.<sup>79</sup>

The customary appropriations were made for the maintenance and repair of charitable, correctional, educational, and penal institutions of the State, and these may be found in the table of appropriations given below on pp. 655–664.

<sup>77</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 300.

<sup>78</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 325.

<sup>79</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 148.

## COUNTY OFFICERS AND GOVERNMENT

Several acts of the Thirty-ninth General Assembly affected incidentally the functions of the county board of supervisors, but only two had to do primarily with their activities. The time for the regular June meeting was changed from the first to the second Monday of that month to avoid a conflict with the date of the primary election. This measure was introduced upon the suggestion of the County Auditors Association. To the general powers of the board of supervisors was added that of leasing or selling to school districts any county real estate not needed for county purposes.<sup>80</sup>

Bills were introduced in both houses to change the term of the supervisors to two years and elect them at large, but none of these measures passed the chamber in which they originated, though the proposition of a two year term for all county officers lost in the Senate by a vote of only twenty to twenty-seven. Among other bills relating to county officers which failed of enactment was a proposal to increase the mileage that a sheriff may collect, a bill to increase the general fees of the recorder, and a measure to require the recorder to keep a plat book showing incumbrances.<sup>81</sup>

All county officers are now required to file annually an inventory of the public property under their control. This act is discussed above under the topic of State Administration.

The compensation of county officers has been discussed above under the topic dealing with the compensation of public officials. The only change of salary occurred in the case of the superintendent of schools. That county officer

<sup>80</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 239, 321.

<sup>81</sup> Senate File Nos. 580, 654, 655; House File Nos. 291, 656, 681, 725; *Senate Journal*, 1921, p. 1380.

has been relatively underpaid for several years, so that the Thirty-ninth General Assembly by increasing the maximum salary simply raised the superintendent to the level of the other county officers. The salary of the county superintendent as fixed by the Thirty-eighth General Assembly ranged from \$1600 to \$2500 according to the population of the county, but the new act specifies a salary of \$1800 in all counties and allows the board of supervisors to provide additional compensation up to \$3000 a year.<sup>82</sup>

Two acts of the Thirty-ninth General Assembly extend the powers of the county in connection with the maintenance of county public hospitals. Chapter 95 doubles the amount of the tax that may be raised for the support of a county hospital by increasing the maximum levy from one to two mills. Furthermore, by virtue of chapter 83 the county board of supervisors, in counties where there is no county hospital, now have authority to establish one or more county wards in any public or private hospital in the county. The rules relating to the occupancy of such wards are determined by the board of supervisors. The tax levy for this purpose is limited to one-half mill.<sup>83</sup>

#### TOWNSHIP OFFICERS AND GOVERNMENT

Nearly all of the legislation of the Thirty-ninth General Assembly relating to township government concerns the two offices of assessor and justice of the peace. The statute regulating the venue of justices of the peace — which provides that action may be commenced in an adjoining township if there is no justice in the proper township — was amended to cover the contingency of there being no justice in the adjoining township, by adding that if such should be the situation then the case could be taken to the justice in

<sup>82</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 112.

<sup>83</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 83, 95.

the same county nearest to the township in which the defendant resides. The same amendment applies in cases of forcible entry and detention of real property except that such actions are taken to the township in the same county nearest the one in which the subject of the action is situated.<sup>84</sup>

Three acts deal with the compensation of township officers. Assessors who attend the annual meeting at the office of county auditor to receive instructions are now allowed ten in place of six cents a mile to cover traveling expenses.<sup>85</sup>

In accordance with an act of the Thirty-eighth General Assembly the board of supervisors of Polk County was allowed to fix the compensation of the Des Moines assessor at not over \$2500 a year and the pay of two head deputy assessors at not over \$1500 a year each. The Thirty-ninth General Assembly extended this privilege to all commission governed and special charter cities with a population exceeding forty-five thousand—Des Moines, Sioux City, Cedar Rapids, and Davenport.<sup>86</sup>

Chapter 101 of the acts of the Thirty-ninth General Assembly purports to extend the salary basis of compensation for justices of the peace and constables to townships having a population over ten thousand. Formerly, these officers were paid a salary from the county treasury only in townships with over twelve thousand inhabitants. For the purpose of harmonizing this change with another part of the existing statute, the number of townships in which justices of the peace and constables are allowed to retain part of the civil fees collected was increased by including all with a population exceeding ten thousand instead of twelve

<sup>84</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 193.

<sup>85</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 121.

<sup>86</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 23.

thousand as before. These officers, however, must still pay into the county treasury all criminal fees collected in townships having a population of twelve thousand or more. Another part of the existing statute, which was allowed to remain unchanged, now appears to be inconsistent with the amended provisions. Justices of the peace and constables in townships having under twelve thousand population must pay into the county treasury all fees collected above stipulated amounts which they are allowed to retain as compensation. Thus in a township with eleven thousand population the justices of the peace and the constables are ordered in one part of the law to pay into the county treasury *all fees* except \$800 and \$600 respectively which they may retain; in another place they are authorized to pay into the county treasury *all civil fees* except what the county board of supervisors may allow them to retain; while in a third place they are to receive salaries of \$1000 and \$800 respectively in full compensation for their services in criminal cases.<sup>87</sup>

#### MUNICIPAL LEGISLATION

Legislation relating to cities and towns, as usual, occupied much of the attention of the General Assembly. The thirty-eight acts dealing directly with municipal government contain some important developments. In addition to these acts, thirty legalizing acts were required to validate the actions of cities and towns about which doubts of legality had arisen.

*City Officials.*— One of the most noteworthy changes in municipal government is the act, sponsored by Representative A. O. Hauge of Des Moines, which requires candidates for nomination and election to commissions in certain com-

<sup>87</sup> *Acts of the Thirty-ninth General Assembly, Ch. 101.*

mission governed cities to announce the department of which they desire to be the superintendent. The act, which repeals the existing regulations, applies only to those cities which adopt the commission form of government hereafter, and to the cities now operating under that plan in which the voters approve of the change at an election. Thus, apparently there is no law determining whether candidates for the office of commissioner in the nine commission governed cities shall run for a particular department or not, until the voters decide that they shall. Where the scheme is adopted the names of candidates will be printed on both the primary and regular election ballots under the title of the office to which they seek election, and only the two highest candidates for each office in the primary will be nominated.

This act has the effect of emphasizing the administrative functions of the commissioners above their activities as a council. Heretofore the mayor has been the only commissioner elected to a particular administrative office, while the other superintendents of departments were elected to the commission and appointed to the department. The original method tended to secure a commission composed of men possessing such general qualifications as business ability, good judgment, and political sagacity; while the new arrangement seeks more expert administration by attempting to place at the head of each department the commissioner who is best fitted for that office. Some of the arguments against the measure were that it would cause the formation of "slates", that the ablest candidates might be rivals by running for the same office, and that the commission should be a council rather than a group of administrative officials.<sup>88</sup>

Three acts of the Thirty-ninth General Assembly refer

<sup>88</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 109.

to officials of manager governed cities. Chapter 103 makes the law regulating pensions for retired and disabled firemen and policemen applicable to cities that have or may hereafter adopt the city manager plan.<sup>89</sup> Two acts, however, were passed providing for a civil service commission in manager governed cities. Chapter 102, which was approved on April 2, 1921, proposed to make the law providing for a civil service commission in commission governed cities applicable to all cities which may hereafter adopt the city manager plan. The only alterations deemed necessary in transplanting the scheme were that the powers and duties of the mayor and superintendent of public safety in connection with the civil service commission were to devolve upon the city manager.<sup>90</sup> Ten days later another act was approved which provides for a civil service commission for all manager governed cities, and supersedes the first act. While this measure is based upon the civil service commission law for commission governed cities it is reworded in a number of places and two sections are entirely omitted, thus adapting it to manager governed cities.<sup>91</sup>

Two technical changes were made in the law regulating the selection and tenure of library trustees, the more important of which was to the effect that the mayor can no longer fill vacancies on the board without the approval of the city council. Contracts of library trustees with school corporations, townships, counties, or municipalities for the free use of the library by residents of any such governmental area must hereafter provide the rate of tax to be levied during the period of the contract, and instead of remaining in force for five years as formerly such contracts

<sup>89</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 103.

<sup>90</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 102.

<sup>91</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 216.



will be terminated now only by a majority vote of the electors in the district using the library.<sup>92</sup>

A noteworthy bill which passed the House but was lost in the Senate Sifting Committee, authorized cities to appoint city planning commissions. These commissions were designed to investigate and report on zoning and districting, improvements in city parks, streets, and recreation places, the plotting of additions, the location and design of works of art and public buildings, the location of transportation lines and terminals, and formulate a comprehensive plan for the development of the city. The bill was introduced by Representative L. B. Forsling of Sioux City.<sup>93</sup>

*Ordinances.*—For many years municipalities have been required to publish certain ordinances in a local newspaper; or if there was no such newspaper then the ordinance could be published by posting it in three public places, two of which should be the post office and the mayor's office. As amended in 1921 the mayor's office and the post office are not designated as two of the public places in which ordinances must be posted.<sup>94</sup>

*Municipal Courts.*—Officers of the municipal court were granted an appreciable raise in salary by the Thirty-ninth General Assembly. Each municipal judge in cities with less than thirty thousand inhabitants will receive \$3000 instead of \$2000 a year, while the judges in cities with a population between thirty thousand and seventy-five thousand will receive \$3400 instead of \$2500, and those in cities with a population above seventy-five thousand will receive \$3600 instead of \$2500. Clerks, whose former salary

<sup>92</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 234, 265.

<sup>93</sup> House File No. 599.

<sup>94</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 84.

ranged from \$1000 to \$1750, were raised to \$1800, \$2200, and \$2600 according to the size of the city. Bailiffs, who were formerly paid the same salaries as clerks, will now receive \$1500, \$1750, and \$2000, depending upon the size of the city.<sup>95</sup>

The jurisdiction of a municipal court ordinarily includes all civil townships in which the city is located and all other inferior courts therein are abolished. An exception was made by the Thirty-ninth General Assembly in case another town is situated in the same township. Such a town will retain its mayor's court with exclusive jurisdiction over violations of its own ordinances. The immediate occasion for this act was the existence of such a condition in connection with the municipal court in Waterloo — the town of Cedar Heights being in the same township.<sup>96</sup>

The superior court of Cedar Rapids has in the past been the subject of considerable special legislation, and the Thirty-ninth General Assembly continued the practice. The salary of the judge of that court was increased from \$3000 to \$3700. Moreover, the description of the city to which the special provisions for the superior court apply was changed by raising the population specification from forty thousand to forty-five thousand, and omitting the clause limiting it to commission governed cities. This removed all immediate likelihood of Council Bluffs being required to pay the increased salary to its superior court judge.<sup>97</sup>

<sup>95</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 61.

<sup>96</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 202.

<sup>97</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 128. This amendment appears to conflict with a previous section. Section 280-f of the *Supplement to the Code, 1913*, as now amended, provides that the five preceding sections shall apply to cities of 45,000 or more, though the first of these said five sections still contains the specific declaration that those sections apply to cities of 25,000 or more.

*Street Improvements.*— There is a provision in the *Code of 1897* which requires that contractors must keep street improvements and sewers in repair at least one year. The Thirty-eighth General Assembly increased the period to four years. On February 14th an act of the Thirty-ninth General Assembly was approved which made an exception in case the improvement consisted of graveling the street. Later, however, this act and the Code section as amended in 1919 were repealed and a new section enacted which retains all of the former provisions, except that contractors are required to keep sewers in repair only two years instead of four.<sup>98</sup>

Assessments for oiling streets if not paid within thirty days will hereafter bear interest at the rate of six per cent from the date of assessment until paid.<sup>99</sup>

The power of cities to improve the streets by grading, parking, curbing, paving, graveling, macadamizing, and guttering was extended to include also the construction of electric lighting fixtures along the streets.<sup>100</sup> Assessments for such street improvements and sewers may now be paid in ten instead of seven annual installments.<sup>101</sup> For the purpose of establishing, maintaining, and improving streets, wharves, public grounds, or market places assessments may be extended over a period of twenty years, payable in equal annual installments, and the city may issue certificates or bonds in anticipation of such assessments. This statute may be made retroactive to cover such improvements as

<sup>98</sup> *Code of 1897*, Sec. 814; *Acts of the Thirty-ninth General Assembly*, Chs. 2, 210.

<sup>99</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 242. New legislation relating to the maintenance of primary roads in cities and towns is discussed in connection with highway legislation.

<sup>100</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 284.

<sup>101</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 255.

were ordered and for which certificates have been issued subsequent to January 1, 1918.<sup>102</sup>

*Public Utilities.*—Doubtless the most important measure relating to public utilities was the bill introduced by Representative Arthur Springer of Wapello. The principal features of this bill were new rate fixing regulations, a requirement that all franchises should be for indeterminate terms, and the establishment of a Court of Public Service composed of three district judges, appointed by the Chief Justice of the Supreme Court, who would decide disputes as to whether rates were just, reasonable, adequate, and compensatory. The measure included water, gas, heat, electricity, and street car service. Having passed both houses of the legislature by decisive majorities, the Governor vetoed the bill. His chief objections were that the provision for indeterminate franchises would, according to the wording of the bill, make all existing franchises perpetual and that the Court of Public Service as constituted would be unconstitutional. No attempt was made to pass the bill over the Governor's veto, and a substitute bill introduced by the House Sifting Committee, which omitted the objectionable features of the Springer bill, was defeated.<sup>103</sup>

The power of cities to levy a tax for the purpose of purchasing or erecting waterworks was extended to include not only cities of the first class as heretofore but also cities of the second class with a population over ten thousand.<sup>104</sup>

The Thirty-eighth General Assembly empowered Des Moines to construct or acquire, own, and operate its waterworks. Bonds in anticipation of the tax to pay for such waterworks and mortgages on the waterworks were to bear

<sup>102</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 184.

<sup>103</sup> House File No. 623; *House Journal*, 1921, pp. 1088, 1821, 1822, 2009; *Senate Journal*, 1921, p. 1405.

<sup>104</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 49.

five per cent interest, which apparently was not high enough to attract investors, and so the Thirty-ninth General Assembly increased the rate to six per cent.<sup>105</sup>

The usefulness of city and town halls was increased by adding that the waterworks may be located there. Another rather technical amendment in the same act provided that city or town halls could be used for municipal as well as community purposes.<sup>106</sup>

The statute empowering municipalities to regulate jitney busses was entirely rewritten. The new measure specifically enumerates special charter cities and manager governed cities as coming within the scope of the act. Cities may exclude busses, with a few obvious exceptions, from streets upon which there is a street car line—a power which was specifically denied to cities under the former statute. Moreover, the provisions regulating the licensing of jitney busses were made much more stringent. Applicants must file with the county clerk an indemnity bond or a liability insurance policy for \$5000 or \$10,000, depending upon whether the capacity of the bus is less or more than ten passengers, to inure to the benefit of anyone who is injured or whose property is damaged by reason of the negligence or misconduct of the persons responsible for the operation of the bus. The application for a license must state details concerning the character of the car to be used, the name of the owner, and the age, name, residence, qualifications, and experience of the drivers. Drivers must be over eighteen years of age. Cities may grant or reject any applications for licenses. Operating a jitney bus without a license is a misdemeanor punishable by a fine of from \$50 to \$300 or a jail term not exceeding sixty days.<sup>107</sup>

<sup>105</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 82.

<sup>106</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 21.

<sup>107</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 115.

*Cemeteries.*—The tax which cities and towns may levy for the support and maintenance of a cemetery was increased from one-half to one mill.<sup>108</sup> Furthermore, a city or town may now use the money raised by taxation for the maintenance and support of a cemetery located in another county if the cemetery is not over a mile outside the corporate limits and is used by the city or town for burial purposes. Cemeteries so situated existed in several places and, according to the opinion of the Attorney General, taxes levied on property in a town could not be spent on a cemetery in another county. This limited the support of such cemeteries to the difficult and unsatisfactory lot assessment plan instead of allowing community support.<sup>109</sup>

*Finance.*—The State Constitution fixes the limit of indebtedness of municipalities at five per cent of the value of the taxable property within the city or town. By statute law one and one-fourth of the five per cent is the limit established for general or ordinary purposes, thus reserving three and three-fourths per cent for special purposes. An act of the Thirty-ninth General Assembly for the benefit of Dubuque provides that the limit of indebtedness of a city, whose actual indebtedness at the date of adopting the manager plan of government exceeded one and one-fourth per cent, shall be determined by adding to the indebtedness limit the actual value of municipally owned and operated utilities. The effect of this statute seems to be an interpretation of the constitutional provision limiting city indebtedness to five per cent of the taxable property. Municipally owned utilities are taxable by the city but are obviously never taxed, though for borrowing purposes it is

<sup>108</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 111.

<sup>109</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 89. This act also applies to townships that support and use a cemetery in another county.

proper to include them as taxable property. Apparently this has not been done before.<sup>110</sup>

The cost of municipal government has increased so much that the annual ten mill tax for general and incidental expenses has not been sufficient. Accordingly, the Thirty-ninth General Assembly authorized cities and towns to levy an additional two mill tax in 1921 and 1922 to meet any deficiency of the regular ten mill levy.<sup>111</sup>

The General Assembly in 1921 empowered all cities and towns to levy a tax sufficient to pay any drainage project special assessments levied against "any street, alley, highway, public way or park". Formerly, the only method suggested by law for raising money to pay such assessments was by the issuance of bonds, and inasmuch as the amounts were small in many instances the bonds could not be sold to advantage so it seemed advisable to provide for the payment of drainage assessments by taxation.<sup>112</sup>

Municipalities have for many years been permitted to levy a three mill tax to maintain an institution donated to the city, but only since April 9, 1921, has it been permissible to use the proceeds from such a tax to pay annuities to the donor. Now an annuity not exceeding five per cent of the amount of the gift may be paid out of taxes, but all such annuities and other support must come within the amount produced by the three mill tax levy.<sup>113</sup>

In 1915 an act, which applied particularly to Council Bluffs, authorized an additional tax levy of one-half mill annually from 1916 to 1920, which was extended to 1925 by the Thirty-eighth General Assembly, to improve any mean-

<sup>110</sup> *Compiled Code, 1919, Sec. 4054; Acts of the Thirty-ninth General Assembly, Ch. 41.*

<sup>111</sup> *Acts of the Thirty-ninth General Assembly, Ch. 329.*

<sup>112</sup> *Acts of the Thirty-ninth General Assembly, Ch. 137.*

<sup>113</sup> *Acts of the Thirty-ninth General Assembly, Ch. 167.*

dered lake used as a public park. That tax levy has now been increased to one mill for each of the remaining years.<sup>114</sup>

The tax which special charter cities may levy for a fire fund was increased from three to five mills. This act will probably be utilized chiefly by Davenport.<sup>115</sup>

For the purpose of maintaining or employing a band for musical purposes any city or town in Iowa with a population not exceeding forty thousand — all except Des Moines, Sioux City, Davenport, and Cedar Rapids — may levy a tax not exceeding two mills. The question of levying a band fund tax must be submitted to a vote of the people and approved by a majority of the votes cast at the election. If the proposition is so approved the council is obliged to levy the tax. The tax may be discontinued in the same manner as it is authorized.<sup>116</sup>

Cities and towns were empowered to levy a tax to be used exclusively in the payment of sewer bonds and interest thereon, but this tax can not be levied on property wholly outside the benefits of such sewers. The date of maturity of street improvement or sewer bonds was made more flexible by allowing the council to determine whether they should become due on the first day of April, May, or June of the years when the special assessments are payable. Formerly, the first day of April of such years was fixed by law. The purpose of the act is to afford more time between the payment of the assessments and the date when the bonds mature.<sup>117</sup>

Bonds of all cities and towns, no matter what their form of government, may now be sold to the citizens of the

<sup>114</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 26.

<sup>115</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 11.

<sup>116</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 37.

<sup>117</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 64, 179.



municipality by popular subscription. Bids may be received and the bonds sold to one or more of the bidders. The principal restriction is that such bonds can not be sold below par and the accrued interest.<sup>118</sup>

Heretofore no definite method has been prescribed by which balances remaining in the judgment fund of a city or town after the payment of the judgment and bonds issued against the fund might be transferred to the general fund. The Thirty-ninth General Assembly provided that this may be done by a majority vote of the city council.<sup>119</sup>

The limitation that a municipal warrant can not be issued for a sum larger than \$1000 was removed.<sup>120</sup>

*Miscellaneous Powers.*— A new law in Iowa makes provision for the recording in the office of the county recorder a plat of all restricted districts, building lines, and fire limits established by cities. The recorder must also keep an index of all such plats and the ordinances establishing them. This legislation is for the protection of persons who might unknowingly purchase property in residence districts for commercial purposes.<sup>121</sup>

Since 1913 Des Moines has had authority to levy a tax and issue bonds to construct and maintain a garbage disposal plant, and this power has been extended to all commission governed cities whose population exceeds seventy thousand. In other words Sioux City as well as Des Moines may now own a garbage disposal plant.<sup>122</sup>

The law relating to the power of municipalities to regulate railroads within their limits was amended and later rewritten. Formerly only cities with five thousand popu-

<sup>118</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 43.

<sup>119</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 96.

<sup>120</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 3.

<sup>121</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 200.

<sup>122</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 54.

lation could require a railroad to maintain gates on public streets at railroad crossings. Chapter 57 of the *Acts of the Thirty-ninth General Assembly* authorizes cities of less than five thousand population to apply to the Railroad Commission for an order compelling the railroad to erect, construct, maintain, and operate gates at crossings. Later chapter 152 was passed which repeals the section of which chapter 57 is amendatory and empowers all cities and towns to require gates, flagmen, or suitable mechanical signal devices at such places. Controversies over the necessity of these safety precautions will be settled by the Railroad Commissioners. Cities and towns can now, however, regulate the speed of trains within their limits only with the approval of the Railroad Commissioners. It is hoped that such municipal regulations will in this way be more uniform and that railroad companies will not be subjected arbitrarily to unnecessary requirements, while at the same time the smaller cities and towns will have power to protect the public at dangerous crossings.<sup>123</sup>

A bill was introduced to make the housing law applicable to all cities exceeding five thousand population instead of only cities of the first class, but it failed of consideration. Only one change was made in the housing law as passed in 1919, namely, the addition of a special provision that concerns only Des Moines and Davenport. Cities of over one hundred thousand population and special charter cities whose population exceeds fifty thousand, if they maintain a department of building inspection in charge of a person who spends all his time supervising building construction, may provide by ordinance that this person, rather than the board of health and the health officer, shall approve building plans and grant building permits.<sup>124</sup>

<sup>123</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 57, 152.

<sup>124</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 160.

That phase of the housing problem which has to do with the scarcity of houses was touched upon in a bill exempting a dwelling house under \$10,000 in value from assessment for taxation for ten years after its construction. This proposal was indefinitely postponed.<sup>125</sup>

The Thirty-seventh General Assembly gave all cities and towns in the State power to adopt ordinances prohibiting the sale of milk to the inhabitants of the city or town except from cows that have been tested for tuberculosis. This act was repealed by the Thirty-ninth General Assembly and a more elaborate measure substituted. According to the provisions of the new law cities and towns may not only prohibit the sale of milk or cream from cows other than those tested for tuberculosis, but they may also prescribe a system of inspection for all dairy products, lay down sanitary regulations for the production and handling of dairy products, and require all milk to be pasteurized except that from herds which are under State or Federal supervision for the eradication of tuberculosis. Dairymen who are required by city ordinance to test their herds for tuberculosis are allowed six months after the passage of the ordinance to have the test made. The tuberculin tests must be made by accredited veterinarians defined in the act.<sup>126</sup>

#### SCHOOL LEGISLATION

While the principal problems relating to school legislation in the Thirty-ninth General Assembly were financial in character there were a number of other questions that received consideration.

*School Government.*—The term of the board of directors in school townships which are not subdistricted was

<sup>125</sup> House File No. 566.

<sup>126</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 169.

changed from one to three years, one member being elected each year. This is the same arrangement that exists in rural independent districts. The only directors now elected for one year are in the subdistricted school townships.<sup>127</sup>

The most pretentious piece of school legislation enacted in 1921 was an act which almost entirely revises the law for the organization of consolidated school districts. The new act was based upon the Code Commission bill on the same subject. While the process of organizing such districts was changed in a number of instances the main purpose of the new act seems to have been the rearrangement of the statute to make the language more exact and specific and to improve the form.<sup>128</sup> Some entirely new sections were added, most of which relate to the hearing of objections by the county superintendent in regard both to the organization and the dissolution of consolidated districts. Indeed, the provisions for dissolution are much more elaborate, including an appeal to and hearings before the county board of education and requiring a majority of the voters to sign the petition for dissolution instead of one-third. The right of appeal either in the organization or dissolution of a district is now extended to any interested person rather than being confined to those who have previously objected and been overruled. Where more than one county is concerned the boards of education of the several counties must act jointly on appeals. Among other important changes in the law are provisions that the county superintendent shall have charge of the reorganization of the territory of former school corporations remaining outside the consolidated district; that the expenses of the county superintendent and board of education in organizing consolidated districts shall

<sup>127</sup> *Acts of the Thirty-ninth General Assembly, Ch. 47.*

<sup>128</sup> The new act contains forty-two sections whereas before there was only one which covered more than four pages of the *Compiled Code*.

be audited by the board of supervisors and paid from the county general fund; that in the establishment of new districts it is not necessary to follow the boundaries of existing districts or subdistricts; and that a separate ballot box must be provided for the voters in the new territory when an election is held on the question of enlarging an existing district that does not contain a town of two hundred or more inhabitants.<sup>129</sup>

Considerable litigation in this State has resulted from questioning the legality of the organization of school districts; and many legalizing acts have been passed by the legislature on the same account. To prevent some of this litigation and forestall some of the legalizing acts, a statute of the Thirty-ninth General Assembly declares that no action shall be brought questioning the legality of the organization of any school district after it has exercised the franchises and privileges of a district for a period of six months. The act also defined the date of organization.<sup>130</sup>

A measure requiring the Superintendent of Public Instruction to call an annual convention of school board members in each congressional district was reported favorably in the Senate. Several bills relating to teachers failed of enactment. A proposition to repeal the law providing for the lapse of teachers' life certificates was introduced, and two bills increasing the normal training qualifications passed the House. The House also passed a bill to increase the examination fees for teachers' certificates, and another to increase the fees for certificates and diplomas.<sup>131</sup>

<sup>129</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 175.

<sup>130</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 211.

<sup>131</sup> Senate File No. 458; House File Nos. 390, 776, 821, 858, 859; *Senate Journal*, p. 859.

*School House Sites and Grounds.*—The power enjoyed by school boards in cities of the first class and special charter cities to levy a four mill tax for the purchase of school sites was extended to cities of the second class and to manager governed cities.<sup>132</sup> Although the law governing the reversion of school sites was rewritten in 1919 the Thirty-ninth General Assembly again repealed that statute and substituted a new one. Besides more exact terminology the principal change was the insertion of provisions regulating the procedure of appraising such real estate.<sup>133</sup>

Senator J. J. Rainbow of Waterloo wanted abandoned school sites to become a part of the State park system and be used as experimental plots in botany, forestry, zoölogy, nature study, and allied subjects, but his bill was defeated in the Senate by a vote of twenty-three to twelve. A House bill proposing to create the office of public school architect was withdrawn.<sup>134</sup>

*Curriculum.*—Only one act of the Thirty-ninth General Assembly relates to the course of study in the schools. Beginning with the school year, 1921, regular courses of instruction in the constitutions of the United States and Iowa must be given in all public and private schools beginning not later than the eighth grade and continuing in the high school to an extent to be determined by the Superintendent of Public Instruction.<sup>135</sup>

A number of other bills on the subject of patriotism and Americanization failed. A measure was introduced in both houses requiring that all teachers in Iowa, including those

<sup>132</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 67.

<sup>133</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 183.

<sup>134</sup> Senate File No. 387; House File No. 707.

<sup>135</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 91.

in colleges and parochial schools, must be citizens of the United States. It was never reported in the Senate and in the House it was indefinitely postponed. Another bill which required all teachers to take an oath to support the Constitution of the United States and the Constitution of Iowa and provided for the permanent disqualification as a teacher of any person who should refuse to take such an oath or who should publicly speak or act in a disrespectful way toward the United States flag, Constitution, officers, or the system of government in the United States was re-referred although recommended for passage by the House Committee on Schools. The raising of the United States flag over all public school buildings in good weather would have been made mandatory if a bill which passed the House without a dissenting vote had not died in a Senate committee.<sup>136</sup>

Another group of bills which failed related to physical education. The Senate indefinitely postponed a measure to establish compulsory physical education in all public elementary and secondary schools of the State, to require students who are candidates for teachers' certificates in high schools that offer teachers' training courses and at the Iowa State College, the Teachers College, and the State University to take courses in physical education, and to create the office of State Supervisor of Physical Education. A companion bill in the House was withdrawn after the action of the Senate. Two Senate bills on this subject were likewise withdrawn. One proposed to give county boards of education authority to employ a director of physical education at the expense of the county and the other proposed to create the office of State Director of Physical Education.<sup>137</sup>

<sup>136</sup> House File Nos. 720, 749; Senate File Nos. 543, 739.

<sup>137</sup> House File No. 596; Senate File Nos. 586, 691, 692.

A bill to specifically permit foreign languages to be taught and studied below the eighth grade was indefinitely postponed. The House passed a bill to require the reading of the Bible in the public schools, but the measure was never reported in the Senate.<sup>138</sup>

*School Finance.*— At the beginning of the year, 1921, the funds of probably half of the school corporations in Iowa were so depleted that there was danger of the schools being closed. The total deficit amounted to millions of dollars, and the banks in many places refused to honor school warrants.<sup>139</sup> The problem was taken to the legislature and several relief measures were enacted. An emergency law provided that the school boards of districts which did not have sufficient funds to pay the running expenses for the year ending June 30, 1921, or any previous year could certify to the county board of supervisors before April 15, 1921, such an amount as would cover the deficits if the total levy for the year did not exceed \$100 per person of school age in the district or \$1000 for the district if the number of children was less than ten. The board of supervisors was required to levy the tax certified, one-half of which would be due on January 1, 1922, and one-half on January 1, 1923. In anticipation of these taxes the school board may sell at par warrants bearing six per cent interest to pay running expenses for past years.<sup>140</sup>

Another emergency measure provided that school boards in districts where a building was under construction on April 5, 1921, and which did not have sufficient funds to complete the structure could, if the people approved at an election on the question, certify to the supervisors as much

<sup>138</sup> Senate File No. 377; House File No. 504.

<sup>139</sup> *The Des Moines Register*, January 13, 1921.

<sup>140</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 36.



as a ten mill levy for a period not longer than ten years (in addition to the regular school house levy), the proceeds to go into a special school house fund. In anticipation of this tax, certificates or bonds bearing six per cent interest may be issued. Such bonds may not run longer than twelve years, or be sold below par value.<sup>141</sup>

The inability of the former school taxes to furnish sufficient funds was so thoroughly demonstrated that the General Assembly raised the maximum amount that may be levied for the general fund from \$80 to \$100 per person of school age in consolidated districts which maintain a high school and from \$65 to \$80 in those that do not. The limit in practically all other school corporations was changed from \$60 to \$80 per person of school age and the maximum total in small districts with less than thirteen pupils was increased from \$650 to \$1000. School corporations with a population exceeding fifty thousand, however, may levy as much as \$90 per person of school age.<sup>142</sup>

That school bonds might sell more readily the maximum interest rate on those voted, but not issued, and those voted before January 1, 1923, was increased from five to six per cent. Such bonds, however, must reserve to the corporation the option of paying them any time after five years from the date of issue.<sup>143</sup> In order that the taxes should be sufficient to pay the increased interest, the maximum annual levy for the purpose of paying principal and interest on bonds was increased from five to seven mills.<sup>144</sup>

An act which will save interest charges and enable school districts to operate more nearly on a cash basis provides that school funds shall be paid by the county treasurer

<sup>141</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 335.

<sup>142</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 93.

<sup>143</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 6.

<sup>144</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 65.

monthly instead of quarterly. It has been the practice of school boards to issue warrants against incoming funds which were carried by the banks until the quarterly installment of taxes was available from the county treasury.<sup>145</sup>

The law relating to the publication of financial statements by the school directors was rewritten. All school boards must publish two weeks before the annual school election in March a summarized statement of receipts and disbursements for the preceding year and a detailed estimate of the several amounts necessary to maintain the school during the next succeeding year. In consolidated and city or town independent districts this statement must be published in a newspaper of general circulation in the district, if a newspaper is published in the district, but in other school districts the publication may be in such a newspaper or by posting in three or more conspicuous places in the district. Formerly the statement of receipts and disbursements was required to be detailed rather than summarized. Furthermore, in consolidated and city or town independent districts the board must publish during the first week in July a statement of all claims paid during the preceding year. This is an entirely new feature.<sup>146</sup>

*Tuition.*— Closely related to school finance is the subject of tuition. School corporations which do not offer a four year high school course are required to pay as much as \$12 a month tuition for all residents who attend high school in other districts. Since 1919 the tuition fee had been \$8 a month.<sup>147</sup>

In counties that maintain a county high school, however, the school corporations are not required to pay tuition for

<sup>145</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 46.

<sup>146</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 232.

<sup>147</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 53.

pupils except in the county high school. This tuition was formerly fixed at \$3.50 a month for each pupil, but the Thirty-ninth General Assembly changed it to a "reasonable" amount in no case exceeding the cost of instruction.<sup>148</sup>

*State Aid.*—In 1919 a solution of the problem of maintaining adequate educational facilities in the fifty or more coal mining camps was attempted by appropriating \$50,000 from the State treasury for the next two years. The small amount of taxable property in such camps seemed to make this necessary. Apparently the amount appropriated by the Thirty-eighth General Assembly proved to be insufficient, as the Thirty-ninth General Assembly doubled the sum by appropriating \$50,000 annually for the ensuing biennium.<sup>149</sup> A bill to raise revenue for the support of public schools in mining camps was introduced requiring coal owners and operators to pay to the State an occupation and privilege tax of two cents per ton of merchantable coal produced and sold, but after having been reported favorably in the House it was withdrawn by the author after a companion bill was defeated in the Senate.<sup>150</sup> The defeat of this bill was largely responsible for the increased appropriation for such schools.

The State Board for Vocational Education is required by law to report to each General Assembly the amount of money to be appropriated in order to equal the Federal allotment for vocational education in this State. For the year ending June 30, 1922, the Thirty-ninth General Assembly appropriated \$50,000 — the same as for 1921 — and

<sup>148</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 94.

<sup>149</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 295.

<sup>150</sup> House File No. 468; Senate File No. 515.

for the year ending June 30, 1923, the sum of \$60,000 was appropriated.<sup>151</sup>

#### CHILD WELFARE

Four acts of the Thirty-ninth General Assembly aim to promote the moral and physical welfare of the children of Iowa. Ever since 1904 there has been a law in this State defining and providing for the punishment of persons contributing toward the dependency of children. Following the example of the legislatures of most other States the law has now been extended to cover contributory delinquency as well — an act which juvenile court officials have advocated for some time. As the law now stands it is not only the child that is punished for delinquency, but any person who encourages a child under the age of sixteen years to commit any act of delinquency or any one who sends or permits a child to enter or remain in any house of prostitution, pool room, gambling place, or where intoxicating liquors are sold contrary to law or who causes a child to violate any law or ordinance is liable to punishment by a fine not to exceed \$100, imprisonment in the county jail not more than thirty days, or both. Moreover conviction for contributory delinquency is not a bar to prosecution for any indictable offense which caused or contributed to such delinquency, so that the adult in the case may face two charges.<sup>152</sup>

In 1917 the judge of the district court acting as the juvenile judge in Polk County was empowered to appoint a chief probation officer at a maximum annual salary of \$1500

<sup>151</sup> *Acts of the Thirty-ninth General Assembly, Ch. 296.*

<sup>152</sup> *The Des Moines Register*, March 11, 1921; *Acts of the Thirty-ninth General Assembly, Ch. 238.* The first section of this measure as it was originally introduced was struck out and the remaining sections renumbered, but inadvertently the number of the section to which the penalty clause applies was not changed to correspond, with the result that the penalty is meaningless unless construed as it was intended.

and not to exceed two deputy probation officers, one of whom was to be a woman, at a maximum salary of \$1200. This arrangement, however, proved to be entirely inadequate. To obtain qualified probation officers it was necessary for the city of Des Moines to supplement the county support. The Thirty-ninth General Assembly, therefore, raised the population limit for counties to which this privilege was extended from 100,000 to 125,000 — so that the act will continue for some time to apply only to Polk County — and empowered the juvenile judge in Polk County to appoint in addition to the chief probation officer, whose maximum annual salary is to be \$3000, five deputy probation officers at maximum annual salaries of \$1800.<sup>153</sup>

Iowa has since 1902 attempted to protect the physical welfare of children by prohibiting their employment in cleaning or operating dangerous machinery. Since the introduction of vocational training in public schools it has been essential that children under sixteen years of age learn to operate and care for machinery used in manual training. A question arose as to whether this practice violated the child labor law. In order to remove all doubt the Thirty-ninth General Assembly, at the suggestion of the Commissioner of Labor, passed an act excluding pupils under an instructor in manual training departments of public schools or in school shops or industrial plants approved by the State Board for Vocational Education from the law applying to child labor.<sup>154</sup>

Chapter 40 of the *Acts of the Thirty-ninth General Assembly* aims to prevent infant blindness by requiring every physician or person authorized to act as obstetrician to instill a prophylactic solution into the eyes of the child im-

<sup>153</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 405; *Acts of the Thirty-ninth General Assembly*, Ch. 156.

<sup>154</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 180.

mediately after birth. A maximum fine of \$500 or imprisonment for six months is prescribed as a penalty for violation of this act and also for failure of any person who, during the first six months of the child's life, detects any inflammation, swelling, or redness in the eyes or any unnatural discharge therefrom, and fails to report such condition or have it treated. Christian Scientists and others whose religious convictions are opposed to medical treatment for disease are not required to allow the eyes of their minor children to be treated.<sup>155</sup>

#### SOCIAL WELFARE

One of the measures which excited the widest popular interest in the State is the act authorizing the sale of cigarettes. Until the enactment of this statute the cigarette law in Iowa has been one of the most anomalous on the statute books. The manufacture, sale, or giving away of cigarettes or cigarette papers was prohibited and heavy penalties were prescribed. Selling or giving cigarettes to minors under sixteen years of age constituted a special offense. Moreover, a mulct tax of \$300 a year was supposed to be levied in addition to all other taxes and penalties, and the payment of this tax was not a bar to prosecution. There was no penalty for persons over twenty-one years of age smoking cigarettes, but it was unlawful for a minor to smoke cigarettes on the premises of another person or in public places except in the company of his parent. Needless to say this law was not generally enforced.<sup>156</sup>

The new act prohibits the sale or gift of cigarettes or papers to minors and requires minors in possession of cigarettes, except at home, to give information as to where they were obtained. The sale of cigarettes to adults is

<sup>155</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 40.

<sup>156</sup> *Compiled Code, 1919*, Secs. 8866-8872, 8879.

authorized in case the person selling them obtains a permit from the city or town. These permits are good for two years, subject to revocation, and granting of them is contingent upon the grantee having an established place of business, filing a bond of \$1000 or more to insure observance of the law and cover damages that may result from the sale of cigarettes, and paying a mulct tax. Permits are granted by the council in cities and towns and the board of supervisors for places outside of the cities or towns. The tax varies in proportion to the size of the municipality — \$50 annually in towns and places outside of a city or town, \$75 in cities of the second class, and \$100 in cities of the first class. This tax is payable on July 1st and if not paid by July 20th the assessor will report the delinquency to the county auditor and the State Treasurer, the tax will become a lien upon the real estate wherein the cigarettes were sold, and a penalty of twenty per cent will be added plus one per cent per month thereafter until paid. The proceeds from the mulct tax will go into the general fund of the city or town. The State will also collect a sales tax of from one mill to one cent on cigarettes and cigarette papers depending upon their weight or number. The tax is to be collected by means of stamps issued by the State. To administer this part of the law the State Treasurer was authorized to appoint an additional assistant treasurer and clerks. In addition to the other penalties prescribed, a person maintaining a place where cigarettes are sold illegally may be enjoined and the place abated as a nuisance.<sup>157</sup>

This measure aroused much opposition, especially from those who favored complete prohibition of the sale of cigarettes. It was charged that the tobacco interests were behind the bill. Opponents refused to believe that the use of cigarettes by minors could be prevented while adults were

<sup>157</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 203.

permitted to smoke them. Proponents argued that the people did not want complete cigarette prohibition, that the new measure could be enforced, and that it would prove to be a splendid revenue measure. Members of the American Legion were particularly active in support of this act.<sup>158</sup>

To the list of habit forming drugs which can not be re-tailed without prescription were added *cannabis indica*, or Indian hemp, and *cannabis americana* or their derivatives. Preparations containing less than one-half grain of these drugs to the ounce and liniments or ointments for external use are excepted.<sup>159</sup>

A serious effort was made to provide censorship for motion pictures shown in Iowa. Companion bills were introduced in both branches of the General Assembly authorizing the State Board of Education to exercise such censorship, neither of which were considered. Another measure, however, introduced jointly by four Representatives passed the House but was lost in the Senate Sifting Committee. This bill proposed to create a special board of three censors with salaries of \$3000 a year.<sup>160</sup>

There are in Iowa many people who wish to have boxing matches legalized in this State. In response to this opinion, voiced chiefly by the American Legion, a bill to create an athletic commission with power to license and regulate boxing matches passed the House but was defeated in the Senate by a vote of thirty-two to fifteen.<sup>161</sup>

The law regulating fire escapes was amended to permit fire escapes of class C or other approved means of escape to be used on three-story dwelling houses used in part for lodging purposes, when not more than five persons none of

<sup>158</sup> *The Des Moines Register*, March 14, 16, 1921.

<sup>159</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 282.

<sup>160</sup> House File Nos. 435, 703; Senate File No. 414.

<sup>161</sup> House File No. 387.



whom are under sixteen years of age occupy the third floor. This amendment was made primarily for the benefit of rooming houses in college towns. Because of large college registration and the resultant need for housing, attics with narrow, quick burning stairways have been used by students for rooming purposes. Heretofore lodging houses have all been required to be equipped with fire escapes of class A or B, a requirement which was thought to be excessive both as to the needs and expense in the case of private residences used in part as rooming houses.

Under the new amendment the Bureau of Labor Statistics has made the following ruling: "Where not more than five male students, all of whom are above sixteen years of age, occupy the third floor of a house otherwise used for residence purposes, either a rope fire escape or a rope of three-quarter inch size or larger with knots about every sixteen or eighteen inches, securely fastened inside the window and of sufficient length to reach the ground, will meet the approval in lieu of steel fire escapes. Houses of the above description occupied by females must be equipped with ladder fire escapes, and sorority and fraternity houses regularly used for such purposes must be equipped with stairway fire escape."<sup>162</sup>

A thoroughly accurate and complete system of vital statistics is absolutely essential to scientific study of public health and sanitation. The vital statistics of Iowa have never been accepted by the United States Census Bureau, the registration of births and deaths being entirely inadequate, while morbidity statistics were completely ignored. The new act which supplants the former statute makes it possible for Iowa to be included in the Federal registration area if the registration of births and deaths is ninety per cent complete. Based upon the so-called model law of the

<sup>162</sup> *Acts of the Thirty-ninth General Assembly, Ch. 241.*

American Public Health Association and endorsed by a multitude of organizations in the interest of social welfare, it constitutes the nearest approach to a satisfactory vital statistics law in the history of this State. The usefulness of the measure is seriously impaired, however, by the failure of the legislature to properly harmonize it with the existing law on related subjects and because it contains provisions in regard to public health only indirectly related to vital statistics which were already fully covered by existing law. The new act provides for the establishment of a Bureau of Vital Statistics headed by the Secretary of the State Board of Health who continues to be the State Registrar of Vital Statistics. He is responsible for the administration and uniform enforcement of the law. Each city, town, and township is constituted a primary registration district, though two or more of them may be combined. The Federal Census Bureau will not consider admitting a State to the registration area unless the unit of territory for registration purposes is smaller than a county. Local registrars are appointed by the county board of supervisors (one of the defects of the new law) for terms of four years, subject to removal by the State Registrar. In order to facilitate the registration of births and deaths the local registrar must appoint a deputy and, wherever necessary in rural districts, one or more sub-registrars. Each local registrar is paid by the county a fee of twenty-five cents for each birth or death certificate registered. Permanent alphabetical indexes of all births and deaths will be preserved by the State Registrar as heretofore and information from these records is available for a nominal fee. Any record of births and deaths in the possession of a private person, church, cemetery association, historical society, or similar organization which may be of any value in establishing the genealogy of a resident of Iowa may be deposited with the State Regis-

trar. The sum of \$10,000 annually was appropriated to cover the expenses incident to the collection of vital statistics.

The methods of obtaining statistics on births and deaths as well as the facts recorded follow in the main the most approved practice. No person can be buried or otherwise disposed of without a burial or removal permit issued by a local registrar, and no such permit can be issued until a death certificate is filed. The death certificate in the standard form approved by the Federal Census Bureau has been required since 1917. It is the duty of the undertaker to secure the facts recited in the death certificate, and persons other than undertakers who sell caskets must report monthly to the State Registrar. Cemetery caretakers are responsible for endorsing burial permits and returning them to the local registrar. All births must be reported to the local registrar within ten days by the person in attendance, parent, or other specified persons, and birth certificates as under the former law must be of the United States standard form. A stillborn child is registered both as a birth and a death. All physicians, midwives, undertakers, and casket dealers are required to register their name, address, and occupation with the local registrar. That data for birth and death certificates may be available if necessary persons in charge of hospitals are required to make a personal and statistical record of each inmate, the nature of the disease, and where it was contracted.

The final section of the new vital statistics act contained a blanket repeal of "all laws and parts of laws" inconsistent with the new statute "only as far as it refers to this act".<sup>163</sup> Before the bill passed it became apparent that this provision was unsatisfactory, for on the same day that the bill passed—next to the last of the session—

<sup>163</sup> *Acts of the Thirty-ninth General Assembly, Ch. 222.*

another bill was introduced by the House Sifting Committee and rushed through the Assembly specifically repealing the former vital statistics law. The latter act also inadvertently repealed the law providing for statistics relative to marriages and the law dealing with the disinterment of dead bodies.<sup>164</sup>

Some proposed legislation affecting labor might have had an important bearing upon social welfare if it had gained enactment. A Senate bill fixing a penalty for unwarranted strikes and lockouts was indefinitely postponed; but the proposition of establishing an industrial court for the settlement of labor disputes, patterned after the Kansas Court of Industrial Relations, was accorded more consideration. This measure — the second to be introduced in the House — was ardently advocated and as vigorously opposed. The committee to which it was referred reported without recommendation, and on the question "Shall the bill pass?" the vote was forty-three ayes and fifty-nine nays. For nearly a month after the bill failed to pass a motion to reconsider pended in the House but was finally voted down.

At the beginning of 1920 Iowa was one of six States which had no laws regulating the hours of work for women. Companion bills were introduced into both branches of the General Assembly to establish a nine hour day and fifty hour week for women except those employed in executive positions or engaged in canning establishments during harvest season. The measure was bitterly attacked by employers of all classes, and some women were found to oppose shorter hours. After several hearings the Senate Committee on Labor recommended indefinite postponement, which was accordingly done, whereupon the House bill was withdrawn. Another bill introduced in both houses in the

<sup>164</sup> *Acts of the Thirty-ninth General Assembly, Ch. 229.*

interest of women workers proposed to establish a minimum wage commission to determine minimum wages for women and minors and to otherwise protect their health, morals, and welfare; but this measure, after resting with the committee more than a month in the House and over two weeks in the Senate, was withdrawn.<sup>165</sup>

The provisions of the act of Congress passed in 1920 to promote vocational rehabilitation of persons disabled in industry or otherwise were accepted by the General Assembly on the part of Iowa. The State Treasurer was designated custodian of the funds received from the Federal government for this purpose and the administration of vocational education of disabled persons was intrusted to the State Board for Vocational Education with the coöperation of the Federal authorities, the State Commissioner of Labor Statistics, and the State Industrial Commissioner. The State is bound to duplicate the Federal appropriation for this purpose. Aside from \$800 for additional office equipment, \$2000 was appropriated to cover expenses until June 30, 1921, while for the two years ending June 30, 1923, \$22,836.45 each was appropriated.<sup>166</sup>

The appropriation of \$15,000 annually in 1919 for the prevention and control of venereal diseases was increased to \$25,000 annually for the next biennium.<sup>167</sup>

A bill was introduced in the Senate to require applicants for marriage certificates to present certificates of health and fitness, and prohibiting the marriage of all persons unfit by reason of disease or mental defects. Another meas-

<sup>165</sup> House File Nos. 272, 442, 481; Senate File Nos. 474, 614, 642; *House Journal*, 1921, pp. 497, 883, 1208; Commons and Andrews's *Principles of Labor Legislation*, pp. 237, 238.

<sup>166</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 14.

<sup>167</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 301.

ure for the promotion of good health proposed to appoint a State director of public school nurses and a county public school nurse in each county. After being referred to three different committees this bill passed the Senate by a vote of twenty-nine to five, but it never came up in the House for consideration.<sup>168</sup>

#### PUBLIC PARKS

Very closely related to social welfare legislation are the statutes providing for the preservation of scenic, scientific, or historic sites and the maintenance of such places for the common benefit of the people of this State. The Thirty-ninth General Assembly passed an act to extend the activities of the State in the maintenance of parks. The ultimate purpose is to bring the privately or locally owned parks under central administration in order to form a system of State parks. With this object in mind the State Board of Conservation in coöperation with the Executive Council was empowered to purchase lands which have been previously acquired by private individuals for park purposes. Condemnation proceedings may be instituted if necessary to obtain the desired tracts at reasonable prices.

The county board of supervisors may now purchase lands for park purposes if authorized to do so by a vote of the people of the county. After purchase, however, title to the land must be transferred to the State and the tract placed under the management of the State Board of Conservation and used as a State park. The Board of Conservation is also authorized to assume control and management of all meandered streams and lakes belonging to the State which are not already under some other jurisdiction. In this connection Gitchie Manito or Jasper Pool in Lyon County

<sup>168</sup> Senate File Nos. 461, 541.

is specifically turned over to the State Board of Conservation for park and scientific purposes.<sup>169</sup>

Not only are these provisions made to expand the system of State parks, but the powers of cities relating to parks were also materially extended. The Thirty-eighth General Assembly provided that all cities, where the park board had, prior to January 1, 1919, acquired property for park purposes, were empowered to levy a yearly tax of one mill up to 1950 to be used for improving such lands in a manner definitely prescribed in the act. By virtue of an amendment by the Thirty-ninth General Assembly this tax may also be used for the "construction of buildings in public parks". Tax levies and bond issues made for this purpose previous to the amendment of the amendment were also legalized.<sup>170</sup>

In cities of twenty-five hundred inhabitants the park board may now submit to the electors of the city the question of levying an additional tax not exceeding five mills over a period of years not exceeding thirty, for park purposes. Formerly only cities of twenty-five thousand population enjoyed this power.<sup>171</sup>

#### DEPENDENTS, DEFECTIVES, AND DELINQUENTS

*Dependents.*— Since 1842 the board of commissioners or other county officials in charge of poor relief have had power to establish a county home and purchase as much land as may be necessary. The *Code of 1851* required that the question of establishing a county home should always be referred to the people. By 1897 it was not necessary to submit this question if the estimated cost did not exceed \$5000. In 1915 the exemption was raised to \$10,000; and

<sup>169</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 135.

<sup>170</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 125.

<sup>171</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 162.

in 1921 it was increased to \$15,000. The Thirty-ninth General Assembly also struck out the provision specifically authorizing the purchase of land because the board of supervisors already has that power under another section of the Code.<sup>172</sup>

The statute protecting people against the fraudulent collection of funds for alleged charitable purposes was materially strengthened by requiring licensed charitable organizations or institutions to make an annual report to the Secretary of State containing the names and addresses of its officers and detailed statements of money received and disbursed. The application for a license must now contain recommendations from at least three reputable freeholders of the State, and a fee of \$1 is charged for such a license. A fee of \$2 must be paid for filing the annual report. All licenses expire at the end of the year.<sup>173</sup>

*Defectives.*— Heretofore only those feeble-minded adults who were under forty-six years of age were eligible for admission to the Institution for Feeble-minded Children. The Thirty-ninth General Assembly removed the age restrictions, thus enabling any feeble-minded resident of the State to become an inmate of that institution. This measure is clearly in the interest of more complete segregation. The Institution at Glenwood, however, has been overcrowded for many years, and in 1919 a waiting list was authorized.<sup>174</sup> In recognition of this condition and of the policy of providing a place of detention as well as a school for the feeble-minded, the Thirty-ninth General Assembly

<sup>172</sup> *Revised Statutes of the Territory of Iowa*, 1842, Ch. 119; *Code of 1851*, Sec. 828; *Code of 1897*, Sec. 2241; *Supplemental Supplement to the Code, 1915*, Sec. 2241; *Acts of the Thirty-ninth General Assembly*, Ch. 273.

<sup>173</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 59.

<sup>174</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 129.



authorized the commitment of such persons to the Hospital and Colony for Epileptics at Woodward. The Board of Control may transfer feeble-minded inmates of either institution to the other. Training and instruction of the feeble-minded will be provided at Woodward as well as at Glenwood.<sup>175</sup>

Two acts of the Thirty-ninth General Assembly amend the same section of a law enacted in 1917 relating to State financial aid for the education of deaf children. The amount allowed for that purpose was increased from \$11 a month for each deaf child under ten years of age to \$20 a month for each deaf child under twelve years of age.<sup>176</sup>

In 1919 the Board of Control was ordered to abolish the Hospital for Inebriates at Knoxville, to transfer the patients addicted to the use of narcotic drugs to other State institutions, and to discharge all other patients. Apparently prohibition has not prevented inebriety, inasmuch as the Thirty-ninth General Assembly saw fit to reinclude persons who habitually use intoxicating liquors excessively, along with drug addicts, as proper subjects to be committed to various State institutions. The hospitals for the insane are no longer specifically excepted from the State institutions in which wards for drug addicts and inebriates may be established.<sup>177</sup>

According to the statute appropriating money in 1917 for the erection of the Children's Hospital in Iowa City this building could be used only for the treatment of sick or deformed children of destitute parents. Since that time the scope of the so-called "Perkins Law" has been extended and the Thirty-ninth General Assembly removed the former limitation upon the use of the hospital by allowing other

<sup>175</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 5.

<sup>176</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 63, 98.

<sup>177</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 187.

children and indigent crippled adults to be treated there, though no adults are treated there and probably will continue to be treated in the general university Hospital. The provision permitting other children than those admitted under the "Perkins Law" to be cared for in the Children's Hospital was probably made for the benefit of the pediatrics department of the University Hospital which is housed in the Children's Hospital.<sup>178</sup>

*Delinquents.*—When the execution of sentence is suspended the trial judge may now place the convicted person under the supervision of the Board of Parole subject to the same rules as paroled convicts. Formerly, convicted persons whose sentence had been suspended were placed under the guardianship of some suitable citizen of Iowa, though at that time the Board of Parole had power to parole certain convicts before commitment. Thus, under the new arrangement whether paroled by the trial judge or the Board of Parole before commitment the convicted person may be placed under the jurisdiction of the Board of Parole. Furthermore, it relieves the judge of the administrative work connected with the parole. Probably the sentences of more first offenders will now be suspended and many potentially good citizens saved the stigma of prison confinement.<sup>179</sup>

The life of a paroled convict is at best not an easy one and often circumstances arise which might overcome the moral stamina of the most resolute person. For the relief of paroled prisoners who are in distress on account of sickness or loss of employment \$1250 was appropriated to provide a fund of \$1000 for paroled men and \$250 for paroled women. Upon the recommendation of the Board

<sup>178</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 90.

<sup>179</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 8.

of Parole as much as \$25 may be loaned to a person on parole on condition that it be repaid by the parolee during the period of parole.<sup>180</sup>

The penalty for escaping from prison is reincarceration for a term not exceeding five years. Hitherto the violation of any condition of parole or regulation of the Board of Parole has constituted prison breach, but it has been difficult to obtain convictions for any violation except absconding. The Thirty-ninth General Assembly provided that while no act except absconding should be considered as escape the violation of any other conditions of parole or any regulation of the Board of Parole does, nevertheless, constitute as serious a felony as escape and is punished by the same term of imprisonment.<sup>181</sup>

Pardon and reprieve warrants, commutations of sentence, and remissions of fines issued by the Governor will henceforth be returned to the Board of Parole instead of the Secretary of State.<sup>182</sup>

The statute governing the granting of pardons was amended so that the Governor is now required to obtain the advice of the Board of Control before pardoning any felon who is an inmate of an institution over which the Board of Control exercises the power of parole. This act has particular reference to the Reformatory for Women.<sup>183</sup>

#### CRIMINAL LAW

From the standpoint of public morals probably no act of the Thirty-ninth General Assembly was more important than the one which increased the age of consent. Juvenile court judges, leaders of the W. C. T. U., and others inter-

<sup>180</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 217.

<sup>181</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 9, 10.

<sup>182</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 24.

<sup>183</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 73.

ested in the public welfare worked earnestly in behalf of the bill as originally drafted — providing eighteen years as the age of consent and a single standard against sex crimes. It was argued that a girl's virtue should be protected as long as her property is safeguarded and that it is as important to protect the immature boy against seduction as the immature girl. With three minor amendments the bill passed the House by a vote of ninety-three to six. The Senate Judiciary Committee, however, reported in favor of indefinite postponement, but the measure was sent to the Sifting Committee which substituted an entirely new and less thorough bill which was passed and later accepted by the House.<sup>184</sup> The law as enacted makes the age of consent sixteen years in case the man is under twenty-five years of age and seventeen years in case he is over twenty-five. The age of consent was formerly fifteen years.<sup>185</sup>

The minimum penalties prescribed by law for seventeen specified crimes were repealed for the purpose of bringing the penalty clauses of various statutes into harmony with the indeterminate sentence law, according to which the maximum penalty is imposed, except in case of a few specified crimes, and the prison authorities are allowed to determine the exact extent of the punishment. In the case of kidnapping for ransom and train robbery the effect of the repeal is to fix the penalty at imprisonment for life. In two instances a maximum was substituted for a minimum penalty — for the third conviction of felony not more than forty years instead of not less than fifteen years imprisonment, and for being a habitual criminal not more instead of not less than twenty-five years imprisonment. No maxi-

<sup>184</sup> *House Journal*, 1921, pp. 1114, 2005; *Senate Journal*, 1921, pp. 1333, 1384, 1698.

<sup>185</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 192.

mum penalties were changed.<sup>186</sup> The prison penalty for the second violation of an injunction against the sale of intoxicating liquor was reduced from one year of imprisonment in the State penitentiary or reformatory to six months or a year in the county jail.<sup>187</sup>

#### JUDICIAL PROCEDURE AND LEGAL PROCESSES

The procedure of bringing a criminal offender to trial on information was facilitated by allowing the county attorney to swear to such information before any officer competent to administer oaths. Formerly he had to appear before a judge, the clerk, or the deputy clerk of the district court. In case the county attorney did not reside at the county seat this was often inconvenient.<sup>188</sup>

The schedule of naturalization fees was revised. In place of twenty-five cents for the declaration of intention and fifty cents for all other naturalization services, a fee of \$1 will be required for receiving a declaration of intention, \$2 for making, filing, and docketing the petition for admission to citizenship, and \$2 for issuing the certificate of citizenship. Furthermore, the petitioner for citizenship must deposit with the county clerk a sum of money sufficient to cover the expense of obtaining witnesses. Whatever amount of this sum is not used will be returned to the petitioner. These provisions simply conform to the Federal law and remove the ambiguities as to the collection and disposition of naturalization fees which have led to confusion and misinterpretation.<sup>189</sup>

*Jury.*—Although veterinarians were exempted from

<sup>186</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 231.

<sup>187</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 271.

<sup>188</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 204.

<sup>189</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 42.

jury service a bill introduced in the Senate and two in the House to extend the same privilege to women were defeated. The Senate bill was indefinitely postponed and the House bills were withdrawn. The Senate passed a measure to abolish the jury commission and remodel the law as to the selection of jurors by county officers, but it was indefinitely postponed by the House.<sup>190</sup>

The date of the meeting of the jury commission to select jurors has been subject to frequent change. When the jury commission was established in 1917 the time was fixed as the first Monday after the tenth day of November annually. In 1919 the date was changed to the second Monday after the general election in each year such election is held, and the first Monday in November of other years. The Thirty-ninth General Assembly, not to be outdone, provided that the jury commission should meet only in election years, and consequently extended the term of jurors from one to two years.<sup>191</sup>

The costs in civil cases tried before a jury were increased by raising the jury fee from \$6 to \$10.<sup>192</sup> When the place of any civil or criminal action is changed to any county other than the one in which it was commenced the original county must pay \$3 a day for each jurymen if the trial consumes more than one day. Formerly the cost was \$2 and this provision did not apply to criminal cases.<sup>193</sup>

*Civil Actions.*—The statute which declares that a man's personal earnings shall not be exempt from an order, judgment, or decree for the support of his minor children was

<sup>190</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 259; Senate File Nos. 291, 469; House File Nos. 385, 386.

<sup>191</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 278.

<sup>192</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 275.

<sup>193</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 106.

made more definite by a technical amendment of phraseology.<sup>194</sup>

A paragraph defining sufficient proof of possession was added to the law regulating actions for the recovery of real estate based on claims arising or existing prior to 1900.<sup>195</sup>

*Liens and Mortgages.*—The Thirty-eighth General Assembly extended the time during which a sub-contractor may file a mechanic's lien from thirty to sixty days. The law since 1919 has not required any such lien to be filed in less than sixty days, so the Thirty-ninth General Assembly changed the word thirty to sixty as it appeared in the statute of limitations stating the time when actions to enforce a mechanic's lien must be brought.<sup>196</sup>

To the statute governing the filing of chattel mortgages, bills of sale, and other instruments affecting the title to or encumbrance of personal property was added a section covering cases where there is a provision in a real estate mortgage creating an encumbrance upon personal property or providing for a receivership in the event of foreclosure. Among other things such a real estate mortgage need not be kept in the office of the county recorder. This act corrects a defect in the law on the same subject passed by the Thirty-eighth General Assembly.<sup>197</sup>

*Probate.*—Hitherto the compensation of executors and administrators has been definitely fixed by law, although the court had authority to allow reasonable sums in addition for actual, necessary, and extraordinary expenses and services. The fees for the settlement of estates were in-

<sup>194</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 149.

<sup>195</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 55.

<sup>196</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 27.

<sup>197</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 246.

creased in 1919, and provision was made for an attorney's fee equal to the fee of the administrator or executor. The Thirty-ninth General Assembly decided that the new schedule might be excessive in some instances especially in the case of large estates and particularly in respect to attorney's fees. The bill as originally introduced proposed to reduce the fee for settling estates valued between \$1000 and \$5000 from four to two per cent and for estates over \$5000 from two to one per cent. The Judiciary Committee, composed entirely of lawyers, reported in favor of indefinite postponement, but the author of the bill asked that it be placed on the calendar and the motion passed. At the end of the debate on the measure a compromise was adopted whereby the court is empowered to fix the compensation of executors, administrators, and administrators' attorneys, but not above those prescribed by law.<sup>198</sup>

A change of phraseology makes more specific the responsibility of persons not in charge of the settlement of an estate who meddle with such property without authority from the regular executor or administrator.<sup>199</sup>

No investment of trust funds can be made except under order of the court, unless a mode of investment is pointed out by statute. Formerly an order of the court was necessary only in case of investment in city, town, county, school, or drainage bonds. The list of securities in which trust funds may now be invested (with permission of the court) was enlarged by the addition of Federal farm loan bonds. Inasmuch as the State and Federal governments do not issue stock that word was eliminated from the statute.<sup>200</sup> The petition of the owner of a cemetery to the district

<sup>198</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 22; *Senate Journal*, 1921, pp. 456, 487-489.

<sup>199</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 117.

<sup>200</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 126. The act permitting guardians or executors to invest in Federal farm loan bonds was the only one



court for the appointment of a trustee to manage trust funds may now contain statements of the amount of the proposed trust fund, the manner of its investment, the disposition of surplus not needed for care and upkeep, and the compensation of the trustee. Any surplus above the amount necessary for care and upkeep must, however, be used for charitable, eleemosynary, or public purposes.<sup>201</sup>

The section of the Code which requires a notice to be served upon the interested parties before the court can order an executor to sell real estate was supplemented by a provision that in case any of the persons interested in the real estate are unknown this notice can be served by publication of an affidavit in a newspaper.<sup>202</sup> Later another act which aims to accomplish the same result was passed by the Thirty-ninth General Assembly providing that notice of a civil action by an executor or guardian to sell or mortgage real property, or a guardian's petition to sell or mortgage real property of a ward, may be served in the same manner as an original notice in ordinary civil actions. The Code section, which had previously been amended by adding the new provision for serving notice on unknown parties by publication, was rewritten in more exact language and in harmony with the other new regulations for serving notices.<sup>203</sup>

All decrees and orders of court for the sale of real estate by a guardian obtained before January 1, 1921, where the notice was served on the ward outside of Iowa were legalized.<sup>204</sup>

of five bills authorizing investment in such securities which gained enactment. The other bills extended the privilege to savings banks, life insurance companies, accident insurance companies, fire insurance companies, and fraternal insurance companies.

<sup>201</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 276.

<sup>202</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 174.

<sup>203</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 263.

<sup>204</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 88.

The statute relating to the release of liens by foreign executors was entirely rewritten and clarified. The officials affected were definitely indicated by a more extensive enumeration, and new regulations were prescribed relative to the contents and filing of the certificate of appointment of foreign executors. In the case of judgments such certificates must now be filed with the clerk and, in case of mortgages and deeds of trust, with the recorder, but wherever it is filed a record of the certificate and release must be kept.<sup>205</sup>

#### PENSION LEGISLATION

An unusually large number of bills relating to pensions were proposed in the Thirty-ninth General Assembly. Three of those which were enacted amend the law regulating pensions for firemen and policemen. The pensions for widows or dependent parents of firemen or policemen who were pensioned or died while in service were raised from \$20 a month to \$30 a month and for each surviving child under the age of sixteen the pension was raised from \$6 to \$8 a month. The provision that the total sum paid to such dependents may not exceed one-half the monthly salary of the fireman or policeman at the time of his death or retirement on pension remains unaltered.<sup>206</sup>

Hitherto special charter cities have been the only type specifically mentioned as coming under provisions of the policemen's and firemen's pension law along with other cities and towns. Because of this partial enumeration there seems to have been some question — probably unfounded — as to whether this law also applied to cities operating under the manager plan. To obviate any future difficulty the law was so amended as to specifically include this class of cities,

<sup>205</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 17.

<sup>206</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 31, 32.

thus securing pensions for their policemen and firemen.<sup>207</sup>

Destitute widows who are capable guardians of their own children are now allowed \$3 a week for each child under fourteen years of age instead of \$2 a week as formerly. The county, however, can not furnish such aid to a widow who is not a resident thereof.<sup>208</sup>

An interesting development of the mother's pension act is found in a bill which failed to be enacted. This measure provided that in case both parents of a child were dead and the grandparents were willing but unable to care for their grandchildren they would be allowed aid from the county. In the same bill was included a provision to extend the aid to mothers who had been granted divorces on grounds of desertion, if the whereabouts of the husband were unknown or if he were unable to provide for the care of the children, on condition such divorce had been granted two years prior to giving the aid.<sup>209</sup>

There are only two instances of pensions being granted by Iowa for military services. In 1913 the surviving members of the Spirit Lake Relief Expedition were granted a pension of \$20 a month for the rest of their lives to be paid out of the State treasury, and in 1917 the survivors of the Northern Border Brigade, organized during the Civil War for the protection of the northwestern frontier, were given a similar pension. The Thirty-ninth General Assembly extended these pensions to the widows of such survivors, by amending only the latter act.<sup>210</sup>

<sup>207</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 103. Commission governed cities are not specifically mentioned but there seems to be no difficulty in their case because they have had such a pension for some time.

<sup>208</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 51, 252. As originally drafted this act would have raised the amount of the mother's pension to \$4 a week.—Senate File No. 610.

<sup>209</sup> Senate File No. 386.

<sup>210</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 225.

Among the pension bills which failed of enactment was one that proposed to allow all independent school districts of forty thousand population or over to establish a pension and annuity retirement system for teachers. As the law now stands only independent school districts with a population exceeding seventy-five thousand have this power.<sup>211</sup>

#### AGRICULTURE AND ANIMAL HUSBANDRY

No class of people in Iowa profited more by the legislation of the Thirty-ninth General Assembly than the farmers. Working through the powerful Farm Bureau Federation the agricultural interests secured the enactment of almost all the legislation they desired. The only measure actively supported by the Farm Bureau which was defeated was the mortgage foreclosure bill. This was a proposal to require thirty days notice before foreclosure of farm mortgages. Under the Iowa law, if the interest on a farm mortgage is not paid promptly on the date specified, both interest and principal become due and are subject to foreclosure. Many mortgages executed several years ago and bearing five per cent interest have found their way into the hands of remote parties unknown to the mortgagee. When the place of residence of the holder of a mortgage is unknown, interest has sometimes been withheld and the mortgage has become subject to foreclosure. Actual foreclosures have rarely occurred, however, because the holder of a mortgage usually forces a compromise by offering the alternative of a new mortgage at a higher rate of interest. The bill was opposed by the Bankers Association.<sup>212</sup>

Of the bills which were passed probably the most far-reaching are those which promote coöperation among the

<sup>211</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 387. House File No. 302.

<sup>212</sup> Senate File No. 353; *The Des Moines Register*, March 12, 1921.

farmers. In 1915 the Iowa legislature authorized the organization of coöperative associations for conducting agricultural, dairy, mercantile, mining, manufacturing, or mechanical business. The aggregate par value of shares that may be owned by one stockholder was increased in 1921 from \$1000 to \$5000.<sup>213</sup> This coöperative association law, however, applied only to such associations as were incorporated and operated for pecuniary purposes. The farmers have also formed similar coöperative associations without capital stock and not operated for profit. An act of the Thirty-ninth General Assembly — modeled as much as possible upon the one of 1915 — authorized the incorporation of these mutual non-pecuniary associations, thus changing their general character from partnerships to corporations. While this law is obviously intended to benefit agricultural interests primarily, manufacturing and mining enterprises operated on the coöperative plan were included, as they were in the former coöperative association law of 1915, to avoid the criticism that this is class legislation. The object is not to give the farmers special privileges, but to provide a new method of doing business.

Such a corporation may be formed by five or more persons and, in addition to conducting business on a coöperative plan, may act as a coöperative selling agency for its members. The members must be actual producers or consumers of the commodity handled by the association: this includes landlords who receive part of the crop as rent. It is possible to form associations whose membership consists of other non-pecuniary coöperative associations, “the purpose being to federate local associations into central coöperative associations for the more economical and efficient performance of their marketing or other operations.”

<sup>213</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 251.

These associations may by contract require members to sell or buy all or part of specifically enumerated products exclusively through the association, and the association may collect damages from a member who fails to deliver or procure his supplies from the association. Money may be borrowed, and the personal liability of members may be limited to the amount of their membership fee. The costs of operation are met by dues, assessments, and service charges. Ten per cent of any annual surplus must be set aside as a reserve fund, between one and five per cent goes into an educational fund to be used for teaching coöperation, and the remainder is returned to members in the form of patronage dividends. The life of these associations is set at twenty-five years, but the term of their existence may be renewed by filing new articles of incorporation.<sup>214</sup>

Lest the non-pecuniary coöperative associations just described should appear to be engaged in restraint of trade, another act was passed which in a sense legalizes their activities. The members of all coöperative associations, whether operating for profit or not, were specifically authorized to act together "for the purpose of collectively producing, processing, preparing for market, handling and marketing the products of their members." It was thought that the formation of these associations engaged in collective bargaining would conflict with the State Constitution, and so the farmers organizations at one time favored a constitutional convention; but when it was ascertained that their purpose could be accomplished by legislation they lost interest in the convention.<sup>215</sup>

If somewhat less unique, the act of the Thirty-ninth General Assembly which regulates the operation of bonded warehouses for the storage of agricultural commodities is

<sup>214</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 122.

<sup>215</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 176.

probably of more immediate practical importance. This measure — passed without a dissenting vote — is a modification of the United States Warehouse Act. Anyone who has proper facilities for storing cotton, wool, grains, tobacco, and flaxseed may obtain a license to operate a bonded warehouse. Such a license is good for not over one year and can be granted only after the warehouse has passed inspection and the warehouseman has executed a good and sufficient bond to secure the faithful performance of his obligations. Licenses may also be obtained to classify, grade, and weigh agricultural products stored in a bonded warehouse, and all fungible products must be inspected and graded. While the products of each depositor are to be kept separate if possible, fungible products may be mingled by agreement, though in such cases the grain must be all of the same grade. Original receipts must be issued to each depositor by the warehouseman for all products actually stored and the form and contents of these receipts are specified by law. These bonded warehouse receipts are negotiable and therein lies the advantage to the farmer who is thus enabled to borrow and hold his grain for a better market. The entire administration of the bonded warehouse law is vested with the Railroad Commissioners.<sup>216</sup>

There has never been a comprehensive credit system for the benefit of farmers. If the warehouse act were to be of much financial benefit it was necessary to provide the means of disposing of warehouse receipts readily. This was done by an amendment to the law limiting the indebtedness of corporations — the first step toward a credit system for farmers. Companies with not less than \$1,000,000 capital stock may issue debentures and bonds to the amount of one hundred per cent of the actual value of security in the form of rediscounted notes with bonded warehouse receipts

<sup>216</sup> *Acts of the Thirty-ninth General Assembly, Ch. 119.*

as collateral, upon which has been loaned not over seventy-five per cent of the market value of the commodity represented by the receipt. In the case of loans on live stock the bank may advance eighty per cent of the value of the live stock, rediscount the note, and the company may issue debentures in an amount not exceeding ninety per cent of the obligation. Debentures may be issued in the same percentage against obligations endorsed by a bank or secured by collateral authorized as investments for savings banks in Iowa. In compliance with the terms of this law the Iowa Farm Credit Corporation, composed of bankers and farmers throughout the State, has been organized with a proposed capitalization of \$5,000,000.<sup>217</sup>

To facilitate the organization of these farm credit corporations capable of handling the rediscounted paper of live stock and warehouse receipt loans, State banks and trust companies are allowed to invest in one such corporation as much as ten per cent of their capital and surplus, subject to the approval of the Superintendent of Banking.<sup>218</sup>

A bill was introduced in both houses to create a rural credits system by reinvesting the Agricultural College endowment fund consisting of \$750,000. An appropriation of \$100,000 was proposed for the establishment of a department. The bill passed the House but was lost in the Senate Sifting Committee, while the Senate bill was recommended for indefinite postponement.<sup>219</sup>

The creation of a Department of Agriculture for the State to be known as the State Board of Agriculture of the State of Iowa was contemplated by a bill introduced in the lower house of the General Assembly. This bill was with-

<sup>217</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 131.

<sup>218</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 157, 161.

<sup>219</sup> House File No. 546; Senate File No. 552.



drawn by its author, but its provisions are noteworthy. The Board was to be composed of the Governor, the Attorney General, and the Dean of the State Agricultural College as ex officio members. Besides these there was to be one member elected by the presidents of duly accredited farmers' institutes and county fair boards from each of the congressional districts in the State. All members of the board were to serve without pay. They were to organize and elect a secretary, who was to be "a practical farmer and well versed in agricultural science", at an annual salary of \$3600 and an assistant at \$2500 together with other necessary assistants and clerks — the latter with consent of the Executive Council. The bill charged the board with the duty of supervising all of the legalized departments and institutions of the State which aim to encourage agriculture, except the State Agricultural College. It was to gather statistics relative to agriculture, publish an agricultural year book, conduct short courses in the various phases of farming in counties where fifty persons signified their desire to have such a short course, and constitute the board of directors of the State Fair. The bill further provided for an appropriation of \$40,000 to carry out its provisions.<sup>220</sup>

The law relative to the State Horticultural Society was changed in several respects. According to a provision of the Code the purpose of the Society is to encourage the organization of district and county associations, to give such organizations representation in the State Society, and to further fruit and tree growing interests in every way. As restated by the Thirty-ninth General Assembly the "society shall encourage the affiliation with itself of societies organized for the purpose of furthering any horticultural, honey bee or forestry interest of the state." Formerly the officers to be elected at the annual meetings

<sup>220</sup> House File No. 727.

were enumerated and their terms of office prescribed. This has been changed so that instead of enumerating the officers to be selected the law merely states that the officers and board of directors are to be chosen in the manner and for the terms prescribed in the constitution of the Society. From the changes in various parts of the law it is evident that the Society now encourages forestry and the honey bee industry more than formerly, though its appropriation of \$8000 for annual support remains the same as it was fixed by the Thirty-eighth General Assembly. Some changes were also made in the distribution of the reports of agricultural and horticultural societies. Three thousand copies will be printed instead of four thousand. Of these the Governor, Lieutenant Governor, Secretary of State, State Auditor, State Treasurer, and Attorney General, as well as each of the Judges of the Supreme Court and the members of the General Assembly, will receive one copy instead of six. The same number will be delivered to the county auditor and the county clerk. Iowa State College at Ames was formerly given one hundred copies while to the State University of Iowa were allotted five copies. Now, however, twenty-five copies will be given to each of these institutions and two to each incorporated college in the State.<sup>221</sup>

The salaries of inspectors and instructors for both the Iowa State Dairy Association and the Iowa Beef Cattle Producers' Association were raised from \$2000 to \$3000 annually. One or more inspectors may now be appointed for the Iowa Corn and Small Grain Growers' Association instead of two or more. The appropriation for these three associations, which was raised from \$20,000 to \$32,500 by the Thirty-eighth General Assembly, was not changed by the last legislature.<sup>222</sup>

<sup>221</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 254.

<sup>222</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 304.

Not least among the laws relative to agriculture enacted by the Thirty-ninth General Assembly is the act which rewrites and in a sense codifies the provisions relative to the Weather and Crop Service Bureau under the supervision of the State Board of Agriculture. It is not surprising then that the act as it now stands should be based to a certain extent upon the Code Commission bill, although a number of important sections were added by the legislature. In restating the existing law several important changes were made. The principal object of revision was to improve the weather and crop service by eliminating the county auditor and Secretary of the State Board of Agriculture from participating in the system of reports. The administration of the service is now centralized in the Director of the Bureau. He — not the auditors — is responsible for the distribution of blanks to the assessors for the collection of data, and the assessors report directly to him, instead of making their returns to the county auditor who in turn sent a summary to the Secretary of the Board of Agriculture for publication. The Director also represents and works in close coöperation with the United States Weather Bureau. It is hoped that the new organization will eliminate much inefficiency and make more accurate and up to date statistics available. The Bureau remains under the general supervision of the State Board of Agriculture. The former specifications in regard to the publication of reports were omitted. The appropriation for the Bureau which was raised from \$2700 to \$3700 annually in 1919 was further increased to \$7500, including the salary of the Director which was fixed at not over \$2520 a year.<sup>223</sup>

The law relating to the standards of purity of agricultural seeds was thoroughly revised as far as possible in conformity with the Model Seed Law recommended by the

<sup>223</sup> *Acts of the Thirty-ninth General Assembly, Ch. 178.*

National Association of Seedmen which was the basis of the Code Commission bill on this subject. The definitions of noxious weeds and of agricultural seeds were made more detailed and specific — quack grass and several varieties of mustard and thistles being specifically enumerated. The maximum penalty for violating the act was increased to a fine of not more than \$500, and the Attorney General is directed to prosecute all violators. Prior to the revision of this law seeds sold for pasture or lawn purposes, and those marked “not absolutely clean” and held for sale outside of the State, were not subject to its provisions. Now the law contains elaborate provisions regulating the labeling of all agricultural seeds sold for seeding purposes. Indeed, the chief emphasis in the new statute is placed upon labeling rather than upon purity of seeds. Finally a very important provision in the new act provides that plants which threaten to become a menace to the agricultural industry may be placed in the category of noxious weeds without further legislative action. When it appears to the State Dairy and Food Commissioner, who is in charge of the administration of the act, that a plant is or threatens to become a menace to agriculture it is his duty to “call a committee of three experts in plant life, one of whom shall be the botanist of the state college of agriculture and mechanic arts”, and if this committee reports to the Commissioner that such plant is a noxious weed he shall declare it to be so by posting a notice in the court house of every county, and thirty days afterward the provisions of the act shall also apply to that plant.<sup>224</sup>

Not alone did the Thirty-ninth General Assembly aim to prevent the growth of noxious weeds, but it amended the law relative to their destruction. The legislature which met in 1913 compelled owners of lands infested with noxious

<sup>224</sup> *Acts of the Thirty-ninth General Assembly, Ch. 236.*

weeds to destroy them before maturity after individual notice by the board of township trustees or the city council, depending upon the location of the land. If the owner failed to do so the authorities might do the work, assess the costs against the property, and serve a notice of the assessment. An amendment to this law provides that in cities and towns notice need not be given to each individual but a general notice requiring all property owners to destroy noxious weeds may be given by publication in the town newspaper or if there is none then by posting in three public places. Notices of assessment of costs may be given by mail.<sup>225</sup>

Since 1894 the law relative to partition fences has required owners of adjoining lands to erect and maintain partition fences between the lands if they derived revenue therefrom, unless the lands are used solely for timber. If the partition fence consisted of a hedge the owners were required to trim it once in two years to within five feet of the ground unless they agreed otherwise in writing and filed such an agreement with the township clerk. In the new law the mandatory provision for construction of fences is changed so that such construction is not necessary unless either land owner requests that it be done. Hedges used as partition fences must now be trimmed during the month of June and September of each year to within five feet of the ground unless owners otherwise agree in writing and file such agreement with the township clerk.<sup>226</sup>

The boards of supervisors in counties that have acquired real estate for county or district fair purposes and in which there is a fair association may levy a tax of one-half of one mill for the purpose of erecting and repairing buildings and making other permanent improvements. The limit on the

<sup>225</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 280.

<sup>226</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 76.

amount to be raised by the county as fixed by the Thirty-seventh General Assembly was \$1000 annually.<sup>227</sup>

The Thirty-eighth General Assembly authorized the State to contribute certain sums to county or district fairs to be used for premiums. The State promised to contribute seventy per cent of the first \$1000 and sixty per cent of subsequent amounts in excess of \$1000 paid by the fair association as cash premiums, but not more than \$1500 in any one year to any one fair. A bill was introduced in the Thirty-ninth General Assembly providing for the contribution by the State of eighty per cent on the first \$1000, seventy per cent on the second \$1000, sixty per cent on the third \$1000, and forty per cent of all amounts in excess of \$3000 paid in cash premiums at an annual fair. The proposed limit on the amount to be given to any fair in any one year was \$5000. The purpose of this bill was to increase the aid to the small fairs and at the same time allow larger fairs such as the Oskaloosa Fair and the Waterloo Cattle Congress to derive a larger benefit. Supporters of the smaller fairs, however, were able to defeat the latter purpose of the bill by reducing the limit to be paid to any one fair in any one year to \$2000. In this form the bill finally passed, so that although a greater advantage has been given to smaller fairs the larger fairs are not given much greater aid because eighty per cent of the first thousand plus seventy per cent of the second thousand plus fifty per cent of the third thousand in itself amounts to \$2000, the specified limit. Thus, ten per cent of the third \$1000 and the forty per cent of all amounts over \$3000 as provided in the law have no force.

A number of sections were also added to the same law providing that the secretary of each society receiving money from the State shall file a statement with the board of

<sup>227</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 213.

supervisors showing the legal disbursement of the money and that the president of the association may issue permits to persons who wish to sell fruit, provisions, and other lawful articles at the fair, appoint peace officers and otherwise guard against the violation of the provisions of this statute, and seize all intoxicating liquors and gambling devices as well as prevent the obstruction of thoroughfares leading to the fair grounds. Cities are prohibited from interfering with the management or conduct of a fair by ordinance while it is being held. A maximum penalty of three years imprisonment and a fine of \$1000 is fixed for fraudulent entry of horses or entering them out of their proper class. The method of determining the class of a particular horse is based upon its previous public record. Due to a faulty repealing clause a number of existing sections of the law in this subject were reënacted.<sup>228</sup>

A lien held on the progeny of stallions or jacks shall now be in force for one year instead of for only six months, and the law specifically states that it shall not be lost because the progeny is sold, exchanged, or removed from the county. The new law prescribes a penalty of not less than \$25 nor more than \$50 fine for the sale, exchange, or permanent removal from the county of the animal subject to lien without the consent of the person who holds the lien.<sup>229</sup>

The manufacture, sale, and administering of anti hog cholera serum and hog cholera virus is now closely regulated by an act of the Thirty-ninth General Assembly which rearranges, restates, supplements, and amends the previous law on the subject — a measure advocated by the Farm Bureau with the hope of breaking the monopolistic control of the business. Manufacturers are required to pay a fee of \$25 for each plant, and dealers are required to pay \$15 for

<sup>228</sup> *Acts of the Thirty-ninth General Assembly, Ch. 264.*

<sup>229</sup> *Acts of the Thirty-ninth General Assembly, Ch. 267.*

each distributing agency or warehouse they propose to maintain, for which they will be given a permit to operate one year. Such permits will not be issued to dealers, however, unless a bond of \$5000 is given which may be used to compensate persons damaged through fault of the dealer. Damages to the full amount can be recovered if they are due to the negligence of the manufacturer. In case of negligence, whether by dealers or manufacturers, permits may be revoked. It is not the purpose of this provision, however, to compel dealers and manufacturers to guarantee results. As was the case in the previous law only persons who hold a permit from the Commission of Animal Health are permitted to use these biological products, and according to the new act manufacturers and dealers must sell to all permit holders without discrimination in price. The penalty for violation remains unchanged.

The revised hog cholera serum law makes provision for instruction of individuals so as to enable them to administer the serum and virus to their own herds. This instruction is to be given under the direction of Iowa State College which is required to send an instructor to any county when seven persons make application and pay a fee of \$5 to the county agent. The instructor will then hold a school of instruction, give necessary demonstrations, and conduct examinations the results of which he shall report to the Commission which may then issue permits to the persons instructed to use virulent blood or virus upon animals owned by himself. Similar schools of instruction will be held at Ames regularly twice a year and at other times upon application of ten persons without payment of fees. Persons, firms, companies, or corporations, who hold licenses to manufacture, sell, or distribute serum and virus are prohibited either directly or indirectly to solicit or attempt to induce any persons to make application for hold-



ing a school. The purpose of this provision is not to encourage farmers to treat their own diseased animals.<sup>230</sup>

The functions of the hog cholera serum laboratory at Ames were enlarged by the provision that the State Board of Education may use the laboratory for other purposes in the veterinary division as well as for the manufacture and distribution of hog cholera serum, toxines, vaccines, and other biological products. When the law relative to this laboratory was revised by the Thirty-ninth General Assembly the provision was omitted whereby the director was empowered to furnish serum to veterinarians at cost and sell the surplus outside of the State at a reasonable profit, and a provision to the effect that when an emergency is declared to exist by the State Board of Education serum may be furnished at cost by the director to any person, together with specific instructions for the use of the same. The money derived from this source constitutes the serum fund which may now be used for the maintenance and development of the laboratory, grounds, and buildings for any purpose in connection with the study, control, or treatment of animal diseases.<sup>231</sup>

To the act of the Thirty-eighth General Assembly relative to the control and suppression of contagious and infectious diseases among domestic animals was added a provision requiring the Commission of Animal Health to consider and act upon first those applications for the testing for tuberculosis of dairy herds from which milk and milk products are sold for human consumption in cities and incorporated towns.<sup>232</sup>

Another act which amends this same law increases the appropriation of \$100,000 annually to \$250,000 so that the

<sup>230</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 173.

<sup>231</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 274.

<sup>232</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 44.

Commission of Animal Health may more effectively combat diseases among domestic animals.<sup>233</sup>

A third amendment to the act of the Thirty-eighth General Assembly relative to the control of diseases among animals provides that animals which have been placed under quarantine by the Commission of Animal Health because of tuberculosis, but left under direction of the owner and used for breeding purposes may not be made the basis for any claim against the State if they are later slaughtered. Records pertaining to animals affected with tuberculosis must be open for public inspection.<sup>234</sup>

An exception to the law requiring all bodies of dead animals to be disposed of by burning, cooking, burying, or rendering permits bodies of animals that have not died from a contagious disease to be fed to hogs. Vehicles used to transport carcasses of animals may not be driven on the premises of a farmer without his permission, nor may carcasses be unloaded except at the place of final disposal. After unloading, the wagon bed, wheels, coverings, the outer clothing of persons handling the dead animal, and the feet of horses drawing the vehicle must be disinfected.<sup>235</sup>

#### FISH AND GAME

Black bass may be taken from the waters in Iowa only by hook and line, and no commercial institution, restaurant keeper, or fish dealer may have in possession any of this variety of fish whether caught within or without the State, lawfully or unlawfully. One day's catch of black bass taken in a lawful manner may be sold by an individual to another individual for his family consumption in the locality where it was caught. A fine of \$10 for each offense is the penalty

<sup>233</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 302.

<sup>234</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 194.

<sup>235</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 99.

fixed for violation of this law.<sup>236</sup> Another act forbids the taking of fish from any of the lakes of Iowa by trolling from a motor power boat.<sup>237</sup>

It is unlawful to kill raccoons between the first day of February and the fifteenth day of October.<sup>238</sup>

The Thirty-seventh General Assembly extended the closed season on prairie chickens until 1922, but the Thirty-ninth General Assembly changed the law so as to say that no person shall shoot, trap, or kill any prairie chicken prior to 1927. By virtue of the general law which fixes the open season for prairie chickens from September first to December first these birds are really protected until September 1, 1927.<sup>239</sup> Protection for imported game birds and quail was also extended from 1922 until 1927 — for the former until October first and for the latter until November first of that year.<sup>240</sup>

#### DRAINAGE LEGISLATION

Legislation regulating the drainage of swamp land has occupied the attention of almost every General Assembly in Iowa since 1862, but the construction of large ditches and extensive systems of tile drains is a comparatively new development, and being of recent origin much of the legislation relating thereto is naturally tentative in character, thus leading to continual revision. The Thirty-ninth General Assembly contributed its share of amendments.

Levees were specifically defined to include approved constructions to prevent the erosion of the banks of streams

<sup>236</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 256.

<sup>237</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 212.

<sup>238</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 87.

<sup>239</sup> *Compiled Code, 1919*, Sec. 1124; *Acts of the Thirty-ninth General Assembly*, Ch. 25.

<sup>240</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 33, 85.

and the protection of wet and overflowed lands. This amendment makes possible important improvements along the Missouri River.<sup>241</sup>

For the purpose of keeping a complete record of all drainage projects and for accurate information in connection with the location of a new drainage district, the law now permits any person who has put in a private drainage system to have a plat of the same recorded. In accordance with this privilege the county recorder is required to keep a plat book for such plats and a record book to contain various facts concerning the private drainage systems recorded. The recorder is entitled to collect fees for this service.<sup>242</sup>

The fees allowable for the publication of notices in connection with the administration of drainage legislation were fixed at a maximum of thirty-three and one-third cents for each insertion of ten lines of type, instead of simply that amount for the ten lines without reference to the number of times they were inserted. The amendment performs the function of clarifying the former law, and possibly increasing the fee.<sup>243</sup>

A technical change in the statute regulating the assessment of costs and damages in a drainage district which is located in more than one county makes it necessary to publish the notice of the meeting of the boards of supervisors in *each* of the counties concerned.<sup>244</sup>

Another act relating to inter-county drainage makes clearer the duties of the respective county auditors in the matter of serving notice of the meeting of the boards of

<sup>241</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 45.

<sup>242</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 237.

<sup>243</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 130.

<sup>244</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 257.

supervisors for consideration of the petition for the establishment of such a drainage district.<sup>245</sup>

The Board of Supervisors can not name a date for the commencement of work on a drainage project that is prior to the date on which they fix the assessment.<sup>246</sup>

Drainage contractors have sometimes been seriously hampered in carrying ditches and levees across railroads and electric lines. To guard against such a contingency in the future and to facilitate coöperation between drainage contractors and railroads or electric companies, two acts were passed by the Thirty-ninth General Assembly. Upon fifteen days notice in the case of telephone, telegraph, or other electric lines and thirty days notice in the case of railroads, those companies must permit the passage of the contractor's equipment without dismantling it. The costs of crossing electric lines is payable by the contractor, but the costs incurred in crossing a railroad are considered a part of the company's damages — unless the railroad fails to give passage within the time allowed, in which case the railroad is liable for the costs. The engineer in charge of the drainage project is required to provide plans for the most economical and practicable method of passing equipment across highways and railroads.<sup>247</sup>

The time when the second installment of drainage assessments becomes due was changed from ten to twenty days after the work is half done and the third from ten to twenty days after the improvement is accepted by the supervisors. Furthermore, the county auditor is now required to notify the land owners within two days after the work is half done

<sup>245</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 150.

<sup>246</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 127.

<sup>247</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 205, 206.

and again when it is accepted so that there can be no mistake about the date when the assessments are due.<sup>248</sup>

By virtue of an amendment, warrants drawn upon the funds of a drainage district are acceptable in payment of drainage assessments no matter in whose favor the warrants were originally drawn. Formerly such warrants were good for the payment of assessments only on land owned by the person to whom they were issued. Sometimes assessments have not been made until long after the drainage project has been completed. Thus, persons who received drainage warrants for damages or services were unable to cash them without heavy discounts. It is hoped that by making drainage warrants fully negotiable so far as payment of drainage assessments is concerned a better market for them will be created. Persons whose assessment exceeds their damages will probably buy drainage warrants to pay their assessment.<sup>249</sup>

Hitherto it has been permissible to pay drainage contractors either with warrants or improvement certificates, and now drainage bonds have been added.<sup>250</sup> Probably somewhat on account of this fact drainage bonds, or the proceeds from them, must henceforth be available for the use of the district at a date not later than ninety days after the actual commencement of the work. Moreover, these drainage bonds may now be issued not only when the district is established but also for the payment of any subsequent repairs or improvements.<sup>251</sup>

#### HIGHWAY LEGISLATION

The principal deficiency of the primary road law of 1919

<sup>248</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 214.

<sup>249</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 118.

<sup>250</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 116.

<sup>251</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 39, 124.

as demonstrated by two years of experience appears to have been in coördinating rural and municipal hard surfacing. At all events several acts of the Thirty-ninth General Assembly contribute to the solution of that problem.<sup>252</sup> The act of 1919, for example, gave the board of supervisors plenary jurisdiction to hard surface town streets which are continuations of primary roads, but the draining and grading of the street preparatory to hard surfacing as well as the maintenance of the paving was to be done at the expense of the town. In many instances this proved to be an expense which the town did not wish to undertake. Moreover, there was a strong feeling among many people who live in town that some of the money which accrues from the automobile tax should go to the improvement of streets instead of being spent almost entirely on country roads. Indeed, a bill was introduced in the Senate to apportion part of the proceeds from automobile licenses to cities and towns in proportion to their unpaved streets, but this measure was withdrawn late in the session.<sup>253</sup>

Two acts, however, were passed to alleviate the situation in towns. One, which was approved on March 22, 1921, relieves the towns of the obligation to drain and grade the street preparatory to paving and gives the supervisors the authority not only to pave town streets that are continuations of primary roads but to drain, grade, and gravel them as well — part of the expense being paid from the primary road fund.<sup>254</sup>

The other act further amended the regulations for hard surfacing in towns by making the jurisdiction of the supervisors in the matter of paving “subject to the consent and

<sup>252</sup> For a general summary of highway legislation see also the March-April number of the *Iowa State Highway Commission Service Bulletin, 1921*.

<sup>253</sup> Senate File No. 301.

<sup>254</sup> *Acts of the Thirty-ninth General Assembly, Ch. 56.*

approval of the council". This simply preserves the jurisdiction of town officials over their streets.<sup>255</sup>

A slight concession was made for the benefit of cities. The act of 1919 contains a provision that the county supervisors can not drain, grade, or hard surface any highway within city limits. Under an act of the Thirty-ninth General Assembly, however, the county may pay for that portion of paving on extensions of primary roads within a city which is not especially assessable on property and would otherwise have to be met by a tax on the city as a whole. Such improvements must meet the approval of the county supervisors and the State Highway Commission, and payment is made from the primary road fund. This expenditure is permissible without a popular vote even though hard surfacing of primary roads has not been authorized in the county.<sup>256</sup>

In case a city does not wish to pave the streets which constitute main traveled highways into and out of the city the law now provides that such streets may be graveled. But part of the expense of such graveleding will be paid from the primary road fund.<sup>257</sup>

The road law of 1919 provided that when a primary road was located along the corporate line of any city the county should have the power to pave it and charge the city with half of the expense. In this connection the Thirty-ninth General Assembly defined the word city in such a way as to include those operating under special charters.<sup>258</sup>

The statute on the purchase of gravel beds for road building material was amended to allow the county supervisors to purchase any number of acres in one place.

<sup>255</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 104.

<sup>256</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 230.

<sup>257</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 138.

<sup>258</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 145.



Formerly they were limited to five acres in one place by an act passed in 1913 when permanent road building activities were just beginning. In some counties which contain extensive gravel deposits it is profitable to erect a screening and washing plant to prepare the material for concrete work if the whole tract may be purchased. Due to a misunderstanding as to the use of primary road funds the original bill was amended by the addition of a provision requiring that half of the cost should be paid out of the primary road funds instead of all the expense being met from the county road funds. This is apt to result in confusion and the diversion of primary road funds from their proper use. Formerly the entire cost of gravel pits was paid from the county road funds and then the county reimbursed from the primary road fund for all gravel used on the primary road system.<sup>259</sup>

A measure which makes possible further centralization of road building in the county provides that the people in a township may vote to turn over to the county supervisors the work of grading, improving, and draining the township roads. This work, however, will still be paid for by the township, and while one of the anticipated advantages is a saving of money, the township may levy an additional tax of two mills if this arrangement is followed. The dragging and repair of township roads will continue under the control of the township trustees.<sup>260</sup>

In 1919 the State was made liable for highway improvement assessments against State property to the same extent as private property and in addition shared the remainder of the expense equally with the county. This arrangement has now been changed so that the State is liable only for its share (not exceeding fifty per cent) of the cost of draining,

<sup>259</sup> *Acts of the Thirty-ninth General Assembly, Ch. 79.*

<sup>260</sup> *Acts of the Thirty-ninth General Assembly, Ch. 227.*

grading, oiling, or paving a street or road adjoining a State institution. These improvements may be undertaken by a city, town, or county without the consent of the State authorities. Whenever a road which is being improved extends through State property, the State is liable for the entire cost of the improvements through that property as it was under the law of 1919. The former law, however, did not cover improvements undertaken by towns.<sup>261</sup>

The purpose of the law prohibiting trees and shrubbery along a highway, except certain hedges and windbreaks, was made clearer by excluding them also from "within the limits" of the highway.<sup>262</sup>

The compensation of commissioners to locate a road was changed from \$2 a day to a sum not over \$3 a day to be fixed by the county supervisors, plus ten cents for each mile travelled in going to and returning from the place.<sup>263</sup>

Ninety-four per cent of the proceeds from the automobile tax go into the primary road fund, and the State Highway Commission will now be responsible for apportioning this fund among the counties. This function has practically been performed by the Commission heretofore, though technically it was done by the State Treasurer. Some changes were made in the law specifying the methods of accounting for the primary road fund. It appears that, although the law did not so provide, some counties have issued certificates in anticipation of allotments of funds. This practice was legalized and definite regulations for such actions in the future were adopted.<sup>264</sup>

Various items of current expense in the maintenance of primary roads, such as labor and freight, should be paid

<sup>261</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 207.

<sup>262</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 277.

<sup>263</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 272.

<sup>264</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 188.

promptly. For that purpose the State Treasurer was directed to set aside a revolving primary road contingent fund of \$150,000. This fund is maintained from the money in the primary road fund. In connection with the administration of this fund it was deemed necessary that the auditor of the State Highway Commission should be under \$10,000 bond.<sup>265</sup>

Hitherto interest on special assessments against property for hard surfacing has begun to accrue from the date on which the levy was made. By the terms of an amendment such interest charges will not begin until twenty days after the date of the levy.<sup>266</sup>

Bonds for the improvement of primary roads were declared to be general obligations of the county. If there are not sufficient funds to retire such bonds when they mature the board of supervisors is required to refund them by issuing county funding bonds. This was made retroactive.<sup>267</sup>

One of the most important changes in the road law is in the act which authorizes the use of primary road funds for the elimination or improvement of railroad crossings and the construction of bridges and culverts on the primary road system. This measure was vigorously opposed in the legislature, chiefly on the ground that it diverts the highway improvement funds contributed by the Federal government to a purpose for which they are not intended; but the measure passed both houses by very decisive votes.<sup>268</sup>

The maximum amount of money which may be appropriated for a bridge without a vote of the people was changed

<sup>265</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 220.

<sup>266</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 50.

<sup>267</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 215.

<sup>268</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 20; *The Des Moines Register*, February 18, 1921.

from \$25,000 in counties with a population under 15,000, and \$35,000 in the other counties to \$50,000 in all counties. If a bridge is located on a county line, however, the maximum amount for each county is \$25,000; whereas before it was \$15,000 or \$20,000 depending on the size of the county.<sup>269</sup> If adjoining counties began the construction of a bridge on the county line prior to January 1, 1921, and the cost has exceeded the amount allowed under the former law (\$15,000 or \$20,000), such a deficiency to the extent of \$5000 may be met with money from the county bridge funds.<sup>270</sup>

A measure which is intended to keep the roads in better condition during the winter provides that after January 1, 1923, no new, first hand bobsled or "draft sleigh" shall be sold for use in Iowa or used on the highways of this State unless the opposite runners are four feet and eight inches apart. To guarantee observation of the law there is a maximum penalty of \$25 fine for violation.<sup>271</sup>

#### MOTOR VEHICLES

Nine out of eleven acts relating to motor vehicles that were passed by the Thirty-ninth General Assembly are amendatory to the comprehensive statute on that subject enacted in 1919. The large number of amendments can be explained perhaps by the fact that the decentralized method of registration and collection of automobile license fees provided for by the Thirty-eighth General Assembly was new and experimental in this State. Naturally all the exigencies could not be foreseen. There were also a few technical errors to be corrected — as for example, the substitution of the word "data" for "date" in line thirty-two, section 22, chapter 275 of the *Acts of the Thirty-eighth*

<sup>269</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 107.

<sup>270</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 328.

<sup>271</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 110.

*General Assembly.* One of the amendatory acts of 1921 contains twenty sections, of which eighteen make changes in the law of 1919.

To the persons included in the definition of chauffeur were added those engaged as drivers of hearses, ambulances, consolidated school busses, passenger cars, trucks, light delivery, and similar conveyances. Employees who drive motor trucks for farmers and business concerns have not been considered chauffeurs, but under the terms of the new law only those who operate trucks for farmers are not classed as chauffeurs. A "used car dealer" was defined and various provisions of the motor vehicle law were made applicable to such dealers.

The county treasurer must forward to the Secretary of State a duplicate receipt for applications for licenses for trailers instead of the original applications. Thus, it appears that the original applications will now be on file at the county seat instead of at Des Moines. The Thirty-eighth General Assembly empowered the county treasurer to register and assign numbers to motor vehicles, but made it the duty of the Secretary of State to register and number trailers. This obvious inconsistency was corrected by giving the county treasurer the same jurisdiction over trailers as over motor vehicles. The letters "U. D." must now appear upon the numbers issued to used car dealers in the same manner that the letter "D" appears on number plates issued to concerns dealing in new automobiles. Whenever any manufacturer, dealer, and used car dealer are the same concerns they must apply for both "D" and "U. D." number plates and shall be assigned the same number for both sets. Duplicate numbers for general licenses of automobile concerns and used car dealers may now be obtained for \$3 a set as contrasted with the former fee of \$15. "D" or "U. D." plates may not be used, however, on the service

trucks of automobile concerns or on the sales cars of dealers or manufacturers of accessories. The certificate container must be attached to the vehicle in front of the driver's compartment so that it may be seen by anyone passing to the right of the vehicle. License plates and certificates of registration must be removed from cars that are sold outside of the State and surrendered to the county treasurer for destruction.

Delinquencies, according to the revised law, begin and penalties accrue the first month following the purchase of a new vehicle or the first month after cars are brought into the State. It is no longer the duty of the Secretary of State each year to furnish to the county treasurer a list of cars for which the fee has not been paid. In publishing the list of delinquencies the county treasurers need not include the cars held or used by dealers if they have been registered with him: used car dealers must report all cars held by them before the fifth of January each year. One-half of one per cent of fees and penalties must be forwarded to the Secretary of State to be used in paying refunds. The Secretary of State was vested with authority to determine the form of remittance sheets.

On behalf of better roads the practically meaningless provisions of the law regulating the load weight per wheel were made more explicit. According to the new law the total weight on any wheel may be only eight hundred pounds per inch width of tire measured between the flanges of the rims. No distinction is made, however, between weights on hard surfaced, gravel, and dirt roads. Formerly eight hundred pounds per inch width of tire in contact with the ground was allowed on each wheel on hard surfaced roads with a concrete base, and only four hundred pounds for roads with dirt or gravel surface.

Garage records must be signed by the car owner or in

the owner's name by the driver, and each record must be verified by the director of the garage. Manufacturers and dealers may have automobile light lenses examined by the State Highway Commission to decide whether they comply with the law. If they do, such lenses are to be placed upon the approved list which must be furnished to the county treasurers by the Department of State, and the use of any such lenses is to be presumed lawful. The fee for each examination of lenses is \$25, and the money thus obtained is to be applied to the primary road fund.<sup>272</sup>

A bill containing twenty-five sections proposed to revise the method of licensing motor vehicles. The most interesting change suggested was to number automobiles by counties so that each car would bear the county number and its own serial number.<sup>273</sup>

Six of the nine acts amendatory to the motor vehicle law of 1919 relate to license fees. All licenses expire at the end of the calendar year and the amount of the fee is now based upon the length of time that the license will be valid. If a vehicle is registered in April, May, or June, the fee is three-fourths of the annual charge; in July, August, or September, the amount is one-half; in October or November, it is one-fourth; while cars are registered in December free of charge for that year.<sup>274</sup> Under the law of 1919 the minimum fee charged for any vehicle was fixed at \$10. This provision still holds for full year licenses, but provision is made whereby cars may be licensed for less than that amount for part of a year.<sup>275</sup>

The automobile tax in Iowa is comparatively high — in the opinion of most motorists much too high, especially

<sup>272</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 159.

<sup>273</sup> House File No. 533.

<sup>274</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 16.

<sup>275</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 72.

upon old cars. A bill proposing relief in this direction by reducing the license fee ten per cent annually until it reached thirty per cent of the original was considered in the Senate but finally withdrawn.<sup>276</sup>

County treasurers were authorized by an act approved on the third day of the session to keep ninety-four per cent of all fees and penalties collected on motor vehicles until April 16, 1921.<sup>277</sup> Another measure was passed toward the close of the session. It requires the treasurer in each county to retain and report the total amount collected to the Secretary of State who in turn reports the amount to the State Treasurer. The latter officer is required to keep in the State Treasury from this money a balance of not over \$500,000. When this balance goes below \$100,000 he must draw upon the county treasurers, in proportion to the amount held by each, a sum of money sufficient to replenish the fund. Ninety-four per cent of the revenue derived from automobile licenses still goes into the primary road fund which is apportioned by the State Highway Commission among the counties in proportion to their area.<sup>278</sup>

A fee of twenty-five cents is to be retained from the total amount collected by the county treasurer for each license issued, and this sum is to be credited to the fund of each county for the payment of salaries, postage, and other office expenses incurred in the collection of motor vehicle licenses.<sup>279</sup>

The schedule of license fees for trailers was revised. All trailers weighing less than one thousand pounds or with a

<sup>276</sup> Senate File No. 282.

<sup>277</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 1. The remaining six per cent accrues to the State as follows: two and one-half per cent for the support of the State Highway Commission and three and one-half per cent for the maintenance of the State motor vehicle department.

<sup>278</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 155.

<sup>279</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 68.



loading capacity of less than one thousand pounds are not required to pay any license fee. Under the former statute a license fee was charged for all trailers. Those with all pneumatic tires having a loading capacity of less than six tons were licensed for sums varying from \$10 to \$60. The new schedule for this class of trailers begins with a license fee of \$10 for those with a loading capacity of one-half of a ton and ends with a fee of \$60 for those with a capacity of not more than seven tons. Trailers with two or more solid rubber tires with loading capacities of less than six tons were licensed under the old law for sums varying from \$10 to \$70, while at present the license fees for this class with capacities ranging from one to seven tons vary from \$5 to \$70. Trailers with iron, steel, or hard tires with a loading capacity of from one to three tons may obtain a license for an amount ranging from \$15 to \$30. Under the old law such trailers with capacities ranging from one-half ton to two tons were licensed for fees ranging from \$3 to \$30.<sup>280</sup>

The county treasurer must now be supplied with an impression seal which is to be affixed to each registration certificate. This is the only use that the county treasurer has for such a seal.<sup>281</sup>

No one is allowed to sell motor vehicles unless such vehicles are equipped with proper rear and head lights. Penalties in the form of fines will be imposed upon offenders.<sup>282</sup>

The date for manufacturers to file lists of models, weights, and prices of cars was changed from June 1st of each year to September 1st.<sup>283</sup>

Automobile drivers who have caused an accident must

<sup>280</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 253.

<sup>281</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 141.

<sup>282</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 219.

<sup>283</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 168.

now furnish necessary aid to the person injured, report the accident to the nearest peace officer and to the county attorney or the county sheriff, and give his name, his complete post office address, and the registration number of the car.<sup>284</sup>

#### RAILROADS

Although not all of the important measures relating to railroads which were considered by the legislature were adopted the number of acts on that subject is nevertheless rather large. Safety, both for travel on the railroads and across them, seems to have been uppermost in the minds of the legislators.

The law relative to interlocking switches where two or more railroads cross each other was elaborated. The approval of the Railroad Commission is still required before such devices may be installed and after installation they can not be put into operation until they have been inspected and a certificate of approval has been issued by the Railroad Commission. All contemplated changes in such devices must be approved before being installed; any interlocking switch or other safety device which is deemed to be unsafe or dangerous may be condemned; and the installation of an interlocking system or safety device may be ordered by the Railroad Commission.<sup>285</sup>

Where the tracks of an interurban railway cross those of a steam railway the law formerly required the interurban cars to stop when within fifty feet of the track crossing and to proceed only after being signalled that the track was clear. The law was amended so as to bring all such crossings under jurisdiction of the Railroad Commissioners who may order steam railways to make the stops and regulate

<sup>284</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 154.

<sup>285</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 247.

the speed at the crossings. Prior contracts existing between steam and interurban roads are not affected by this act.<sup>286</sup>

The ever increasing use of automobiles and the consequent increase in the number of accidents has made it necessary for the legislature to pass laws from time to time which will promote the safety of travel upon the highways, especially at railroad crossings. Two such measures, the object of which was to promote safety at railroad crossings outside of cities and towns were considered by the Senate.<sup>287</sup> One of these provided that danger signs should be erected at all crossings at the expense of the railroads. A zone of three hundred feet in length on each side of the track was designated as a danger zone. While in this area automobiles were not to run at a greater speed than ten miles an hour and no driver was to be allowed to pass another going in the same direction. If the Railroad Commission should deem the crossing especially dangerous drivers might have been required to come to a complete stop within the danger zone before crossing the tracks. A clause was added during the debate providing that this would not exempt or relieve railroads from liability for injuries caused by collision of trains and automobiles. Nothing came of this bill, however, because after it had passed the Senate the vote was reconsidered and the measure failed.<sup>288</sup>

Senate File No. 376 aimed to accomplish the same end by requiring the State Highway Commission and other authorities in charge of road construction and maintenance to

<sup>286</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 34.

<sup>287</sup> For a discussion of the legislation relating to safety devices at railroad crossings in cities and towns see the topic Municipal Legislation.

<sup>288</sup> Senate File No. 375; *Senate Journal*, 1921, pp. 776, 779, 924; *The Des Moines Register*, March 11, 1921.

construct a hump across the road between fifty and one hundred feet on each side of the crossing. This hump, the bill provided, should be constructed out of concrete or other suitable material and be not less than seven and one-half feet wide across the base, sloping ten degrees on each side and meeting in a rounded apex formed to a radius of two feet at the top. The hump was to be at least six inches thick at the toe and sixteen inches thick at the center. The apex of the hump was to rise six inches above the surface of the road. Signs to tell of the location of the hump were to be erected about one hundred and fifty feet down the road. The Senate postponed this bill indefinitely.<sup>289</sup>

Every railroad at least seventeen miles in length when so ordered by the Board of Railroad Commissioners is now required to maintain two passenger trains each way every twenty-four hours. The law formerly required railroads of more than twenty-five miles in length to maintain such passenger service, but the mileage was reduced to include a short line in Allamakee County and another in Clayton County.<sup>290</sup>

If another bill relative to passenger service on railroads had passed, all railroads that charge three and six-tenths cents per mile as interstate passenger rates would have been required to turn over to the State the proceeds from the six-tenths of a cent and retain only three cents of the rate.<sup>291</sup>

Several acts concerning various other phases of railroad transportation change or supplement the existing law. Jurisdiction over investigations of the valuation of property of common carriers and matters pertaining to it was transferred from the Governor to the Board of Railroad

<sup>289</sup> Senate File No. 376.

<sup>290</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 153.

<sup>291</sup> House File No. 487.

Commissioners.<sup>292</sup> Common carriers, except street railway companies, that own property liable to assessment for public improvement must be notified of such assessment by registered letter at least ten days before the assessment is made if they have filed with the city clerk or county auditor a statement containing a description of the property and the name of the person to be notified.<sup>293</sup> Railroad companies and other common carriers are forbidden to appropriate coal or other fuel for their own use which is consigned to them for shipment, unless they have first obtained permission to do so from the Railroad Commission. If fuel is appropriated the owner, at the discretion of the Railroad Commission, must be notified and paid for his property. No fuel consigned to the State or to any public utility can be taken by a common carrier under any circumstances.<sup>294</sup>

When spur tracks of not over three miles in length are required for the successful operation of industrial establishments railroad companies are required to construct such tracks and charge the cost of right of way and construction to those who require it. Other establishments wishing to connect with these spurs later may be charged a proportionate share of the construction cost.<sup>295</sup> The construction specifications of caboose cars on freight trains were supplemented by a provision requiring all cars used for that purpose to be equipped with a cupola and necessary closets and windows.<sup>296</sup> An annual appropriation of \$30,000 was made to enable the Railroad Commission to

<sup>292</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 337.

<sup>293</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 196.

<sup>294</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 285.

<sup>295</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 86.

<sup>296</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 195.

prepare and submit cases involving rates or services affecting Iowa, to investigate and determine all cases within its jurisdiction, and to defray the general expenses of railroad administration.<sup>297</sup>

Iowa as one of the Mississippi Valley States is vitally interested in a direct waterway from the Mississippi River to the Atlantic Ocean. The establishment of such a route would have a revolutionary effect upon the railroads and transportation of this State. Under the leadership of James B. Weaver of Des Moines a concurrent resolution was passed by the Thirty-ninth General Assembly reciting the importance of building the Great Lakes and St. Lawrence Waterway and petitioning the congressmen from this State to give it their support. A little later in the session Mr. Weaver proposed a bill which was introduced by the committee on appropriations, appropriating \$5000 annually for the next two years that Iowa may cooperate with other States in supporting this project. The measure passed both houses by overwhelming majorities.<sup>298</sup>

#### BANKS AND BANKING

The bankers of Iowa seem to be very well satisfied with the banking laws of the State. In 1921 only four bills were proposed by the legislative committee of the Iowa Bankers Association, three of which became laws. One prescribes a penalty of \$10 for each day that a savings or State bank is delinquent in filing the quarterly statement or any other report with the State Superintendent of Banking. Heretofore there has been no penalty.<sup>299</sup> Another act declares that a statement of the condition of a bank published by the

<sup>297</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 309.

<sup>298</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 339; *House Journal*, 1921, pp. 1071, 1072; *Senate Journal*, 1921, p. 934.

<sup>299</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 69.

Superintendent of Banking shall not contain an itemized statement of the reserve, but the total amount of cash on hand and due from Banks may be shown in one sum.<sup>300</sup>

In 1919 Iowa savings banks were permitted to use a sliding scale for determining the number of directors, similar to the plan followed by national banks. A bill extending the same privilege to State banks, which passed the Senate but died in the House Sifting Committee during the session of 1919, was enacted by the Thirty-ninth General Assembly. There may not be less than five directors, however, nor more than the maximum number fixed by the articles of incorporation.<sup>301</sup>

The fourth measure proposed by the Bankers Association was a requirement that the minimum capital of new savings banks should be \$50,000 in cities of over three thousand population and \$25,000 in other places. A bill to that effect passed the House, but the Senate struck out the enacting clause.<sup>302</sup>

The Thirty-eighth General Assembly specifically exempted banks from paying taxes on Liberty bonds owned by them. The State Supreme Court, however, in the case of the Des Moines National Bank *vs.* Thomas Fairweather, et al., declared this act to be unconstitutional on the ground that the title of the act was defective. Instead of reënacting this law in conformity to the opinion of the court, the Thirty-ninth General Assembly repealed the law — probably because there was such an emphatic protest against the exemption of banks from paying taxes on that kind of property.<sup>303</sup>

<sup>300</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 71.

<sup>301</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 70.

<sup>302</sup> House File No. 824.

<sup>303</sup> *Iowa Bankers Association Bulletin*, No. 874, pp. 2-5, March 1, 1921; *Acts of the Thirty-ninth General Assembly*, Ch. 15.

State banks and trust companies were authorized to invest an amount not exceeding ten per cent of their capital stock and surplus in the capital stock of foreign trade financing corporations organized under the terms of the Edge Act (Section 25-a of the Federal Reserve Act). The privilege of investing the same amount in farm credit corporations has been discussed in connection with the legislation relative to agriculture, but no bank may invest an aggregate exceeding twenty per cent in both such corporations.<sup>304</sup>

#### BUILDING AND LOAN ASSOCIATIONS

Two acts of the Thirty-ninth General Assembly affect building and loan associations. No person has been permitted to hold more than \$10,000 worth of stock in any such association — a provision which was enacted at a time when no building and loan association in Iowa had assets exceeding \$1,000,000; but now if an association has assets exceeding \$1,000,000 — and there are several — one person may hold stock to the value of one per cent of its assets, which is simply extending the same ratio above \$1,000,000 as \$10,000 bears to \$1,000,000. This will enable such associations to extend their operations to apartment houses and store buildings. The disability of owners of fully paid up stock to vote at a stockholders' meeting was removed. With the tacit consent of parent or guardian minors may become members of a building and loan association. This will make it possible for a person to invest in such stock in the name of his children.<sup>305</sup>

The expenditures of building and loan associations for management are limited by law. Under the terms of this statute as amended by the Thirty-ninth General Assembly the maximum percentages for associations with assets

<sup>304</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 157, 161.

<sup>305</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 258.



under \$500,000 remain the same, but the percentages of expenses of all associations with assets over \$500,000, instead of being fixed at two per cent with a maximum of \$12,000, are placed on a sliding scale. Associations with assets between \$500,000 and \$800,000 are allowed to spend one and three-quarters per cent; those with assets between \$800,000 and \$1,000,000 are allowed to spend one and one-half per cent; and those with assets in excess of \$1,000,000 are allowed to spend one per cent. Thus the associations with assets close to the maximum in their class may actually spend a larger amount than those with assets close to the minimum of the next higher class. For example, an association with \$900,000 assets may spend \$13,500 for management, while one with \$300,000 more assets is limited to \$12,000. The new arrangement is, however, a distinct advantage to associations with assets exceeding \$1,200,000. Another amendment in the same statute makes it possible for a building and loan association as such, as well as a shareholder or borrower in the name of the association, to recover any compensation paid to officers, employees, or agents for services not actually rendered.<sup>306</sup>

#### BUSINESS, TRADE, AND COMMERCE

For several years the health and safety of hotel guests has been protected by laws regulating fire escapes and sanitation.<sup>307</sup> Now restaurants, which have hitherto been under the "Food Sanitation Law" administered by the Dairy and Food Commissioner, are brought under the provisions of the law regulating hotels. Persons who engage in the business of conducting a restaurant, cafe, cafeteria, dining hall, lunch counter, lunch wagon, or any place where food is

<sup>306</sup> *Acts of the Thirty-ninth General Assembly, Ch. 269.*

<sup>307</sup> *Acts of the Twenty-ninth General Assembly, Ch. 150; Acts of the Thirty-fifth General Assembly, Ch. 186.*

served for pay — except churches, fraternal societies, and civic organizations — must procure an annual license for which a fee of \$3 is charged. The proceeds from license fees are placed in the hotel inspection fund up to the sum of \$10,000. Sanitary conditions are specified by law, and the inspector of hotels is made responsible for the issuance of licenses, the enforcement of the regulations, and the inspection of restaurants. Penalties are prescribed both for false reports by inspectors and violation of regulations by restaurant keepers. In extreme cases the further operation of a restaurant may be enjoined.<sup>308</sup>

The statute limiting the liability of hotel keepers for the loss of valuables by their guests was entirely rewritten. The keepers of hotels, inns, eating houses, and steamboat owners are not liable for losses of money, jewelry, precious stones, personal ornaments, or papers suffered by any patron to an amount exceeding \$100, unless they have refused the custody of such articles. If they do provide safes for such purposes they are not required to keep more than \$500 worth of such property. The liability for the loss of baggage is the same as that of a depository for hire, and the maximum amount for each type of baggage is named in the law. The terms of the new law are similar to those in most of the other States. The more limited liability is justified on the basis that all patrons must be treated alike and the modest guest pays the same rate, including the insurance of the hotel keeper's risk, as the guest who carries much valuable jewelry.<sup>309</sup>

The small loan business has been put on a reputable basis in Iowa by the adoption of the Uniform Small Loan Law, sponsored by the Russell Sage Foundation. This measure backed by social workers, the Iowa State Federa-

<sup>308</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 199.

<sup>309</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 100.

tion of Labor, and numerous public welfare organizations is in force in about twenty States and is intended to eliminate the loan shark, thus saving small borrowers thousands of dollars in interest. According to the terms of the law all persons — except banks, trust companies, building and loan associations, licensed pawnbrokers, and Morris plan concerns — who engage in making loans of \$300 or less must secure a license from the State Superintendent of Banking and submit to inspection, or be restricted to the legal rate of eight per cent interest. The issuance of such a license is contingent upon the person making application, filing a bond for \$1000, and paying a fee of \$100. Persons who secure such a license are entitled to charge as much as three and one-half per cent a month, but this interest can not be collected in advance or compounded, and must be computed on unpaid balances. No charge in addition to interest is permissible. The borrower is further protected by the requirement that all terms of agreements must be in writing and receipts given for all payments. Not more than ten per cent of the borrowers' salary or wages may be pledged for the payment of such loans. Violation of the law involves a maximum penalty of \$500 fine or six months in jail, or both.<sup>310</sup>

The tax on peddlers plying their trade in the country was revised to cover motor vehicles — both motor cycles and automobiles.<sup>311</sup>

Gasoline pumps or meters were made subject to the statute requiring automatic weighing machines to be licensed by the Dairy and Food Commissioner.<sup>312</sup>

The regulations governing the use of trade marks and

<sup>310</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 35; *The Des Moines Register*, March 14, 1921.

<sup>311</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 52.

<sup>312</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 182.

labels was revised at the request of the Secretary of State who is responsible for preventing the false use of such forms of advertisement. The amended statute requires labels and trade marks to be distinctive and bear no near resemblance to any other. Under the former law the Secretary of State had very limited authority; but now he has power to decide when labels and trade marks are legitimate or not, and alterations and modifications must be approved in the same manner as originals. The former statute applied specifically to labor unions, but as the law now stands labor unions are presumed to be included under the term "associations".<sup>313</sup>

Two acts of the Thirty-ninth General Assembly amend the law relating to the bonds of public contractors as enacted by the Thirty-eighth General Assembly. Contractors are required to give bond when the price of the public work exceeds \$1000, and the law now covers contracts for maintenance as well as those for construction, finishing, furnishing, or repairing. But the amount of the bond may be as low as seventy-five per cent of the contract price, whereas a bond equal to the contract price has hitherto been required. The surety upon the bond need not be a surety company, but if not the party must be a resident of the State and be worth double the amount secured.<sup>314</sup> The period during which a claim may be filed against a public contractor was extended from sixty days to four months after the work is finished.<sup>315</sup>

The very prosperous business of selling fraudulent securities and the promotion of spurious enterprises led inevitably to blue sky legislation. Senator Joseph R. Frailey introduced a bill similar to the Maryland Fraud Act and

<sup>313</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 29.

<sup>314</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 28.

<sup>315</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 147.

the Volstead measure before Congress providing a heavy penalty for violations of the Blue Sky Law, but this bill was indefinitely postponed.<sup>316</sup>

Previous to the convening of the Assembly a very comprehensive measure regulating stocks, bonds, securities, and investment companies was prepared in the office of the Secretary of State. The bill was thoroughly revised by the Judiciary Committees with the assistance of the attorneys of the Iowa Farm Bureau Federation, the Iowa Bankers Association, and other interested parties. In its revised form it passed the House without a dissenting vote. In the Senate, however, considerable opposition was encountered, and a series of amendments to the existing Blue Sky Law were adopted. Some of the more important features added by the new legislation were the limitation of the promotion fee to ten per cent of the selling price (except Iowa industrial concerns which may not exceed fifteen per cent); the insertion of a heavy penalty clause; the prohibition of resale contracts under various conditions; forbidding State officials or employees from using their names in any official capacity for the recommendation of any company; making the activities of so-called "bird-dogs" or secret agents a misdemeanor; and increasing the fee for the examination of investment companies from \$6 to \$10 a day and the fee for registering agents from \$1 to \$3.<sup>317</sup>

The construction, maintenance, and operation of electric lines was placed under the supervision of the Railroad Commissioners.<sup>318</sup>

#### CORPORATIONS

The potential autocracy of incumbent officers of corpora-

<sup>316</sup> Senate File No. 577.

<sup>317</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 189.

<sup>318</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 262.

tions has been jeopardized. That the stockholders may exercise their initiative the secretary of each corporation, if requested to do so, is required to furnish to stockholders between thirty and sixty days preceding the annual meeting a list containing the names of the stockholders, their address, and the number of shares held by each. Such a request has sometimes been refused in the past.<sup>319</sup>

Hitherto foreign mercantile and manufacturing corporations doing business in Iowa have not been obliged to file a copy of their articles of incorporation with the Secretary of State and obtain a permit, but an act of the Thirty-ninth General Assembly makes that requirement applicable to all foreign corporations doing business in this State. Furthermore, some new provisions were added which govern law suits to which foreign corporations are a party.<sup>320</sup>

A number of other acts of the Thirty-ninth General Assembly pertain to particular kinds of corporations. Such laws are reviewed in connection with the various subjects to which they relate.

#### INSURANCE

To prevent fraud in the organization of insurance companies, the supervision of their organization and the sale of stock and other securities of either domestic or foreign insurance companies was placed under the control of the Commissioner of Insurance. The maximum amount that insurance companies are allowed to spend in promoting the sale of stock is fixed in this law at fifteen per cent of the subscription price of the stock. Any violation of the prescribed regulations constitutes a criminal offense, and buyers of stock wrongfully sold may collect damages to the full amount of the stock purchased. Appeals from orders

<sup>319</sup> *Acts of the Thirty-ninth General Assembly, Ch. 208.*

<sup>320</sup> *Acts of the Thirty-ninth General Assembly, Ch. 139.*

of the Insurance Commissioner may be taken to the district court.<sup>321</sup>

Since April 16, 1921, the issuance or sale of stock as an inducement to facilitate the sale of insurance has been illegal in this State. Moreover, no insurance company which issues stock for that purpose is permitted to do business in Iowa, but this does not apply to existing Iowa companies during 1921.<sup>322</sup>

Various kinds of insurance companies were required to increase the amount of their capital stock. Any domestic insurance company authorized to insure against the risks enumerated in subsection five of section 5627 of the *Compiled Code* may also insure persons against loss or injury caused by the explosion of steam boilers and insure plate glass against breakage, if they possess \$250,000 paid up capital stock. Formerly only \$150,000 of paid up capital stock was required. Stock life insurance companies which were hitherto allowed to do business when only twenty-five per cent of their required \$100,000 capital stock was paid up must now have the full amount paid up. Notes in payment for stock in such companies will no longer be accepted. No insurance company, other than life, incorporated to do business upon the stock plan, is allowed to operate with less than \$200,000 paid up capital stock. This provision doubles the previous requirement. Furthermore, any increase in capital stock must also be fully paid up in cash, and before a certificate of authority is applied for and issued such a company must possess a surplus in cash or invested securities equal to twenty-five per cent of the capital.<sup>323</sup>

<sup>321</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 224. The Blue Sky Law, which is administered by the Secretary of State, does not cover insurance companies.

<sup>322</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 181.

<sup>323</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 261.

It appears that the definition of an insurance agent might have been construed to include the members of mutual assessment associations who receive no commission or reward for procuring applications for membership. Inasmuch as the law requires insurance agents to secure a license and meet various other regulations the implication that members of mutual assessment associations were agents was removed by making a specific exemption of them.<sup>324</sup> A detailed system of licensing insurance agents and prescribing their qualifications was proposed, but the bill was indefinitely postponed.<sup>325</sup>

The Iowa Supreme Court upheld the protest of insurance companies against paying taxes on certain premium receipts, and as a consequence it was necessary to appropriate \$125,000 to refund amounts erroneously collected during the past five years.<sup>326</sup>

A bill giving the Insurance Commissioner new powers and duties in connection with insolvent or otherwise financially delinquent insurance companies was introduced by the Committee on Insurance, but it failed to pass the House.<sup>327</sup>

The amortization method for the valuation of bonds and other securities held by life insurance companies, assessment life associations, and fraternal beneficiary associations was established by a new act. A rule of calculating values is stated in the law and the Commissioner of Insurance is given full discretion in determining the method.<sup>328</sup>

Technically, all beneficiary societies, orders, and associ-

<sup>324</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 123.

<sup>325</sup> Senate File No. 508.

<sup>326</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 310.

<sup>327</sup> House File No. 497.

<sup>328</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 198.



ations have been required to submit their articles of incorporation to the Commissioner of Insurance before obtaining a certificate to commence business. But some such societies are not incorporated. This circumstance was recognized by the Thirty-ninth General Assembly and the submission of articles of incorporation is no longer required if the society is not incorporated.<sup>329</sup>

Any fraternal beneficiary society whose members belong to one occupation or guild may itself become the beneficiary of life insurance carried by its members.<sup>330</sup>

Two technical changes were made in the law governing assessment life insurance companies. The plan of business of such an association may be shown in its by-laws and is not necessarily confined to the articles of incorporation. If such a foreign association is examined by a person not receiving a regular salary in the office of the Insurance Commissioner he is allowed \$10 a day for his services instead of \$5 as heretofore.<sup>331</sup>

Level premium life insurance companies were authorized in 1919 to enter into group life insurance contracts. This is primarily for the benefit of employers who wish to insure their liability for work accident indemnity. Now the privilege of issuing group health and accident insurance has been extended to stock and mutual life insurance companies, although the statute providing for group life insurance was not amended in harmony with this change.<sup>332</sup>

The section of the law requiring all persons to whom life insurance policies are issued to pass a medical examination was amended to make an exception in favor of

<sup>329</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 270.

<sup>330</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 240.

<sup>331</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 58.

<sup>332</sup> *Acts of the Thirty-eighth General Assembly*, Ch. 197; *Acts of the Thirty-ninth General Assembly*, Ch. 133.

persons insured under an industrial policy when the amount of insurance is \$500 or less. Experience has demonstrated that the loss ratio on such policies is so low that the thorough medical examinations required of larger policy holders is not necessary. Moreover, the expense of medical examination made the business of handling industrial policies unprofitable.<sup>333</sup>

The statute regulating the organization and operation of State and county mutual assessment insurance associations was entirely rewritten and rearranged. The language of the new law is much more explicit and several important changes of content have been incorporated. Such associations may now insure against any loss, expense, and liability resulting from the ownership, maintenance, or use of automobiles, except that county mutuals can not insure against the bodily injury of the person. Some of the facts to be contained in the application for insurance and the type of policy are now specified by law. This will avoid confusing interpretations by successive Insurance Commissioners. All of these associations are specifically permitted to reinsure risks of other associations or companies and to organize reinsurance associations. The requirement that all State mutual fire insurance associations must maintain a reinsurance reserve and the regulations pertaining to that requirement were repealed. There is no real need of such a requirement; furthermore, it is impossible to reinsure these mutual companies for any rate near that collected by them. Any mutual assessment association may collect assessments for more than one year in advance if they do not exceed five mills on the dollar of insurance in force. Formerly the advance assessment was limited to three mills on the dollar, but the additional amount will now be put into an emergency fund when there is a surplus

<sup>333</sup> *Acts of the Thirty-ninth General Assembly, Ch. 223.*

after paying losses. Such a fund has been maintained in the past but without specific statutory authority. When the emergency fund reaches one hundred per cent of the average cost per thousand on all policies in force and amounts to \$100,000 or more, policies of fixed premiums may be issued. Associations using a basis rate whose risks consist chiefly of buildings in towns or stocks of implements or automobiles must maintain net assets equal to forty per cent of one annual assessment. The liability of members of the association is not changed. The annual report must now contain the same facts, so far as they apply, that are required in the reports of ordinary domestic insurance companies other than life. New sections were added regulating proof and notice of loss, presumption in regard to the value of insured property, the power of the Insurance Commissioner to enjoin and dissolve associations violating the law or conducting business that is hazardous to the public or its policy holders, and the exemption of county mutual assessment insurance associations from taxation. Solicitors of insurance for such an association, other than county mutuals, must now be licensed as agents.<sup>334</sup>

Insurance companies other than life have been required to keep a reserve of forty per cent of the amount received as premiums on unexpired risks and policies. This flat rate of forty per cent was repealed by the Thirty-ninth General Assembly and provision was made for a flexible unearned premium reserve based upon the aggregate gross premiums, the percentage varying according to the date of the policies and the length of time for which they run. For mutual companies, however, there is a uniform rate of forty per cent of the aggregate gross premiums less deductions for reinsurance.<sup>335</sup>

<sup>334</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 120.

<sup>335</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 190.

A bill drafted by the Abstractors Association to provide for title insurance as a substitute for the Torrens System failed to pass the House. The vote was reconsidered, but the bill was again defeated.<sup>336</sup>

#### THE PROFESSIONS

*The Practice of Law.*—Two laws affecting the legal profession relate to admission to the bar. For the special benefit of members of law college faculties, persons admitted to the bar in other States who have become residents of Iowa may be admitted to the bar of this State if they have taught law regularly for one year in a recognized law school in the State of Iowa.<sup>337</sup> The provision, enacted by the Thirty-seventh General Assembly, which allowed persons who had practiced law before the bar of the United States Supreme Court for five years to practice in Iowa without further proof of competency, was repealed.<sup>338</sup>

The pay of shorthand reporters in municipal courts was raised from \$6 to \$8 a day. In cases where the amount in controversy is less than \$100 and one of the parties requests a reporter, such reporter is supplied at the discretion of the judge. As the law stood before, the judge had no option in the matter if the party paid in advance for the services of the reporter.<sup>339</sup>

*The Practice of Medicine.*—The definition of a medical practitioner was amended by excluding from the list those "who shall publicly profess to cure or heal". This was done to avoid conflict with the new Chiropractic Act, the Supreme Court having held that such practitioners were

<sup>336</sup> House File No. 403.

<sup>337</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 143.

<sup>338</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 48.

<sup>339</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 244.

engaged in the practice of medicine under the clause just quoted.<sup>340</sup> Persons holding certificates showing that they have passed the examination given by the National Board of Medical Examiners of Washington, D. C., with an average grade of at least seventy-five per cent may be admitted to practice medicine in Iowa on the same basis as those having passed the examinations of boards of examiners of other States which grant Iowa reciprocal registration privileges.<sup>341</sup>

*The Practice of Podiatry.*—The Thirty-ninth General Assembly defined the practice of podiatry as “the diagnosis and medical and surgical treatment of ailments of the human foot.” It also provided a board composed of two physicians from the Board of Medical Examiners and two licensed podiatrists to examine persons who wish to practice this profession. Persons examined must be at least twenty-one years old and have had at least one year of instruction and be graduates of some school of podiatry recognized by the State Board of Medical Examiners. After July 1, 1923, the Board may not recognize any school giving a course of less than two years. The fee for the first examination is \$15 and for a second after failure of the first \$10. Subjects must be passed with a general average of seventy-five per cent with none below fifty per cent. Licenses are issued annually upon payment of a fee of \$2. If the fee is not paid within three months after July 1st the existing license will be revoked and not reissued unless the examination is taken over again. The license will state specifically that its holder is limited to the practice of heal-

<sup>340</sup> *Acts of the Thirty-ninth General Assembly, Ch. 243.*

<sup>341</sup> *Acts of the Thirty-ninth General Assembly, Ch. 136.*

ing ailments of the foot. Persons who have practiced podiatry in Iowa for one year prior to July 1, 1921, will be given a license upon payment of a fee of \$15. Podiatrists from other States who wish to practice in Iowa may do so upon payment of \$50, provided that the State from which they come maintains similar statutory requirements and grants reciprocal privileges to this State.<sup>342</sup>

*Drugless Healing.*—The purpose of House File No. 532 was to regulate drugless healing and to obviate the necessity for establishing separate examining boards for each of the various systems employed. The bill proposed to establish a board of examiners composed of three recognized drugless healers, no two of whom used the same system, to test the qualifications of all persons wishing to practice osteopathy, chiropractic, or other systems of drugless healing. This bill, however, seems to have been lost in the House Committee on Public Health.<sup>343</sup>

Obviously the Thirty-ninth General Assembly did not deem it expedient to provide for the examination of all types of drugless healers by one board or to regulate all drugless healing by one law, since it not only refused to consider a bill to that effect but passed a comprehensive statute regulating the practice of chiropractic and revised the law relative to osteopathy.

The practice of chiropractic is definitely recognized as a profession in this State for the first time. A board of examiners was established to be composed of three members "who are fully equipped and qualified chiropractors" to be appointed by the Governor for a term of three years. This board will examine applicants for licenses to practice chiropractic. All applicants are required to be graduates

<sup>342</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 113.

<sup>343</sup> House File No. 532.

of some recognized incorporated school or college of chiropractic which requires actual attendance for at least three school years. The subjects in which chiropractors are to be proficient are enumerated. After January 1, 1923, every applicant must have had at least a preliminary high school education. Having passed the examination, licenses will be issued upon payment of a fee of \$5. Persons already engaged in the practice will be given a license if they are of good moral character and can show that they possess the necessary knowledge. All others already engaged in the practice must pass the examinations. Licenses may be revoked by the board if the person is not of good character, if he solicits professional patronage by agents, if he is incompetent or guilty of unprofessional conduct, or if he is addicted to the use of liquor or narcotic drugs. Anyone attempting to practice without a license or obtaining a license by fraud is to be deemed guilty of misdemeanor and fined not less than \$300 or more than \$500 and be subject to imprisonment in the county jail until the fine and costs are paid.<sup>344</sup>

The practice of osteopathy has been regulated in Iowa since 1902. This law provided for the examination of osteopaths by the Board of Medical Examiners along with those who wished to practice medicine. These provisions were repealed and a substitute law enacted which makes the regulations of the practice more elaborate and provides for a special Board of Osteopathic Examiners to examine persons who wish to be admitted to the practice. This board is composed of three persons who have been engaged in the practice of osteopathy for at least five years to be appointed by the Governor. Before being allowed to take the examination the applicant must have completed a course in a recognized standard school of osteopathy as defined in

<sup>344</sup> *Acts of the Thirty-ninth General Assembly, Ch. 7.*

the law. In order to practice as an osteopathic physician and surgeon the person must also have had two years of practical or graduate work after completing the college course. Thus the act creates a class of surgeons whose educational qualifications are lower than those licensed under the Medical Practice Law but who nevertheless have full authority to perform any surgical operation. The license fee is \$10 for those admitted by examination and \$25 for those who have been licensed outside of Iowa. The license may be revoked for cause by the Board of Osteopathic Examiners, and penalties are fixed for attempting to practice without a license. Itinerant osteopaths will be licensed for \$250 as under the provisions of the old act.<sup>345</sup>

*Real Estate Brokers and Auctioneers.*—Two bills aiming to create professions were introduced in the House, but failed of enactment. One of these proposed to regulate the real estate business and create an Iowa Real Estate License Board to examine and license persons who undertake to sell real estate other than their own or that which has been placed in their trust. This bill, however, was withdrawn by its author.<sup>346</sup>

The other bill, introduced by request, provided for the creation of a board composed of three auctioneers to examine and license persons who wish to practice auctioneering. Nothing came of this measure because the House, acting in accordance with the recommendation of the Committee on Trade and Commerce, voted to postpone the bill indefinitely.<sup>347</sup>

<sup>345</sup> *Acts of the Thirty-ninth General Assembly, Ch. 77.*

<sup>346</sup> House File No. 492.

<sup>347</sup> House File No. 420.



## MILITARY AFFAIRS

Most of the legislation of the Thirty-ninth General Assembly relative to military affairs is the result of the World War. The question of providing a bonus for soldiers attracted more attention no doubt than any other military measure. There was some agitation for such a law in 1919, but the Thirty-eighth General Assembly took no action. A bonus bill was introduced in each house of the Thirty-ninth General Assembly on February 1st, and with the insistent support of the American Legion an act was approved on March 23rd which provides that \$22,000,000 shall be raised by the sale of bonds to pay a bonus to war veterans and nurses who joined the United States forces between the declaration of the war against Germany and the signing of the armistice. Because of the constitutional limitation on the State debt it will be necessary for the people to approve of the bond issue and so the law provides that the question shall be submitted to the voters at the general election in November of 1922.

The law to be voted upon in 1922 provides for the creation of a Bonus Board, composed of the State Auditor, State Treasurer, Adjutant General, and the Adjutant of the Iowa Department of the American Legion, to administer the law. From the money raised by the sale of the bonds each war veteran and nurse will receive fifty cents for each day they were in service but no one is to receive more than \$350. An amendment to include the men who had served in the Students' Army Training Corps was passed by the Senate. It was maintained, however, that the law did not propose to pay for patriotism — that it only aimed to give adjusted compensation to those who had incurred heavy financial losses due to their enlistment — and the will of the House prevailed. In case the soldier or nurse has

died the bonus will be paid to near relatives. December 31, 1924, is the final date set for payment of claims for adjusted compensation and any surplus remaining after that time up to \$2,000,000 shall be used by the Bonus Board to aid those who suffered disability. The bonds are to be paid in twenty annual installments of \$1,100,000 each.<sup>348</sup>

An annual tax of eight mills may now be levied for the purpose of liquidating liberty memorial bonds issued for the purpose of constructing memorial buildings in cities — an increase of three mills over the amount authorized in 1919. The three mill tax authorized by the Thirty-eighth General Assembly to provide for the maintenance and development of memorial buildings was also found to be insufficient and increased to five mills.<sup>349</sup>

Vacancies on the committee to administer funds for memorials and monuments, if not filled by Grand Army posts within six months after such vacancies occur, may be filled by the Spanish-American War Veterans' Association, and if not done by them within one year then the duty devolves upon the American Legion posts. Formerly, the law provided that if vacancies were not filled by the G. A. R. then the clerk of the district court, the county sheriff, and the county auditor should become ex officio members of the committee in the order named.<sup>350</sup>

Camp Dodge is now being used for National Guard encampments. Chapter 327 of the *Acts of the Thirty-ninth General Assembly* authorizes the Adjutant General to enter into an agreement with the Secretary of War to operate the water plant at Camp Dodge for the use and benefit of the United States and Iowa. The terms of the agreement must be approved by the Governor.<sup>351</sup>

<sup>348</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 332.

<sup>349</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 81.

<sup>350</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 142.

<sup>351</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 327.

The existing soldiers' preference law was amended by including with Civil War veterans the nurses, soldiers, sailors, and marines of the Spanish-American War, the Philippine Insurrection, the China Relief Expedition, and the War with Germany as persons who should be given preference in appointments made by the State, county, city, or town officials and school boards. School teachers, however, do not come within the scope of this act. After soldiers have been appointed they can be removed only because of incompetency or misconduct and then only after notice and hearing.<sup>352</sup>

The Thirty-eighth General Assembly provided for the compilation of a roster of Iowa soldiers, sailors, and marines who served on the Mexican Border in 1916 and 1917 and in the World War of 1917, 1918, and 1919. For this purpose \$20,000 was appropriated and the Thirty-ninth General Assembly voted \$15,000 more to complete the work.<sup>353</sup>

The military code was amended in several particulars. Members of the National Guard who are drafted by the United States shall upon discharge from Federal service continue to serve the balance of their enlistment in the Guard the same as though their period of enlistment had not been interrupted by draft. The provision for service badges was amended so that a member of the National Guard who serves in the Federal forces during an emergency by order of the President, may count such time toward the procurement of his service badge.

The compensation of enlisted men in the Guard was changed from a per diem fixed by law to the same pay received by soldiers of their grade in the United States army. In case a member of the National Guard becomes

<sup>352</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 166.

<sup>353</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 306.

sick while on active duty and remains so beyond the period of active service he shall receive medical attention and his usual military pay until able to resume his civil occupation.

The statutory sums allowed to commanding officers of military units for various expenses of their commands were repealed and the amounts allowed for armory rent and headquarters expenses are now fixed by an Armory Board consisting of the Adjutant General and four other commissioned officers of the active, reserve, or retired Guard. The Board is also charged with the construction and maintenance of State owned armories. Its actions are subject to review by the Governor.

Each unit of the National Guard showing an average attendance at drills of at least one-half of its enlisted strength for one and one-half hours a week will receive \$4 per member (based on its average enlisted strength) semi-annually for miscellaneous military expenses. If the attendance falls below fifty per cent it is judged to be inefficient and is entitled to no allowance. Formerly, the amount paid was in proportion to the attendance at drill for two hours a week, but no unit was to receive more than \$500.

The appropriations for rifle ranges were increased. Five thousand dollars instead of \$2000 is now allowed for the construction of each of four regimental rifle ranges which the Governor may authorize, and \$600 instead of \$200 may be used annually for their maintenance and rental. The appropriation of \$100 for company rifle ranges was increased to \$300. Money derived from salvage from permanent camp grounds and rifle ranges of the National Guard is to constitute a fund for the improvement of the permanent camps and rifle ranges of the Guard. Section one of chapter 327 of the *Acts of the Thirty-ninth General Assembly* is practically identical with section five of chapter 163.

Sheriffs or other persons who execute process are now required to call upon the Governor for military aid when it is necessary, but their power to command the aid of male inhabitants remains unaltered.<sup>354</sup>

The Thirty-ninth General Assembly appropriated \$20,000 to care for and entertain the Grand Army of the Republic if that organization should choose to hold its national encampment in Iowa in 1921 or either of the two years following. This money was voted because the Iowa members were desirous of inviting the national organization to this State.<sup>355</sup>

#### LEGALIZING ACTS

All of the powers exercised by cities and towns, counties, townships, and school districts are delegated to them by the State government. Sometimes the officers of these local areas overstep their authority or exercise the powers granted in a manner contrary to law. Usually these acts are done in good faith, and in order to obviate any difficulties which might arise from such illegal actions every General Assembly is asked to legalize the procedure in particular instances. The record of the Thirty-ninth General Assembly presents no exception in this respect. Indeed, the practice has become so well established in Iowa that an entire section of the session laws is now devoted to legalizing acts.

Besides the sixty-eight legalizing measures that were passed in 1921, the Thirty-ninth General Assembly enacted a law regulating the procedure to be followed in the passage of such legalizing acts. No bill which proposes to legalize the proceedings, bonds, or warrants of public corporations may now be placed upon passage until it has first been

<sup>354</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 163.

<sup>355</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 305.

published in a local newspaper, and proof of such publication must be entered upon the House or Senate journal. If, however, the bill is amended after its publication that fact will not affect its legality.<sup>356</sup>

Thirty legalizing acts relate to cities and towns, and by far the greatest number of these have to do with bonds and warrants. Twelve acts legalize warrants and the issuance of bonds for the purpose of funding the warrants.<sup>357</sup> Two acts validate the warrants only;<sup>358</sup> while three legalize the issue of bonds.<sup>359</sup> One of these, however, is general in its scope, stating that all street improvement and sewer bonds maturing on dates other than April 1st of the years in which installments of special taxes come due (the date fixed by law) shall be legal.<sup>360</sup> A special assessment and issuance of sewer bonds in Churdan was also brought within the law.<sup>361</sup>

The uses for which a park tax may be levied were broadened to include the construction of buildings within public parks. Apparently some cities had construed the former statute in this sense, for in connection with the interpretative amendment any certificates or bonds which had been issued for the purpose of building construction were legalized. While this measure is in part legalizing in its effect it is of course not classified as such in the statutes.<sup>362</sup>

That there may be no question about the validity of the water works and electric light bonds issued by the town of Milford it was necessary that the legislature legalize the

<sup>356</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 228.

<sup>357</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 350, 351, 352, 353, 355, 356, 359, 361, 367, 369, 372, 373.

<sup>358</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 357, 366.

<sup>359</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 347, 358, 364.

<sup>360</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 347.

<sup>361</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 362.

<sup>362</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 125.

elections held to authorize these bonds.<sup>363</sup> A municipal election in Conesville was also declared legal by an act of the Thirty-ninth General Assembly.<sup>364</sup> Nomination papers that were filed ten days before an election, as required by an old statute, instead of fifteen days before as fixed by the Thirty-sixth General Assembly, were validated.<sup>365</sup>

The town of Elkader had a surplus of \$1357.91 in its water works fund which was transferred to the town hall fund.<sup>366</sup> Newton obtained the sum of \$41,500 from the sale of its electric light plant and transferred it to the water works fund. Both of these acts were legalized by the Assembly.<sup>367</sup>

In Waverly an excessive tax had been levied for the purchase of a motor truck for the fire department, but the amount would have been entirely within the law if it had been levied for fire department maintenance. In view of this circumstance the excessive tax levy for equipment was legalized.<sup>368</sup> A franchise granted by the town of Manning was declared to be legal and valid.<sup>369</sup>

During the war the Federal government commandeered the equipment and material of contractors for public improvements in certain cities. The action of these cities in allowing extra compensation in such cases was legalized.<sup>370</sup> One act legalizes the town plat of Guttenberg.<sup>371</sup>

The last legalizing act relative to the activities of cities brings within the law the lease of a building and grounds

<sup>363</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 370, 371.

<sup>364</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 363.

<sup>365</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 346.

<sup>366</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 365.

<sup>367</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 354.

<sup>368</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 360.

<sup>369</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 399.

<sup>370</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 348.

<sup>371</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 368.

by the council of Des Moines to the Women's Club of that city.<sup>372</sup>

There was some question also as to the validity of the acts of county officials, and seven laws were enacted to remove these doubts. Five of them relate to bonds and warrants: one legalizes the issue of warrants;<sup>373</sup> one legalizes the issue of bonds;<sup>374</sup> one legalizes the issue of both bonds and warrants;<sup>375</sup> one legalizes warrants and authorizes the issue of bonds to fund them;<sup>376</sup> and one comprehensive act validates all the proceedings and details required for the establishment of a county public hospital for Wapello County as well as the issuance of bonds and the necessary tax levy therefor.<sup>377</sup>

In two cases irregularities arose regarding the establishment of drainage districts. There was a question as to whether the law had been complied with in every respect in the Hardin-Hamilton joint district — particularly with reference to notice to property owners. In a Buchanan County drainage district approximately five hundred acres of land used by the Iowa State Hospital for the Insane had been included. There was doubt as to whether the law provided for the inclusion of such land. The actions of the boards of supervisors in both of these cases were legalized.<sup>378</sup>

Seventeen legalizing acts were required to remedy the technical mistakes of authorities in school districts. Nine of these validate consolidation proceedings, of which three

<sup>372</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 349.

<sup>373</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 376.

<sup>374</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 374.

<sup>375</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 378.

<sup>376</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 380.

<sup>377</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 379.

<sup>378</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 375, 377.



include also provisions which legalize the bonds issued, while one authorizes the issuance of bonds.<sup>379</sup> Four bond elections in school districts were legalized separately and one other act not only legalized the election but the bond issue also.<sup>380</sup> In three cases warrants of school districts were legalized. Of these, one act also authorized a bond issue to fund the warrants, and another legalized a tax levy which had been made to pay the warrants.<sup>381</sup>

Chapter 211, though technically classed as a statute of limitations and not printed in the section devoted to legalizing acts, may have in some instances a legalizing effect: it validates the organization of school districts in this State if irregularities that may have existed are not questioned within six months.<sup>382</sup> Two land patents and one land title were declared valid.<sup>383</sup>

Irregularities in the activities of corporations were the subject of four legalizing acts. One of these is a general law which validates the notices of incorporation which were published more than three months after the certificates of incorporation had been issued.<sup>384</sup> The incorporation of the "People's Oil Company of Iowa" and all of its acts and proceedings were declared to be legal.<sup>385</sup> Another act legalizes the renewal of the charter of the Mason City Building and Loan Association and its acts since the expiration of its corporate existence,<sup>386</sup> while a fourth law validates the

<sup>379</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 381, 383, 384, 385, 387, 393, 394, 396, 397.

<sup>380</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 382, 388, 389, 390, 392.

<sup>381</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 386, 391, 395.

<sup>382</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 211.

<sup>383</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 403, 404, 405.

<sup>384</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 398.

<sup>385</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 402.

<sup>386</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 401.

amendment of the articles of incorporation of the Greenwood Cemetery Association of Ossian, Iowa.<sup>387</sup>

By chapter 151 acknowledgments taken by notaries public outside of their jurisdiction prior to the passage of the act were declared valid and legal.<sup>388</sup> There are four laws which validate the actions of State officials. The first of these sanctions the transfer of money from funds for specific purposes in State educational institutions to the general support fund.<sup>389</sup> Two acts legalize the lease of land belonging to the State of Iowa to the United States government.<sup>390</sup> The warrants to pay the electricians for operating the voting machine in the House of Representatives were legalized.<sup>391</sup>

Finally, there is a general legalizing act which declares that decrees or court orders for the sale of real estate by guardians, which were served on minors or wards outside of the State prior to January 1, 1921, shall be valid.<sup>392</sup>

#### TAXATION AND FINANCE

The problems of taxation and public finance are always troublesome, and the tendency of government to undertake new functions is making the task of raising revenue increasingly difficult. Thorough reorganization of the archaic tax system in Iowa has been advocated for many years, but as yet the General Assembly has not been willing to tackle the job. A comprehensive bill comprising sixty-two pages was introduced in the Senate by request, but after having been reported without recommendation by the committee it was withdrawn. This measure proposed to

<sup>387</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 400.

<sup>388</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 151.

<sup>389</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 345.

<sup>390</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 343, 344.

<sup>391</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 342.

<sup>392</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 88.

create a tax commission with wide powers over assessment and equalization of taxes. Assessment was to be transferred to the county.<sup>393</sup>

There was a feeling on the part of many legislators that, while the tax laws should be carefully considered in connection with Code revision, the system of taxation should not be revised without opportunity for extensive investigation. In accordance with this view the appointment of a joint committee on tax revision was authorized. This committee, composed of four Senators — H. S. Van Alstine, M. B. Pitt, Charles M. Dutcher, and E. M. Smith — and four Representatives — C. E. Narey, Arthur Springer, James Peters, and T. E. Moen — will study the Code Commission bills on taxation, prepare new bills providing an equitable taxation system, and report at the next session of the General Assembly.<sup>394</sup>

In the search for new sources and relatively painless methods of increasing the public revenue all but six States had, by 1921, discovered the direct inheritance tax. Iowa was one of the six, though collateral inheritances have been subject to taxation in this State since 1896.<sup>395</sup> Early in the session of the Thirty-ninth General Assembly a bill to authorize the taxation of direct inheritances was introduced and, after vigorous debate and some amendment, became a law. The entire statute on the taxation of inheritances was repealed or amended (although this fact is not indicated in the title of the act). According to the terms of the new measure direct heirs must pay a tax upon each individual share in excess of \$15,000, the rate varying from one to seven per cent depending upon the size of the

<sup>393</sup> Senate File No. 613.

<sup>394</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 411; *Senate Journal*, 1921, pp. 1934, 1935; *House Journal*, 1921, p. 2112.

<sup>395</sup> *Laws of Iowa*, 1896, Ch. 28.

inheritance. As originally introduced the bill provided for the exemption of \$25,000 and the taxation of the estate as a whole rather than the individual shares. On inheritances by collateral heirs there is an exemption of estates, the net value of which is less than \$1000, but the rate is five per cent on the total net value of estates worth between \$1000 and \$100,000, six per cent on amounts between \$100,000 and \$200,000, and seven per cent on all amounts over \$200,000, except that inheritances passing to aliens not residing in the United States are subject to twenty per cent tax unless such heirs are brothers, sisters, or direct heirs and then the tax is ten per cent. Property passing to educational, religious, cemetery, or charitable societies or institutions incorporated in Iowa, to public libraries, art galleries, hospitals, or municipalities, and bequests for the care of a cemetery lot are exempt from taxation. An amount up to \$500 is allowed for the performance of a burial service.<sup>396</sup>

Before the Thirty-ninth General Assembly adjourned four sections of the new inheritance tax law were amended or repealed. All lineal descendants were included in the list of direct heirs along with the husband, wife, father, mother, and children. The limitation that the tax does not constitute a lien against the property for longer than five years does not apply to collateral inheritances in cases of the descendant dying before the new law took effect. Finally, the section in the original act was repealed which included life insurance in the value of the estate, but made an exemption for direct heirs of \$40,000.<sup>397</sup>

The manner of statement of the law providing for township and municipal poll taxes in this State carries the presumption that such taxes will be paid by two days' labor on the public highways. As a matter of fact the option of

<sup>396</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 38.

<sup>397</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 164.

paying in cash has been almost universally chosen by city residents and to a large extent by rural inhabitants, especially since two days' labor has been worth more than the amount of the tax. Both the township and municipal poll tax laws were revised in view of present day conditions. A maximum poll tax of \$5 is fixed for both townships and cities or towns (the limit in municipalities was formerly \$3). While the option of performing two days' labor on the roads as a method of paying the township poll tax is still retained, that alternative is no longer available to city or town residents.<sup>398</sup>

A bill proposing to levy a State poll tax of \$3 annually upon every adult resident of Iowa passed the Senate. This tax was to have been collected by the county treasurers or employers in the State, and the proceeds were to be used for the support of the common schools.<sup>399</sup>

A very elaborate dog tax law was enacted, the purpose of which is essentially regulative in the interest of protecting live stock from destruction by dogs. The owner of a dog must now obtain an annual license from the county auditor, and the license is not transferable. Assessors will receive a fee of ten cents for all dogs reported to the county auditor. All dogs not licensed after January 15, 1922, will be deemed wild and may be killed by any one: it is the duty of peace officers to kill wild dogs, but any dog caught in the act of worrying, maiming, or killing any domestic animal or fowl may be killed. The dog tax will be due on January 15th and delinquent on the first of May following. Dogs in kennels need not be licensed but will be taxed as personal property.<sup>400</sup>

<sup>398</sup> *Acts of the Thirty-ninth General Assembly*, Chs. 172, 191.

<sup>399</sup> Senate File No. 569.

<sup>400</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 140.

The plan of levying an annual franchise tax on corporations was proposed in a bill introduced into both houses. The rate was to be five cents on each \$100 "of the proportion of the authorized capital stock represented by business transacted and property located in this state". This measure failed to pass the Senate by a vote of nineteen to twenty-nine.<sup>401</sup>

Another source of revenue which was seriously considered by the Thirty-ninth General Assembly was an amusement tax of one cent on each fifty cents admission "to any theatre, opera house, moving picture show, vaudeville show, circus, side show, merry-go-round and like device, public dance, wrestling match, league or professional base ball, roller skating rink and all places of public amusement operated for pecuniary profit." Entertainments by religious, educational, and charitable societies, agricultural fairs, and amateur baseball, football, and athletic tournaments were excepted. The tax was to be collected by the sale of tax tickets. After having been defeated in the Senate by a vote of twenty-two to twenty-six the companion bill in the House was withdrawn.<sup>402</sup>

A bill passed the Senate proposing to levy a tax of ten per cent on all sand or gravel or other natural products taken from the bed of a river belonging to the State.<sup>403</sup>

Moneys and credits to a considerable extent escape taxation. To secure more thorough and accurate assessment a bill was introduced providing for the publication of lists of moneys and credits verified by oath. This measure, though recommended for indefinite postponement, was placed on the calendar but later withdrawn by the author after the defeat of a companion bill which sought to make the tax on

<sup>401</sup> Senate File No. 367; House File No. 379.

<sup>402</sup> Senate File No. 430; House File No. 460.

<sup>403</sup> Senate File No. 304.

moneys and credits more equitable by increasing the levy from five to ten mills. These proposals were vigorously opposed by the Iowa Bankers Association.<sup>404</sup>

A bill to repeal the obsolete practice in Iowa of assessing property at one-fourth of its actual value was introduced but later withdrawn.<sup>405</sup>

In 1919 the requirement that assessors should make up their books in duplicate and return one of them to the clerk of the township, town, or city was repealed, but assessors were obliged to furnish to the proper clerk a list of persons subject to poll tax. The Thirty-ninth General Assembly restored the former regulations exactly as they were before 1919, but after the bill had passed and been sent to the Governor it was recalled and, though entirely reworded, as finally adopted it accomplished the same purpose except that the provision requiring assessors to furnish the poll tax list to the clerk of the township, city, or town was retained.<sup>406</sup>

The local board of review has been accustomed to meet on the first Monday in April and continue in session until the assessment rolls were ready, being paid for the time consumed; but the assessors in some of the larger cities of the State have been unable to complete their work by that date. As a consequence the date upon which the local board of review shall meet in cities of ten thousand population or over was changed from the first Monday of April to the first Monday of May, and the time for the completion of the assessment rolls was changed to correspond. The further specification is added that the board of review in such cities must complete its duties by June 1st, and the

<sup>404</sup> Senate File Nos. 407, 470.

<sup>405</sup> Senate File No. 302.

<sup>406</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 268; House File No. 586; *Senate Journal*, 1921, p. 1882.

assessor must return one of the assessment books to the city clerk within ten days.<sup>407</sup>

The law allows the county auditor to cause plats to be made of irregular pieces of land whenever it is necessary for identification for the purpose of assessment and taxation. This arbitrary power has sometimes been abused. To prevent the continuation of such abuses, and to afford relief in a particular instance in Warren County, an emergency measure was passed giving the property owner the right to appeal from such orders of the county auditor to the board of supervisors.<sup>408</sup>

Heretofore if one person purchased more than one parcel of real estate sold for taxes, one certificate of purchase might include the whole number of items. Now, however, not more than one such parcel can be described on each certificate of purchase.<sup>409</sup>

Two bills were introduced in the Senate relating to the exemption of the property of soldiers from taxation: one to increase the exemption for those already included and the other to provide an exemption for soldiers in the World War. The essence of both these bills was included in a substitute measure that was passed.<sup>410</sup> The new law increases the amount of property exempt from taxation which belongs to soldiers, sailors, and marines of the Mexican and Civil War from \$700 to \$3000, and that belonging to soldiers, sailors, and marines of the Spanish-American War, Boxer Uprising, and Philippine Insurrection from \$300 to \$1800; and there was added an exemption of \$500 worth of property belonging to any honorably dis-

<sup>407</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 92.

<sup>408</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 13.

<sup>409</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 12.

<sup>410</sup> Senate File Nos. 308, 459.



charged soldier, sailor, marine, or nurse in the World War. These exemptions extend to widows, wives, and minor children under the same conditions as before. The beneficiary of these exemptions must now file a statement of ownership with the assessor or board of supervisors.<sup>411</sup>

The statute exempting old and poor persons from paying taxes was entirely rewritten, the principal object of which is to place the initiative of obtaining such an exemption upon the person claiming to be unable to pay taxes on account of age or infirmity. Formerly the assessor recommended exemption for these people and they were not required to exert themselves in any way. Now they must petition the board of supervisors to have their property exempted and these petitions must be approved by the township trustees or by the council of the city or town.<sup>412</sup>

The penalty for the non-payment of personal taxes was increased by adding five per cent after the first Monday in December following the time they become delinquent.<sup>413</sup>

For the special benefit of Cedar Falls an act was passed authorizing the county treasurer to appoint a deputy resident tax collector for a city with six thousand or more inhabitants not the county seat in counties having a population between fifty-three and seventy thousand.<sup>414</sup> This provision had been repealed inadvertently in 1919.

The quarterly statement of the county treasurer to the mayor of the amount of city or town taxes collected must now include the money collected from special assessments to pay public improvement bonds.<sup>415</sup>

Several acts of the Thirty-ninth General Assembly deal

<sup>411</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 144.

<sup>412</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 281.

<sup>413</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 66.

<sup>414</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 132.

<sup>415</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 18.

with phases of State finance other than taxation. The amount of revenue to be raised for general State purposes during the next biennium was fixed at \$10,072,000 for each year.<sup>416</sup>

In 1917 the General Assembly appropriated \$1,000,000 as a war emergency fund, most of which it was not necessary to use for that purpose. When the construction of the Temple of Justice was authorized in 1919, therefore, the unexpended portion of the war appropriation and certain other funds were made available for that use.<sup>417</sup> Due to hard times and excessive costs of building the Thirty-ninth General Assembly ordered the erection of the Temple of Justice to be deferred until 1923 and transferred all funds hitherto made available for that work to the general funds of the State. The State Treasurer must return fifty per cent of this money to the Temple of Justice fund on July 1, 1923, and the remainder on July 1, 1924.<sup>418</sup>

Another instance in which the State Treasurer was given authority to transfer money to the general revenue is in connection with the fund derived from the fees collected for the examination and certification of registered nurses. Any balance exceeding \$500 in this fund will be transferred to the general fund on June thirtieth every year.<sup>419</sup>

The minimum interest rate required to be paid on county funds deposited in banks has been two per cent, and while the State Treasurer has been required to obtain no specified rate for State funds on deposit it has been fixed by custom at two per cent. A House bill proposed to fix the minimum in both instances at three per cent, but the effective influ-

<sup>416</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 341.

<sup>417</sup> *Acts of the Thirty-seventh General Assembly*, Ch. 207; *Acts of the Thirty-eighth General Assembly*, Ch. 349.

<sup>418</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 336.

<sup>419</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 249.

ence of the bankers caused the rate designated in the measure as finally enacted to be reduced to two and one-half per cent.<sup>420</sup>

Chapter 170 describes the method by which public bonds in the sum of \$25,000 or more may be sold. After two or more weeks of advertisement in a newspaper sealed bids may be received. At the time and place designated for the sale the sealed bids are to be opened, announced, and recorded; then open bids must be called for and the best one recorded. Any or all bids may be rejected and the sale advertised anew, or the bonds may be sold privately. Under no circumstances can bonds be disposed of for less than par value and accrued interest.<sup>421</sup>

APPROPRIATIONS BY THE THIRTY-NINTH GENERAL ASSEMBLY			
FOR THE MAINTENANCE OF STATE GOVERNMENT AND STATE OFFICES			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
178	Weather and Crop Service Bureau	\$7500	Annually
189	Contingent fund for carrying out Blue Sky Law	\$2500	Biennium
218	For ten members of the Committee on Retrenchment and Reform	\$10 per member and expenses	For each day of attendance at meetings
286	State Printing	Amount necessary	
302	Commission of Animal Health	\$150,000 additional	Annually
308	To supply the deficiency in the annual appropriation for oil inspection	\$23,000	Lump sum
309	State Railroad Commission	\$30,000	Annually

<sup>420</sup> Acts of the Thirty-ninth General Assembly, Ch. 114.

<sup>421</sup> Acts of the Thirty-ninth General Assembly, Ch. 170.

CHAPTER	FOR WHAT	AMOUNT	PERIOD
313	Executive Council for upkeep of the Capitol	\$25,000	Biennium
313	Executive Council for expenses for which no other appropriation is made	\$3000	Biennium
313	To John Hammill, Lieutenant Governor, as President of the Senate	\$2000	Lump sum
313	To Arch W. McFarlane, as Speaker of the House	\$1000	Lump sum
313	Chaplains for the Thirty-ninth General Assembly	\$800	Lump sum
313	Supreme Court, for contingent fund	\$2000	Biennium
313	Custodian, for extra labor	\$3600	Biennium
313	Superintendent of Public Instruction	\$3000	Biennium
313	Law Library, for legislative reference work	\$5000	Biennium
313	Attorney General, for contingent fund	\$15,000	Period ending June 30, 1923
313	Salary of D. C. Mott, Assistant Secretary, for the Board of Conservation for six months	\$1000	Lump sum
313	Retrenchment and Reform Committee, for contingent fund	\$40,000	Period ending June 30, 1923
313	Clerk of Supreme Court, for contingent fund	\$600	Period ending June 30, 1923
313	Office of Governor, for expense fund	\$7700	Period ending June 30, 1923
313	Treasurer, for contingent fund	\$10,000	Period ending June 30, 1923
314	Executive Council, for repairs and improvements	\$16,000	Biennium

CHAPTER	FOR WHAT	AMOUNT	PERIOD
314	State Fire Marshal, for contingent fund	\$4000	Biennium
314	To certain employes for services after adjournment of the legislature	\$476	Lump sum
340	State Officers Salary Act <sup>422</sup>	\$789,565	Annually for 2 years
411	Joint Committee on Tax Revision, for expenses	Amount necessary	

FOR SUPPORT AND MAINTENANCE OF STATE INSTITUTIONS

CHAPTER	FOR WHAT	AMOUNT	PERIOD
235	Library Commission	\$12,000	Annually
254	State Horticultural Society	\$16,000	Biennium
287	State University of Iowa	\$1,176,647	Annually for 2 years
287	State University of Iowa, for paving, equipment, etc.	\$250,000	Biennium
287	Iowa State College	\$1,154,500	Annually for 2 years
287	Iowa State College, for equipment, etc.	\$260,000	Biennium
287	Iowa State Teachers College	\$398,000	Annually for 2 years
287	Iowa College for the Blind, for support, etc.	\$43,500	Annually for 2 years
287	Iowa College for the Blind, for improvements and equipment	\$21,000	Biennium
287	Iowa School for the Deaf, for support	\$132,500	Annually for 2 years
287	Iowa School for the Deaf, for repair, equipment, etc.	\$122,000	Biennium

<sup>422</sup> Maximum salaries were used in making this total. No per diem salaries are included.

CHAPTER	FOR WHAT	AMOUNT	PERIOD
288	Iowa College for the Blind, emergency appropriation	\$16,000	Lump sum
288	Iowa College for the Deaf, emergency appropriation	\$25,000	Lump sum
289	State University of Iowa, for construction of buildings and purchase of land	\$500,000	Lump sum
289	Iowa State College, for construction of buildings and purchase of land	\$500,000	Lump sum
290	State University of Iowa, for completion of nurses home	\$25,000	Lump sum
291	State Psychopathic Hospital, to complete building and purchase equipment	\$97,000	Lump sum
292	Iowa State Teachers College, for land and buildings	\$230,000	Lump sum
293	Bacteriological Laboratory, for support	\$7000 additional	Annually
294	State Historical Society, for support	\$20,500 additional	Annually
297	Iowa Soldiers' Home	\$6 per member additional and \$5 per official or employee additional	Monthly
297	Institution for Feeble-minded Children at Glenwood	\$4 per inmate additional	Monthly
297	Sanatorium for Tuberculosis	\$15 per inmate additional	Monthly
298	Iowa Soldiers' Home, for equipment, contingent, and repair	\$47,000	Biennium
298	Iowa Soldiers' Orphans' Home, for supplies, contingent, and repair	\$33,800	Biennium

CHAPTER	FOR WHAT	AMOUNT	PERIOD
298	Juvenile Home at Toledo, for building, supplies, contingent, and repair	\$37,500	Biennium
298	Institution for Feeble-minded Children at Glenwood, for equipment, repairs, supplies, and contingent	\$67,000	Biennium
298	Sanatorium at Oakdale, for buildings, equipment, contingent, and repair	\$371,000	Biennium
298	Training School for Boys at Eldora, for supplies, equipment, contingent, and repair	\$52,400	Biennium
298	Training School for Girls at Mitchellville, for buildings, expenses, contingent	\$70,500	Biennium
298	State Hospital at Mount Pleasant, for buildings, supplies, contingent, and repair	\$83,000	Biennium
298	State Hospital at Independence, for buildings, supplies, contingent, and repair	\$68,500	Biennium
298	State Hospital at Cherokee, for buildings, equipment, contingent, and repair	\$98,500	Biennium
298	State Hospital and Colony for Epileptics at Woodward, for buildings, extension, contingent, and repair	\$188,000	Biennium
298	State Penitentiary at Fort Madison, for buildings, expenses, contingent, and repair	\$130,000	Biennium
298	Men's Reformatory at Anamosa, for buildings, expenses, contingent, and repair	\$37,000	Biennium

CHAPTER	FOR WHAT	AMOUNT	PERIOD
298	State Hospital at Clarinda, for buildings, contingent, and repair	\$57,000	Biennium
298	Women's Reformatory at Rockwell City, for expenses, contingent, and repair	\$12,500	Biennium
299	Institution for Feeble-minded Children at Glenwood, for industrial building and equipment	\$35,000	Lump sum
300	State Board of Control, for purchase of farm	\$52,000	Lump sum
304	Iowa State Dairy Association	\$12,500	Lump sum
304	Iowa Beef Cattle Producers Association	\$12,500	Lump sum
304	Iowa Corn and Small Grain Growers Association	\$7500	Lump sum
307	Dairy and Food Commission	\$4300	Lump sum
313	State Board of Education, for incidental expenses	\$500	Biennium
313	State Board of Education, for materials for children's garments at Iowa City	\$500	Biennium
313	State Board of Control, for friendless women	\$5000	Period ending June 30, 1923
313	Historical Department, miscellaneous items	\$3750	Biennium
313	State Board of Control, for contingent fund	\$4000	Period ending June 30, 1923
313	Food and Dairy Commission, for contingent fund	\$2000	Period ending June 30, 1923



THE THIRTY-NINTH GENERAL ASSEMBLY 661

To Satisfy Claims			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
314	L. W. Ainsworth, for postage	\$11.20	Lump sum
314	Agness Brennan, for use of typewriter in Law Library	\$15.00	Lump sum
314	Des Moines Rubber Stamp Works	\$141.55	Lump sum
314	A. C. Gustafson, for postage, telegraph, and telephone bills	\$25.23	Lump sum
314	J. F. Thatcher, for services	\$5.00	Lump sum
314	M. E. Bannon, for services as surveyor	\$39.20	Lump sum
314	O. E. Heggen, for damages sustained in connection with improvements on capitol grounds	\$100.00	Lump sum
314	To six members of the legislature for expenses incurred in attending the funeral of Representative Stone	\$22.50 each	Lump sum
314	G. L. Venard, for mileage	23.20	Lump sum
314	To thirty-two committee clerks, for unpaid salary	\$128.00	Lump sum
315	American Laundry Company, for laundering towels for Thirty-eighth General Assembly	\$156.50	Lump sum
315	Laundering towels, for Thirty-ninth General Assembly	\$150.00	Lump sum
315	Hawkeye Transfer Company, for claim	\$186.88	Lump sum
315	Mrs. Geo. H. Clark, for witness fees	\$18.00	Lump sum

CHAPTER	FOR WHAT	AMOUNT	PERIOD
315	Chicago and Northwestern Railroad Company, for transportation	\$38.12	Lump sum
316	Universal Indicator Company, for electrical voting machine in the House of Representatives	\$3736.56	Lump sum
317	A. E. Yttrevold, for mare destroyed by order of State Veterinarian	\$125.00	Lump sum
318	Ralph G. Smoley, for services	\$194.47	Lump sum
319	S. E. Beaston, for horses destroyed by State Veterinarian	\$400.00	Lump sum
320	Chris. Conrad, Jr., for injuries	\$150.00	Lump sum
321	Henry and Nina Peterson, for expenses incurred when their son was injured	\$500.00	Lump sum
321	Le Verne Peterson, for injuries	\$4500.00	Lump sum
FOR THE IMPROVEMENT OF STATE PROPERTY			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
207	Maintenance and improvements of highways extending through or next to State property	Amount necessary	
303	Department of Agriculture, for improvements on State fair grounds	\$32,086.00	Lump sum
311	To reimburse capitol extension fund	\$74,430.82	Lump sum
338	To complete improvement of public highway at the Cherokee State Hospital	\$2000.00	Lump sum

THE THIRTY-NINTH GENERAL ASSEMBLY 663

FOR MISCELLANEOUS PURPOSES			
CHAPTER	FOR WHAT	AMOUNT	PERIOD
14	Vocational rehabilitation of disabled persons, for support	\$22,836.45	Annually for 2 years
14	For additional office equipment	\$800.00	Lump sum
14	For support for remainder of 1921 up to June 30	\$2000.00	Lump sum
163	Four regimental rifle ranges for National Guard	\$20,000.00	Lump sum
163	Maintenance of regimental rifle ranges for National Guard	\$2400.00	Annually
163	Rifle ranges for various units of the National Guard	Amount necessary up to \$300 each	
165	Supreme Court Reports	Amount necessary	
177	Expenses of a conference committee of public officials	Amount necessary	
217	Parole Relief Fund	\$1250.00	Lump sum
222	Vital statistics registration	\$10,000.00	Annually
283	Expenses in submission of the Soldiers' Bonus referendum	Amount necessary	
295	Improvement of school conditions in mining camps	\$50,000.00	Annually for 2 years
296	Vocational education	\$20,000.00 additional	Biennium
301	Public health	\$25,000.00	Annually for 2 years
305	Expenses of proposed Grand Army of the Republic encampment	\$20,000.00	Lump sum
306	Roster of Iowa Soldiers, Sailors, and Marines	\$15,000.00	Lump sum
310	Sums erroneously collected by the State as taxes from insurance companies	\$125,000.00	Lump sum

CHAPTER	FOR WHAT	AMOUNT	PERIOD
312	Inauguration ceremonies	\$718.00	Lump sum
313	Permanent school fund, for money lost many years ago	\$10,937.18	Lump sum
313	Express, freight, and drayage	\$15,000.00	Period ending June 30, 1923
313	Advertising laws and publishing census returns	\$5000.00	Lump sum
313	Providential contingencies under control of the Executive Council	\$50,000.00	Lump sum
313	Pioneer Law-makers Association	\$100.00	Lump sum
313	Executive Council, for Iowa's expenses of the Governors' Conference	\$500.00	Lump sum
314	Flowers for the funeral of Representative Stone	\$25.00	Lump sum
333	Expenses of Code revision and a supplement to the <i>Compiled Code</i>	Amount necessary	
339	Coöperation in the movement for water transportation from the Atlantic Ocean to the Mississippi River	\$5000.00	Annually for 2 years

## MISCELLANEOUS

Since 1898 rooms eleven and twelve in the State Capitol have been assigned by law (sections 152-a and 1657-n of the *Supplement to the Code, 1913*) to the Department of Agriculture, the assignment of all other space being at the disposal of the Executive Council. The State House has now become so crowded that an attempt was made to place these rooms also under the control of the Executive Council so that the Department of Agriculture might be assigned

to other quarters or compelled to share its space. Inasmuch as only section 152-a was repealed the effort to move the Department by virtue of the legislation of the Thirty-ninth General Assembly failed.<sup>423</sup>

Inasmuch as a number of communities in Iowa have been accustomed to set apart July 24th as a "flower day" to arouse sentiment that may lead to beautifying homes and lawns through the cultivation of flowers and the extermination of noxious weeds, the State legislature decided that such a day should be observed generally so that its benefits might be widespread. To that end the Governor was requested by joint resolution to proclaim July 24th each year as "State Flower Day".<sup>424</sup>

The eleventh of November, known as Armistice Day, was made a legal holiday in Iowa insofar as it affects the handling of negotiable paper.<sup>425</sup>

The question of adopting a State flag has been debated by every Iowa General Assembly since 1913 when a committee was appointed to investigate and report on the subject. No report was made, however, until 1917 when the committee advised the appointment of a better qualified commission. This was not done. Meanwhile a committee of the Iowa Society of the Daughters of the American Revolution had produced a design that they hoped would be adopted. In 1919 a bill proposing the adoption of this design as the State flag was defeated in the Senate, but the Thirty-ninth General Assembly adopted it.<sup>426</sup> Although it had the courage to authorize a State Flower Day and adopt

<sup>423</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 134.

<sup>424</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 409.

<sup>425</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 162.

<sup>426</sup> *Acts of the Thirty-ninth General Assembly*, Ch. 78; Gallaher's *An Iowa Flag in Iowa and War*, August, 1918; Senate File No. 66, 1919; *Senate Journal*, 1919, pp. 567-569.

a State Flag the Thirty-ninth General Assembly balked on giving its approval to a State song.<sup>427</sup>

If, as has been asserted, the regular session of the Thirty-ninth General Assembly of Iowa is characterized more by the important measures that failed of enactment than by the constructive legislation which was adopted, the fact can be explained to a large extent by the expectation on the part of the members that many of the important subjects of legislation would be handled in connection with Code revision or taken up by a constitutional convention. The problems of Code revision and the calling of a constitutional convention were slated for definite action before the Assembly convened: both were subjects of preliminary discussion and preparation. And yet it turned out that the Code Commission bills were deferred to a special session which will not be held and no legislation was enacted providing for a constitutional convention. The absence of the usual legislation on the subjects of labor and liquor is particularly conspicuous.

JOHN E. BRIGGS

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY IOWA

<sup>427</sup> Senate File No. 485.

## SOME PUBLICATIONS

*Iowa State Geography.* By Alison E. Aitchison. Boston: Ginn and Company. 1921. Pp. 168. Plates, maps. The schools of the State of Iowa have so long been dependent on "supplements" for their knowledge of the geography of their own Commonwealth that any serious attempt to present this phase of information in separate and adequate form is most welcome. Miss Aitchison's book is a notable contribution in the field. It is written with the purpose of presenting the geography of the State to the children of the intermediate grades of the public schools. Somewhat of the scope of the work may be obtained from the following chapter headings: "Getting Acquainted with Ourselves"; "The Wonders Beneath Our Feet"; "Stories of the Past and Present"; "Iowa's Greatest Industry — Agriculture"; "Our Chief Crops"; "The Live-Stock Industry"; "The New Farmer"; "Iowa Manufactures"; "Transportation"; "The Birthright of the Children of Iowa"; "Facts and Figures".

The book has little in it of didactic and classical geography and much of the kind of information in regard to the State — its resources, its products, and its people — that the child can lay hold of and appreciate. The material is not abstract or foreign to the child's world — it is direct and concrete and has to do with the things which the pupil can easily observe about him.

It is written in such a way as to give the child a very clear picture of an individual State — his own State — with enough history to give it tradition, enough facts to lead to pride in his Commonwealth, and enough details to whet one's appetite for more. The illustrations, which are numerous, are well chosen and the maps are adequate.

One of the features of the text is the frequent interpolation of questions and suggestions to the reader with the object of causing

him to think about the subject matter and to make comparison and further investigation in the world outside of books.

*Reminiscences of Newcastle, Iowa.* Dictated by Sarah Brewer-Bonebright and written by Harriet Bonebright-Closz. Des Moines: Historical Department of Iowa. 1921. Pp. 307. Plates. This volume presents the story of the settlement of Newcastle, now Webster City, Iowa, as related by Mrs. Bonebright who came to Hamilton County in 1848. In addition to the eighteen chapters dealing with the frontier living conditions, there are five appendices, including notes on Indian troubles in Iowa and a number of poems by Harriet M. Bonebright-Closz.

The book is attractively printed and bound and contains numerous illustrations of frontier activities and equipment which add a great deal to the available information of pioneer life. Most Iowans of to-day are unfamiliar with the implements of a generation ago. Frow, linsey-woolsey, lizard, grain cradle, hetchel, and ash leach are words which, in their pioneer significance, have almost disappeared from the language. This volume, indeed, contains information about the intimate life of the frontier which is seldom found, even in scattered sources. How the pioneer women made soap, a surgical operation, amusements, names, Indian visitors, material and styles of garments, jerking venison, recipes for corn dodgers, weddings, quilt designs, weather, medicinal preparations, charms, and farm implements are a few of the many details of frontier life portrayed in this volume. It is unfortunate that an index was omitted for the material is so valuable that a guide would have been acceptable.

*Governor Edward Coles.* Edited by Clarence Walworth Alvord. Springfield: Illinois State Historical Library. 1920. Pp. 435. Plates. This volume is published as the first number of the *Biographical Series* and the fifteenth volume of the *Collections of the Illinois State Historical Library*. It is largely a reprint of the *Sketch of Edward Coles, Second Governor of Illinois, and of the Slavery Struggle of 1823-4*, prepared for the Chicago Historical Society by E. B. Washburne in 1881. This story empha-



sizes the struggle in Illinois to permit slavery, a part of the State's history now little known. In addition there is much information concerning individuals who had a part in the development of Illinois and the West. A voluminous appendix contains reprints of court documents, letters, and editorials relating to Governor Coles's part in the slavery struggle. There are also a number of documents concerning the work of Edward Coles as Register of the Land Office at Edwardsville where it appears many French claims were brought for settlement. A history of the Ordinance of 1787, read by Edward Coles before the Historical Society of Pennsylvania in 1856 is the final document in the appendix. A good index adds to the value of the publication.

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A monograph entitled *Operations of the 2d American Corps in the Somme Offensive, August 8 to November 11, 1918*, has been prepared by the Historical Branch, War Plans Division, General Staff.

A report entitled *War Work of the Bureau of Standards* has recently been issued by the Department of Commerce.

*Protestantism and the Masses*, by James J. Coale, and *The Psychology of the Radical*, by Stewart Paton, are two articles of current interest in the October issue of *The Yale Review*.

*Two Incidents of Revolutionary Time*, by William Renwick Riddell, is one of the papers in the *Journal of the American Institute of Criminal Law and Criminology* for August.

*The Ohio University*, by Charles W. Super, and *The Mayflower Compact; and Samuel Fuller, the Pilgrims' Doctor*, by Charles H. Bangs, are two of the papers in the July issue of *Americana*.

An article of interest to Mississippi Valley history students is one by Edna F. Campbell entitled *New Orleans at the Time of the Louisiana Purchase* which appears in the July number of *The Geographical Review*.

*Social Problems in the Nineteenth Century*, by C. R. Fay, *The*

*Dominions and Foreign Affairs*, by A. F. Pollard, and *The Teaching of History in Schools*, by D. G. E. Hall, are three articles in the July issue of *History*.

A *History of The New York Public Library* is continued in the *Bulletin of the New York Public Library* for July and August.

A *List of Recent References on the Income Tax*, compiled under the direction of Herman H. B. Meyer, has been issued by the Library of Congress.

Two articles of general interest in *The South Atlantic Quarterly* for October are *Two Industrial Revolutions*, by Broadus Mitchell, and *American Negro Poetry*, by Newman I. White.

Two articles in the *American Anthropologist* for April-June are of interest to students of the Middle West: *An Unusual Group of Mounds in North Dakota*, by George F. Will, and *The Need of Archaeologic Research in the Middle West*, by Frederick Houghton.

*History of the New York Times* is a volume written by Elmer Davis and published by that newspaper. The publication is of interest because of the general history incidentally included as well as from the standpoint of newspaper development and influence.

Broadus Mitchell is the author of a monograph, *The Rise of Cotton Mills in the South*, published as a recent number of the *Johns Hopkins University Studies in Historical and Political Science*.

*A Reference History of the War*, compiled and written by Irwin Scofield Guernsey, has recently been published by Dodd, Mead and Company. An extensive bibliography adds to the value of the publication.

The fortieth volume of the *Archives of Maryland* contains the *Proceedings and Acts of the General Assembly of the Province of Maryland, 1737-1740*.

*The Journal of American Folk-Lore* for October-December, 1920, contains a series of articles in French relating to Canada. Among

these are the following: *Chansons et Rondes de Laprairie*, by Gustave Lanctôt and C. -Marius Barbeau; *Formulettes, Rînettes et Devinettes du Canada*, by E. -Z. Massicotte; and *Photographies de Gens et de Choses du Terroir Canadien*, by C. -Marius Barbeau.

The September number of *The American Economic Review* contains the following articles and papers: *The Movement of Real Wages, 1890-1918*, by Paul H. Douglas and Frances Lamberson; *Recent Developments in the Federal Farm Loan System*, by George E. Putnam; *Railway Service and Regulation in Port Terminals*, by C. O. Ruggles; and *The Efficacy of Changes in the Discount Rates of the Federal Reserve Banks*, by Anna Youngman.

*The Jolly Puritan*, by Henry W. Lawrence, Jr., *German Views of War Responsibility*, by R. W. Kelsey, and *College Course in General United States History*, by R. H. Gabriel, are three of the papers in *The Historical Outlook* for October. *Standardizing Library Work and Collateral Reading*, a report of a committee of the Mississippi Valley Historical Association, and letters from Joseph Schafer and Harold Rugg entitled *The Methods and Aims of Committee Procedure* are also included.

*Concerning Commission Government in Des Moines* is the title of a collection of brief comments on the Des Moines city government found in the July number of the *National Municipal Review*. Other papers are: *Ohio Legislature Denies Relief to Insolvent Cities*, by William M. Thomas; *Unscrambling Michigan's Government*, by Lent D. Upson; *The L'Enfant Plan and the Botanic Garden*, by Harlean James; and *City-Manager Movement*, by Harrison Gray Otis.

The April number of the *Smith College Studies in History* contains *Letters of Ann Gillam Storrow to Jared Sparks*, edited by Frances Bradshaw Blanshard. In the issue for July there appears *The Westover Journal of John A. Selden, Esqr., 1858-1862*, with introduction and notes by John Spencer Bassett.

*Generating Cycles Reflected in a Century of Prices*, by Henry Ludwell Moore, *Fundamental Problems of Federal Income Taxa-*

tion, by Thomas S. Adams, *The Measurement of Changes of the General Price Level*, by Allyn A. Young, and *Reciprocity with Canada. The Canadian Viewpoint*, by H. S. Patton, are the four papers included in the August number of *The Quarterly Journal of Economics*.

*The Educational Function of the National Government*, by Henry Barrett Learned, and *Pensions for Public Employees*, by Milton Conover, are two papers in *The American Political Science Review* for August. Lindsay Rogers contributes *The Third Session of the Sixty-Sixth Congress* and Walter F. Dodd furnishes *Legislative Notes and Reviews*, describing administrative and constitutional changes in Ohio, Missouri, New York, California, Nebraska, and New Hampshire.

The September issue of *The American Labor Legislation Review* contains an *Unemployment Survey—1920–1921—with Standard Recommendations*. Other articles are the following: *The Need of Legal Standards of Protection for Labor*, by John A. Ryan; *Face the Labor Issue*, by Thomas L. Chadbourne; and a *Report of Investigation into the Operation of the British Health Insurance Act*, by William T. Ramsey.

*A List of the Portraits and Pieces of Statuary in the Virginia State Library* is published in the *Bulletin of the Virginia State Library* for January-April, 1920. The July issue contains an *Index to Mrs. Cabell's "Sketches and Recollections of Lynchburg"*, by William Frederic Holcombe. *Books for the Blind in the Virginia State Library* is contained in the number for October, 1920.

*The Proceedings of the Academy of Political Science in the City of New York* for July contains a number of addresses and papers on national expenditures and public economy, presented at the semi-annual meeting of the Academy in May, 1921. Among these the following may be noted: *The Problem of Governmental Reorganization*, by Howard Lee McBain; *The Historical Development of National Expenditures*, by Herbert D. Brown; *Financial Retrenchment and Governmental Reorganization*, by William Howard

Taft; *Reforms in the Federal Government*, by Reed Smoot; *Important Aspects of Administrative Reform in the Federal Government*, by Will H. Hays; *State Reorganizations and the Federal Problem*, by Walter F. Dodd; *Disarmament; The Economic Basis of a Reconstructed World*, by Edgar B. Davis; *A Federal Department of Public Welfare*, by Thomas I. Parkinson; and *Federal Expenditures for Public Education*, by Hugh S. Magill. The *Proceedings* are edited by Frederick A. Cleveland and Samuel McCune Lindsay.

## WESTERN AMERICANA

*Joseph Smith as an Arbiter*, by J. A. Tanner, is one of the papers in the October issue of *Autumn Leaves*.

Chas. C. Deam is the author of a monograph, *Trees of Indiana*, issued as Publication No. 13 of The Indiana Department of Conservation.

*Pacific Northwest Americana*, a checklist of books and pamphlets relating to the history of the Pacific Northwest, compiled by Charles W. Smith, has been issued by The H. W. Wilson Company.

*Educational Problems in College and University* is the title of a volume, edited by John Lewis Brumm, recently published by the University of Michigan. This book contains a series of addresses delivered at the inauguration of President Marion LeRoy Burton, on October 14-16, 1920.

*The Santa Fe Fiesta*, by Dorothy McAllister, is a short article in *El Palacio* for September 15, 1921. In the issue for October 1st, Mrs. J. D. De Huff contributes *Myths Told by the Pueblos*.

*The Doctrine and Covenants*, by Walter W. Smith, and *James W. Gillen*, a biography by H. O. Smith, are the two papers in the April number of the *Journal of History*.

*California in the War*, a collection of the war addresses, proclamations, and messages of Governor William D. Stephens, is a pamphlet recently issued by the War History Department of the California Historical Survey Commission.

A *Gold Star Honor Roll*, in a volume of seven hundred and fifty pages, has been published by the Indiana Historical Commission as part of the *Indiana World War Records*. As its name suggests this volume contains pictures and brief biographical sketches of the men and women from Indiana who gave their lives in the World War. The names are arranged alphabetically by counties and an index of the names completes the volume.

Among the contributions to the July number of the *University of California Chronicle* are the following: *Research Viewed in Relation to Criticism*, by B. H. Lehman; *Fundamental Principles*, by Frank Orren Lowden; *The Spirit of Scholarship*, by Walter Morris Hart; *The Probable Course of Prices*, by Carl C. Plehn; *Present Tendencies in Evolutionary Theory*, by S. J. Holmes; and *The Government of Universities*, by W. A. Merrill.

*Stone Gouges*, by Charles E. Brown, *Additional Wisconsin Spirit Stones*, by the same author, and *The Marking of the Lynx Effigy at Devils Lake*, by H. E. Cole, are three papers which appear in *The Wisconsin Archeologist* for July.

The five papers in the July number of *The Quarterly Journal of the University of North Dakota* are the following: *The Education of Teachers*, by Joseph Kennedy; *Higher Education in North Dakota*, by Arland D. Weeks; *The Education of Delinquents and Defectives*, by Luella J. Hall; *General Educational Administration in North Dakota*, by Walter L. Stockwell; and *Secondary Education*, by John S. Bjornson.

*The Midwest Bookman* for June contains a historical sketch by Charles Phelps Cushing, entitled *How Westport Landing Won Success*. In the number for July there is a paper by Donald M. Davis on *The Celebrating of Missouri's Centennial*. *Buffalo Meat*, by Everett G. Haley, is one of the contributions to the issue for August.

#### IOWANA

*Municipal Tax Levies in Iowa* is a compilation of tax laws printed in the August number of *American Municipalities*. The number

for September contains the report of the annual meeting of the League of Iowa Municipalities at Sioux City, on August 16-18, 1921.

Henry Clinton Parkhurst, an Iowa Civil War veteran and newspaper writer, is the author of a volume of poems entitled *Songs of a Man Who Failed*.

A short biographical sketch of Thomas L. Smith and an article by L. H. Pammel on *Development of Landscape Architecture at Iowa State* are contributions to *The Alumnus of Iowa State College* for June.

*Oral Argument*, by Scott M. Ladd, *Freeholds in Futuro*, by Percy Bordwell, and a continuation of "Illusory" *Promises and Promisors' Options*, by Edwin W. Patterson, are three papers in the May issue of the *Iowa Law Bulletin*.

*Secondary Credit Courses in Bible Study for Use in the Schools of Iowa*, prepared by the Bible Study Committee of the Iowa State Teachers' Association, is the title of a pamphlet recently issued by the Department of Public Instruction. D. S. Wright of Cedar Falls, E. D. Starbuck of Iowa City, and D. F. Mulvihill of Des Moines constituted the committee.

*The Prairie* is the name of a new quarterly bulletin published by The Califer Naturalist Club. The first number, which appeared in January, contains an unsigned paper on *The Prairie*, Charles A. Russell contributes *Mice and Apiarists*, and there are a number of short articles and poems.

*The Grinnell Review* for July-August contains an article by John S. Nollen entitled *Do We Care For Education?*, and one by Johan J. Smertenko on *Contemporary Political Theories*. This is the last number of *The Grinnell Review* for the present, it is announced by those in charge of the magazine — an announcement much regretted by many of its readers.

*Sketches of the Mormon Era in Hancock County, Illinois*, reprinted from *Gregg's Dollar Monthly and Old Settlers Memorial*

for September, 1873, a biography of *Jehiel Burr Hurlburt*, by Rollo Franklin Hurlburt, *The Sabbath a Physical Necessity*, by Howard M. Remley, *The Ground Bean and the Bean Mouse and Their Economic Relations*, by Melvin Randolph Gilmore, a letter concerning John A. Kasson, written by F. M. Mills, and *Floyd County Named for William Floyd*, by William H. Fleming, are contributions to the *Annals of Iowa* for April.

## SOME RECENT PUBLICATIONS BY IOWA AUTHORS

Andersen, William Nielaus,

*Determination of a Spelling Vocabulary Based Upon Written Correspondence*. Iowa City: The State University of Iowa. 1921.

Atkinson, John Hampton,

*Poetry: Insurgent and Democratic* (The Midwest Bookman, August, 1921).

Aurner, Clarence Ray,

*Mechanics' Institutions* (The Iowa Journal of History and Politics, July, 1921).

Aurner, Nellie Slayton,

*Hengest: A Study in Early English Hero Legend*. Iowa City: The State University of Iowa. 1921.

Baldwin, Bird T.,

*The Physical Growth of Children from Birth to Maturity*. Iowa City: The State University of Iowa. 1921.

Barlow, C. A.,

*The United States Public Health Service and How It is Caring for the Mentally Disabled Ex-Service Men* (Bulletin of State Institutions, January, 1921).

Bonebright, Sarah Brewer, (Joint author)

*Reminiscences of Newcastle, Iowa*. Des Moines: The Historical Department of Iowa. 1921.



- Bordwell, Percy,  
*Freeholds in Futuro* (Iowa Law Bulletin, May, 1921).
- Briggs, John Ely,  
*Iowa and the Diplomatic Service* (The Iowa Journal of History and Politics, July, 1921).  
*Kasson and the First International Postal Conference* (The Iowa Journal of History and Politics, July, 1921).
- Brown, Bernice,  
*Women Are Like That* (Collier's Weekly, July 2, 1921).
- Brown, Charles Reynolds,  
*Social Rebuilders*. New York: The Abingdon Press. 1921.
- Butler, Ellis Parker,  
*In Pawn*. Boston: Houghton Mifflin Co. 1921.
- Clapp, Philip G.,  
*Music at the University* (The Iowa Alumnus, June, 1921).
- Closz, Harriet Bonebright, (Joint author)  
*Reminiscences of Newcastle, Iowa*. Des Moines: The Historical Department of Iowa. 1921.
- Cordes, W. A., (Joint author)  
*A Study of Brown Glass Milk Bottles With Reference to Their Use in Preventing Abnormal Flavors*. Ames, Iowa: Iowa State College of Agriculture and Mechanic Arts. 1920.
- Devine, W. S.,  
*Epidemic Seed Nests* (Bulletin of State Institutions, January, 1921).
- Drabell, John M.,  
*Economics of the Boiler Room* (Bulletin of State Institutions, January, 1921).
- Eichling, H. L.,  
*Liming Iowa Soils* (Bulletin of State Institutions, April, 1921).
- Eldred, Myrtle Meyer, (Joint author)  
*For the Young Mother*. Chicago: Reilly & Lee Co. 1921.  
*The Shadow* (Young's Magazine, August, 1921).

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Farr, Clifford H., (Joint author)

*The Record Sheet for Sciences Courses* (School Science and Mathematics, May, 1921).

Fleming, William H.,

*Floyd County Named for William Floyd* (Annals of Iowa, April, 1921).

Franklin, William Suddards, (Joint author)

*Lessons in Heat.* Bethlehem, Pa.: Franklin & Charles. 1920.

Gallaher, Ruth Augusta,

*The Cardiff Giant* (The Palimpsest, September, 1921).

Gardner, Nellie E.,

*University Exchange with Belgium* (Current History, May, 1921).

Garland, Hamlin,

*A Daughter of the Middle Border.* New York: Macmillan Co. 1921.

Gillin, John Lewis,

*Poverty and Dependency: Their Relief and Prevention.* New York: Century Co. 1921.

Gilman, J. C., (Joint author)

*Fungicidal Action of Formaldehyde.* Ames, Iowa: Iowa State College of Agriculture and Mechanic Arts. 1920.

Graves, Sarah Ellen,

*The Coming of the Railroad* (The Palimpsest, August, 1921).

Green, Thomas E.,

*The Dream of the Ages.* Cedar Rapids: The Masonic Library. 1921.

Hammer, Bernard Wernick, (Joint author)

*A Study of Brown Glass Milk Bottles With Reference to Their Use in Preventing Abnormal Flavors.* Ames, Iowa: Iowa State College of Agriculture and Mechanic Arts. 1920.

*The Type of Lactic Acid Produced by Starters and by Organisms Isolated from them.* Ames, Iowa: Iowa State College of Agriculture and Mechanic Arts. 1920.

Hackett, Alice,

*The Ocean* (poem) (The Midwest Bookman, August, 1921).

Hanson, Leslie,

*Changes in the Investment Market* (The Northwestern Banker, July, 1921).

*Farmers and Investment Bankers Ask for Abolishment of Tax Exemption* (The Northwestern Banker, September, 1921).

*The United States Is Today the "Receiver for the World"* (The Northwestern Banker, August, 1921).

Hinman, Jack J., Jr.,

*Maintaining the Quality of the Water of Small Water Installations* (Bulletin of State Institutions, January, 1921).

Hoover, Herbert Clark,

*The Problem of the Reorganization of the Federal Government* (Proceedings of the Academy of Political Science in the City of New York, July, 1921).

Hough, Emerson,

*Maw's Vacation.* St. Paul: J. E. Haynes. 1921.

Hueston, Ethel,

*Eve to the Rescue.* Indianapolis: Bobbs Merrill Co. 1921.

Hughes, Rupert,

*Beauty.* New York: Harper & Bros. 1921.

Hunt, C. W.,

*Farm Bureau of Iowa* (Bulletin of State Institutions, April, 1921).

Hurlburt, Rollo Franklin,

*Jehiel Burr Hurlburt* (Annals of Iowa, April, 1921).

Jones, H. H.,

*A Dominant Factor in Athletics* (The Transit, June, 1921).

Kaufman, Ed.,

*Why We Should Be Interested in a Large Foreign Trade for America* (The Northwestern Banker, August, 1921).

Kepford, A. E.,

*Some Experiences in Organizing a New State Institution* (Bulletin of State Institutions, April, 1921).

Kerby, William Joseph,

*The Social Mission of Charity*. New York: Macmillan Co. 1921.

Knight, Frank H.,

*Cost of Production and Price over Long and Short Periods* (Journal of Political Economy, April, 1921).

Kolp, J. R.,

*Protective Tariff for Agriculture* (The Northwestern Banker, August, 1921).

Ladd, Scott M.,

*Oral Argument* (Iowa Law Bulletin, May, 1921).

Laird, Donald A.,

*The Function and Functioning of the State Hospital Training School* (Bulletin of State Institutions, April, 1921).

LeCron, Helen Cowles, (Joint author)

*For the Young Mother*. Chicago: Reilly & Lee Co. 1921.

Lees, James H.,

*Field Studies in Geology* (Iowa Conservation, April-June, 1921).

Lowden, Frank Orren,

*Fundamental Principles* (University of California Chronicle, July, 1921).

Lowrey, Lawson G.,

*Plan of the Medical and Research Service of the Iowa State Psychopathic Hospital* (Bulletin of State Institutions, April, 1921).

- McAllaster, B. R.,  
*Hysterical Disorders Observed in American Soldiers in France*  
(Bulletin of State Institutions, April, 1921).
- McClaughry, C. C.,  
*Three Prisons in Connecticut* (Bulletin of State Institutions,  
October, 1920).
- McCord, J. H.,  
*How Can the Banker Build Up His Own Community and State*  
(The Northwestern Banker, July, 1921).
- McPherrin, Grant,  
*Wonderful Improvement in Iowa Business Conditions* (The  
Northwestern Banker, September, 1921).
- Mahan, Bruce E.,  
*Pike's Hill* (The Palimpsest, September, 1921).
- Melhus, Irving E., (Joint author)  
*Fungicidal Action of Formaldehyde*. Ames, Iowa: Iowa State  
College of Agriculture and Mechanic Arts. 1920.
- Merriam, John Campbell,  
*An Outline of Progress in Paleontological Research on the Pa-  
cific Coast*. Berkeley, California: University of California.  
1921.
- Nagler, F. A.,  
*The New Hydraulic Laboratory of the State University of  
Iowa and Its Proposed Schedule for Research* (The Transit,  
June, 1921).
- Nollen, John S.,  
*Do We Care For Education?* (The Grinnell Review, July-  
August, 1921).
- Pammel, L. H.,  
*Development of Landscape Architecture at Iowa State* (The  
Alumnus of Iowa State College, June, 1921).  
*Shrubs of the McGregor District* (Iowa Conservation, April-  
June, 1921).

*Vacation Glimpses of Iowa's State Parks and Other Beauty Spots* (The Northwestern Banker, September, 1921).

Parish, John Carl,

*Perils of a Pioneer Editor* (The Palimpsest, August, 1921).

Parker, Maude, (Mrs. Richard Washburn Child)

*The Last Act* (Young's Magazine, August, 1921).

Parkhurst, Henry Clinton,

*Songs of a Man Who Failed.* Lincoln: The Woodruff Press. 1921.

Patrick, G. T. W.,

*The Psychology of Recreation* (The Survey, September 24, 1921).

Patterson, Edwin W.,

*"Illusory" Promises and Promisors' Options* (Iowa Law Bulletin, May, 1921).

Phillips, Chester Arthur,

*Bank Credit: A Study of the Principles and Factors Underlying Advances Made by Banks to Borrowers.* New York: Macmillan Co. 1921.

Piper, Edwin Ford,

*Joe* (poem) (The Midland, May, 1921).

Quick, John Herbert,

*What Should Congress Do About Poison Gas Warfare?* (The Des Moines Register, July 31, 1921).

*Vandemark's Folly* (The Ladies' Home Journal, September and October, 1921).

Raymond, W. G.,

*A Few Public Utilities Questions* (The Transit, June, 1921).

Reilly, Joe,

*"When North Meets South" with the Help of the Mississippi River* (The Northwestern Banker, September, 1921).

- Remley, Howard M.,  
*The Sabbath a Physical Necessity* (Annals of Iowa, April, 1921).
- Roberts, George Evan,  
*Dollar Currency in International Trade and Credit* (Commercial and Financial Chronicle, July 9, 1921).  
*Europe's Industrial Advance* (The American Review of Reviews, September, 1921).  
*Our Obligations to Europe* (Journal of The National Institute of Social Sciences, Vol. VII, 1921).  
*The Value of Statistical Information* (Administration, June, 1921).
- Rosenbaum, Benjamin,  
*In a Public Library* (poem) (The Midland, July, 1921).
- Ross, Edward Alsworth,  
*Russian Bolshevik Revolution*. New York: Century Co. 1921.
- Ruggles, Clyde O.,  
*A Function of Journals* (The Journal of Commerce, June, 1921).  
*Railway Service and Regulation in Port Terminals* (The American Economic Review, September, 1921).
- Russell, Charles A.,  
*Mice and Apiarists* (The Prairie, January, 1921).
- Sabin, Edwin L.,  
*Desert Dust* (Munsey's Magazine, August, 1921).
- Schmidt, Louis Bernard,  
*The Internal Grain Trade of the United States 1860-1890* (II)  
(The Iowa Journal of History and Politics, July, 1921).
- Shambaugh, Bertha M. H.,  
*Amara* (The Palimpsest, July, 1921).
- Shaw, Albert,  
*California's Farm Colonics* (The American Review of Reviews, October, 1921).

*From New York to Idaho: A Farm Colony of City Folk, and Their Modern Caravan* (The American Review of Reviews, August, 1921).

*National Economy and New Expenditures* (Proceedings of the Academy of Political Science in the City of New York, July, 1921).

Sly, Blanche C.,

*Magnolia* (The Palimpsest, September, 1921).

Smertenko, Johan J.,

*Contemporary Political Theories* (The Grinnell Review, July-August, 1921).

Springer, Frank,

*The Crinoidea Flexibilia* (El Palacio, August 15, 1921).

Steindler, Arthur,

*Surgical Tuberculosis* (Bulletin of State Institutions, January, 1921).

Strief, J. H.,

*What the State of Iowa is Doing for Orphaned, Neglected, Dependent and Mentally Deficient Children* (Bulletin of State Institutions, October, 1920).

Treat, F. S.,

*Twenty Years as Secretary of the Board of Control* (Bulletin of State Institutions, October, 1920).

Weeks, Le Roy Titus,

*The Morning Watch* (Iowa Conservation, April-June, 1921).

Witte, Max E.,

*Psychiatry and the General Practitioner* (Bulletin of State Institutions, January, 1921).

Wylie, Robert B., (Joint author)

*The Record Sheet for Science Courses* (School Science and Mathematics, May, 1921).



## SOME RECENT HISTORICAL ITEMS IN IOWA NEWSPAPERS

- Fred Davis, U. S. Marshal, in the *Fort Dodge Messenger*, July 6, 1921.
- Early Days in Prairie City, by Mrs. B. F. Worden, in the *Prairie City News*, July 6, 1921.
- Sketch of the life of Thos. Weidman, in the *Red Oak Express*, July 7, 1921.
- Mary Safford, pioneer Iowa minister, by Ava L. Johnson, in the *Des Moines Register*, July 7, 1921.
- Julien Dubuque and the Indian girl, Peosta, in the *Des Moines Register*, July 7, 1921.
- Fifty years as a Sac City newspaper, in the *Sac City Sun*, July 7, 1921.
- Montgomery McCall, an Iowa pioneer, in the *Madrid News*, July 7, 1921.
- Humorous reminiscences of Bloomfield pioneer days, by Dillon H. Payne, in the *Bloomfield Republican*, July 7, August 11, 1921.
- Greenberry B. Luek, Waterloo pioneer and mail carrier, in the *Des Moines Register*, July 10, 1921.
- J. H. Wolf, pioneer editor, in the *Sioux City Tribune*, July 13, 1921.
- The life of a private in the Union army, by F. L. Vandegrift, in the *Keosauqua Republican*, July 14, 1921.
- Council Oak, famous Iowa tree near Sioux City, in the *Des Moines Plain Talk*, July 14, 1921.
- Sketch of the life of J. H. Peters, in the *Manchester Democrat* and the *Waterloo Courier*, July 20, 1921, and the *Des Moines Plain Talk*, August 11, 1921.
- Sketch of the life of Mrs. Jane E. Crawford, in the *Des Moines Capital*, July 21, 1921.

Asa Burrell, first white child born in Decatur County, in the *Leon Reporter* and the *Leon Journal*, July 21, 1921.

A reminiscence of Spillville, by Wm. P. Daniels, in the *Cedar Rapids Republican*, July 26, 1921.

The Indians of Iowa, in the *Keokuk Gate City*, August 1, 1921.

Pioneers of Monticello, in the *Monticello Express*, August 4, 1921.

“The Hairy Nation”—a story of the Missouri-Iowa boundary dispute, by Dillon H. Payne, in the *Bloomfield Republican*, August 4, 1921.

Sketch of the life of John J. Bousquet, in the *Pella Chronicle*, August 4, 1921, and the *Marshalltown Times-Republican*, August 5, 1921.

Sketch of the life of Lucien H. Post, founder of the *Cedar Rapids Gazette*, in the *Cedar Rapids Gazette*, August 5, 1921.

Career of Milo P. Smith, in the *Waterloo Times*, August 6, 1921.

Onawa honors memory of Lewis and Clark, in the *Onawa Weekly Democrat*, August 11, 1921.

Sketch of the life of Geo. P. Beck, in the *Waterloo Times*, August 11, 1921.

Marker for the Lewis and Clark camp at Blue Lake, in the *Onawa Sentinel*, August 11, 1921.

An early banquet in Bloomfield, in the *Bloomfield Republican*, August 11, 1921.

A pioneer house at Red Oak, in the *Des Moines Register*, August 14, 1921.

G. G. Rice, Iowa's oldest man, in the *Osceola Sentinel*, August 18, 1921.

Sketch of the life of Abner Bell, in the *St. Charles News*, August 18, 1921.

- Early days in Eldora, by Helen M. Gethman, in the *Eldora Herald*, August 18, 1921.
- An old stage route tavern near Lewis, in the *Des Moines Register*, August 21, 1921.
- Sketch of the life of Cave J. McFarland, in the *Madrid Register-News*, August 25, 1921.
- A pioneer Iowaville distillery, in the *Keosauqua Republican*, August 25, 1921.
- Indian mounds at Okoboji and Spirit Lake, in the *Milford Mail*, August 25, 1921, the *Des Moines Register*, August 28, 1921, and the *Davenport Times*, September 3, 1921.
- Operation of early railroads, in the *Waterloo Times-Tribune*, August 27, 1921.
- The site of Sheldon, in the *Des Moines Register*, August 28, 1921.
- Lincoln's cousin in Iowa — V. S. Beall, in the *Des Moines Tribune*, August 29, 1921.
- Sketch of the life of Daniel H. Bowen, in the *Fort Dodge Messenger*, August 29, 1921.
- Reminiscences of the fifties, in the *Green Recorder*, August 31, 1921.
- Early steamboats on the Mississippi, in the *Clinton Herald*, September 1, 1921.
- The lost amenities, in the *Hopkinton Leader*, September 1, 1921.
- Contests between fire companies, in the *Clinton Herald*, September 1, 1921.
- How William Waterfield crossed the prairie in 1856, in the *Waterloo Courier*, September 3, 1921.
- Old days at the State University, in the *Des Moines Register*, September 4, 1921.

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First train on the Burlington Railroad, in the *Burlington Gazette*, September 8, 1921.

Robert Lucas in Iowa, in the *Ottumwa Courier*, September 13, 1921.

Pioneer life in the fifties, by Jane Bragg, in the *Greene Recorder*, September 14, 1921.

Hard times after the Civil War, in the *Clarion Monitor*, September 14, 1921.

Early days in Sidney, by Mr. and Mrs. J. F. Stephens, in the *Sidney Herald*, September 15, 1921.

Revolutionary soldiers buried in Iowa, in the *Des Moines Plain Talk*, September 15, 1921.

When Abraham Lincoln was in Council Bluffs, in the *Keokuk Gate City*, September 17, 1921.

Boat race in the Keokuk canal, in the *Keokuk Gate City*, September 17, 1921.

William Graham, oldest lawyer in the United States, in the *Des Moines Register*, September 18, 1921.

Sketch of the life of William Burgess, pioneer stage driver, in the *Waterloo Courier*, September 19, 1921, and the *Cedar Rapids Republican*, September 21, 1921.

Iowan's wager on Douglas in 1860, in the *Keokuk Gate City*, September 20, 1921.

Historic points in Iowa, in the *Madrid News*, September 22, 1921.

An early steam wagon, in the *Indianola Herald*, September 22, 1921.

Sketch of the life of Mrs. M. B. Le Van, in the *Dubuque Herald*, September 28, 1921.

Cy Mentzer and the Indian, by H. W. Gittinger, in the *Knoxville Journal*, September 29, 1921.

Judge D. McCarn, oldest lawyer in the United States, in the *Anamosa Journal*, September 29, 1921.

The Mormons in Union County, in the *Osceola Sentinel*, September 29, 1921.

Iowa Wesleyan, Iowa's oldest college, in the *Newton News*, September 29, 1921.

Daniel M'Carthy, early settler in Story County, in the *Marshalltown Times-Republican*, September 30, 1921.

Cyrus B. Osborne, founder of Atlantic, in the *Atlantic News*, September 30, 1921.

## HISTORICAL SOCIETIES

### PUBLICATIONS

*The Increase and Diffusion of Historical Knowledge*, by Francis J. Betten, is one of the contributions in *The Catholic Historical Review* for July.

A biographical sketch of James Phinney Baxter, by Alfred Johnson, is published in the July issue of *The New England Historical and Genealogical Register*.

The *Expedition of Celoron to the Ohio Country in 1749*, edited by C. B. Galbreath, is reprinted, with additions, from the *Ohio Archaeological and Historical Quarterly* for October, 1920.

A *Directory of the American Historical Association* for 1918 has been reprinted from the *Annual Report of the American Historical Association* for that year.

*Blackwell's Island and Stamp Act Activities in New York, 1765*, are the two articles in the July issue of *The New-York Historical Society Quarterly Bulletin*.

The *Twenty-second Biennial Report of the Board of Directors of the Kansas State Historical Society* contains the proceedings of the forty-fourth and forty-fifth annual meetings of the Board in 1919 and 1920.

*Christoph Von Graffenried's Account of the Founding of New Bern*, edited by Vincent H. Todd and Julius Goebel, constitutes the latest volume in the *Publications of the North Carolina Historical Commission*. The publication contains both German and French accounts and the English translations.

*Mr. Wells and the New History*, by Carl Becker, and *The Agricultural Revolution in New England*, by Percy W. Bidwell, are two of the papers in *The American Historical Review* for July.

*Tuberculosis Among the Nebraska Winnebago*, a monograph by Margaret W. Koenig, is a recent publication of the Nebraska Historical Society.

*Roger Williams' Tablet in the Hall of Fame* and a continuation of the paper by Fred A. Arnold entitled *An Account of the English Homes of Three Early "Proprietors" of Providence* are contributions to the July issue of the *Rhode Island Historical Society Collections*.

*Some Genealogical Absurdities*, by Zera S. Fink, with an editorial comment by John R. Totten, is one of the papers in the October number of *The New York Genealogical and Biographical Record*.

Three of the papers in the July issue of the *Proceedings of the New Jersey Historical Society* are the following: *The Secession of New Jersey*, by Samuel Copp Worthen; *The End of Duelling in New Jersey*, by Frederick W. Gnichtel; and *Removal of Graves in New Brunswick*, by E. P. Darrow.

*Half a Century of the Allegheny County Bar Association*, an address by Josiah Cohen, *A Visit to Economy in the Spring of 1840*, by William A. Passavant, *The Operation of the Fugitive Slave Law in Western Pennsylvania, from 1850 to 1860*, by Irene E. Williams, *Reminiscences of Jane Grey Swisshelm*, by S. J. Fisher, and a continuation of *The Pittsburgh Blues*, by John H. Niebaum, are the articles and papers in the *Western Pennsylvania Historical Magazine* for July.

A continuation of *Salem Vessels and Their Voyages*, by George Granville Putnam, and *The Kearsarge-Alabama Battle*, by Francis Boardman Crowinshield Bradlee, are two articles of general interest in the *Historical Collections of the Essex Institute* for July.

The three articles included in *The Mississippi Valley Historical Review* for March are the following: *Cleung Peerson and Norwegian Immigration*, by Theodore C. Blegen; *The New Northwest*, by O. G. Libby; and *The Buffalo Range of the Northwest*, by H. A. Trexler. *The Journal of William Calk, Kentucky Pioneer*, edited by Lewis H. Kilpatrick, is also presented.

*Facts About George Washington*, by Junius Thomas Turner, *Boston Traders in Hawaiian Islands, 1789-1823*, by S. E. Morison, *Narrative of James Sweeney*, and a further installment of *Origin of Washington Geographic Names*, by Edmond S. Meany, are contributions to the July issue of *The Washington Historical Quarterly*. *The Nisqually Journal*, edited by Victor J. Farrar, is continued in this number.

Two of the articles in the *Illinois Catholic Historical Review* for July are: *The First Chicago Church Records*, by Joseph J. Thompson; and *The Ancient Order of Hibernians*, by Frank L. Reynolds.

A report of the eighty-second annual meeting of the Georgia Historical Society is to be found in *The Georgia Historical Quarterly* for June. Andrew J. Cobb writes of *The Constitution of the Confederate States; Its Influence on The Union It Sought to Dissolve*. The *Howell Cobb Papers*, edited by R. P. Brooks, are also included in this number.

The *Maryland Historical Magazine* for June contains an article by William B. Marye entitled *The Baltimore County "Garrison" and the Old Garrison Roads*. This is continued in the number for September. In addition the June issue contains a second installment of *The Calvert Family*, by John Bailey Calvert Nicklin, also continued in the September issue.

*The Records of the Middle Association of Congregational Churches of the State of New York, 1806-1810*, edited by John Quincy Adams, is concluded in the June number of the *Journal of The Presbyterian Historical Society*. *The Attitude of Presbyterians in Ohio, Indiana and Illinois, Toward Slavery, 1825-1861*, by John F. Lyons, and *Presbyterianism in Colonial New England*, by Frederick W. Loetscher, are the other articles in this number.

The April-June issue of the *Quarterly Publication of the Historical and Philosophical Society of Ohio* contains a third installment of *Selections from the Gano Papers*. These are military papers of John Stites Gano, Major General in the Ohio Militia dur-



ing the War of 1812. They are continued in the number for July-September.

*Letters from William and Mary College, 1798-1801, Documents Relating to a Proposed Swiss and German Colony in the Western Part of Virginia*, contributed by Charles E. Kemper, *Letters from Andrew Jackson to R. K. Call*, and *Source Material from Virginia Cities*, collected for the Virginia War Archives, are articles in *The Virginia Magazine of History and Biography* for April. The documents concerning the Swiss and German colony are concluded in the following number. In addition the July number contains the *Minutes of the Council and General Court, 1622-1629* and a *Calendar of Military Histories, Narratives and Reports*, compiled by the Virginia War History Commission.

*The Autobiography of Martin Van Buren*, by W. E. Beard, *The Extension of the Northern Boundary Line of Tennessee—The Matthews Line*, by Robert S. Henry, *Aboriginal Remains in Tennessee*, a document contributed by W. E. McElwee, and a reprint of *Andrew Jackson a Member of the Guilford, North Carolina, Bar* are among the articles and papers included in the *Tennessee Historical Magazine* for October, 1920.

The three contributions to the July issue of *The Southwestern Historical Quarterly* are the following: *The Annexation of Texas and the Mississippi Democrats*, by James E. Winston; *The Texas Convention of 1845*, by Annie Middleton; and the *Journal of Lewis Birdsall Harris, 1836-1842*.

The State Historical Society of Missouri has published the *Journal Missouri Constitutional Convention of 1875*, with an historical introduction by Isidor Loeb, and a biographical account of the personnel of the convention by Floyd E. Shoemaker. The publication fills two volumes and an index is supplied.

*How Wisconsin Women Won the Ballot*, by Theodora W. Youmans, *Jean Brunet, Chippewa Valley Pioneer*, by William W. Bartlett, *Wisconsin's First Literary Magazine*, by M. M. Quaiife, and *Historic Spots in Wisconsin—Ceresco, A Pioneer Communist*

*Settlement*, by W. A. Titus, are the four articles in *The Wisconsin Magazine of History* for September. There is also a concluding installment of *Letters of a Badger Boy in Blue: The Atlanta Campaign*, by Chauncey H. Cooke.

The three articles included in the *Indiana Magazine of History* for June are the following: a final installment of *Methodism in Southwestern Indiana*, by John E. Iglehart; *The Approach to History*, by Logan Esarey; and *The Fugitive Slave Law in Indiana*, by Charles H. Money.

*Abraham Lincoln*, an address by Lord Charnwood, *A Memoir of James Knowles Kellogg*, by F. A. McCarty, *In Meade's Camp: A Diary of the Civil War*, by Robert Miller Hatfield, *Story of the Baptist Church of Waterman, Illinois*, by George E. Congdon, *Lake Michigan's Illinois Coast*, by J. Seymour Currey, *Berry Cemetery Near Oakland, Illinois*, *The Oldest Burial Place in Eastern Illinois*, by Lyman T. Yeargin, and *The Spirit of '76 from the Green Mountains*, by Gaius Paddock, are papers and articles in the *Journal of the Illinois State Historical Society* for January, 1920.

A concluding installment of the article on *Woodford County*, by Wm. E. Railey, *Fayette County Tax List for Year of 1788, Col. M. C. Taylor's Diary in Lopez Cardenas Expedition, 1850*, contributed by A. C. Quisenberry, and *A History of the Kentucky Geological Survey (1838-1921)*, by Willard Rouse Jillson, are four of the articles in the September number of *The Register of the Kentucky State Historical Society*. A brief description of a frontier fort is given by Alfred Pirtle under the title *Frontier Defence*.

Among the papers and articles in volume seventeen of *Proceedings of the New York State Historical Association* are the following: *Certain Factors in History Making*, by William O. Stillman; *The Preservation of Historic Landmarks*, by Edward Hagaman Hall; *The First New York State Constitution*, by Edgar Dawson; and *Federating and Affiliating Local Historical Societies*, by James Sullivan.

*Liberty Monument*, by James A. Renshaw, a continuation of

*Cabildo Archives*, by Henry P. Dart, *The Latin City*, by Edward Alexander Parsons, *The New Orleans French Opera House*, by André Lafargue, and the *Report of the Proceedings of the Louisiana Historical Society from January, 1919, to May, 1920, Inclusive*, are contributions to *The Louisiana Historical Quarterly*, for July, 1920.

A posthumous article by Champ Clark entitled *Missourians and the Nation During the Last Century* is one of the articles in *The Missouri Historical Review* for April. Other contributions to this number are the following: *Missouri Centennial Exposition*, by Donald D. Davis; *A Guide to the Study of Local History and the Collection of Historical Material*, by Jonas Viles and Jesse E. Wrench; *Missourians in Japan*, by S. H. Wainwright; *The Missouri and Mississippi Railroad Debt*, by E. M. Violette; and continuations of *The Followers of Duden*, by William G. Bek, and *Shelby's Expedition to Mexico*, by John N. Edwards. The issue for July contains the following articles: *A Century of Missouri Legal Literature*, by John D. Lawson; *Missourians in China*, by J. B. Powell; *The Missouri and Mississippi Railroad Debt*, by E. M. Violette; *Atchison County's Memorial at Rock Port, Mo.*, by John C. Stapel; *Influence of the Mississippi Valley on the Development of Modern France*, by Maurice Casenave; a fifth article of *The Followers of Duden*, by William G. Bek; *Popularizing State History*, by Floyd C. Shoemaker; and a fifth installment of *Shelby's Expedition to Mexico*, by John N. Edwards.

*Proceedings of Second Annual State History Conference* has been published as Bulletin No. 13, by the Indiana Historical Commission. The Conference was held at Indianapolis, Indiana, on December 10 and 11, 1920. Among the papers and addresses included are the following: *Jefferson Davis a Prisoner in Macon, Georgia, After his Capture*, by Joseph A. Goddard; *Our History*, by Benjamin F. Shambaugh; *The Renaissance of Indiana History Since 1912*, by Logan Esarey; *The Relation of Community History to State History*, by Nora C. Fretageot; *The Southwestern Indiana Historical Society: Its Organization and Aims*, by Susan M. Garvin;

*Abraham Lincoln*, by Robert W. McBride; *What the D. A. R. and Similar Organizations Can Do to Promote the State's History*, by Mrs. Mindwell Crampton Wilson; *The Mayflower Society in Its Relation to Indiana*, by Mrs. Edward F. Hodges; *Indiana War History Records*, by John W. Oliver; *Indiana's Centennial*, by Walter C. Woodward; and *Indiana University's Centennial*, by James A. Woodburn

*A Sketch of Rogue River Valley History*, by Alice Applegate Sargent, *The South Road Expedition*, by Lindsay Applegate, and *Federal Indian Relations in the Pacific Northwest, 1849-1852*, by C. F. Coan, are the three articles in *The Quarterly of the Oregon Historical Society* for March. *The Origin of the Name Oregon*, by T. C. Elliott, and *Documentary Letters of S. H. Taylor to the Wauertown Chronicle*, published under the caption *Oregon Bound, 1853*, are the two papers in the June number. These letters were written to a Wisconsin local newspaper for publication and cover the trip overland from Wisconsin to Oregon.

Three of the articles in the January number of the *Ohio Archaeological and Historical Quarterly* are the following: *Assassination of Abraham Lincoln*, by James R. Morris; *Early Journeys to Ohio*, by B. F. Prince; and *The Indian's Head*, by Henry Bannon. In addition there is a description entitled *The Battle of Picardy* and a sketch under the caption, *Legislature of the Northwestern Territory, 1795*. The number for April has a new cover design. *The Naga and the Lingam of India and the Serpent Mounds of Ohio*, by Alexander S. Wilson, *Flint Ridge*, by William C. Mills, and a biographical sketch of George Frederick Wright are the three contributions to this number.

The *Eighth Annual Report of the Michigan Historical Commission, 1920*, *Romance and Adventure on the Ontonagon*, by H. M. Powers, *New England Men in Michigan History*, by Wm. Stocking, *Recollections of Zachariah Chandler*, by O. E. McCutcheon, *A Brief History of the Cleveland-Cliffs Iron Company*, by J. E. Jopling, *Michigan's Memorial and Historical Building*, by Murray MacKay, *A Sketch of Some Institutional Beginnings in Michigan*, by W. O.

Hedrick, *Early Days in Petoskey*, by Henry McConnell, *Public Schools of Battle Creek*, by W. G. Coburn, and *Michigan War Legislation, 1919*, by Charles Landrum, are articles and papers published in the *Michigan History Magazine* for January-April.

## ACTIVITIES

One hundred and sixty-five members have been added to the Indiana Historical Society since January, 1921.

The journal of Jacob Baumgartner, in thirteen volumes, has recently been received by the Wisconsin Historical Society. These volumes cover the period from 1846 to 1916, and describe the travels of the writer from Bavaria to Wisconsin where he became a farmer in 1853.

The Ohio State Archaeological and Historical Society has recently received a collection of the relics and papers belonging to John Brown and his sons. This material was received from a daughter of John Brown, Jr., and will be preserved in the museum at Columbus.

## THE STATE HISTORICAL SOCIETY OF IOWA

The following persons have recently been elected to membership in the Society: Mrs. Walter S. Brown, Des Moines, Iowa; Mr. T. C. Green, Iowa City, Iowa; Miss Shirley E. Holcomb, Coggon, Iowa; Mr. John E. Rees, Salmon, Idaho; Mr. George B. Willhoite, Sac City, Iowa; Mr. Ross H. Beall, Miles, Iowa; Mr. Frank H. Clements, Newton, Iowa; Miss Florence M. Espy, Fort Madison, Iowa; Mr. Fred J. Kluss, Waterloo, Iowa; Mr. Clarence Dunn, Van Meter, Iowa; Mr. Leo J. Friis, Cedar Falls, Iowa; and Dr. M. B. Reed, Cromwell, Iowa. Mr. Emory H. English of Des Moines, Iowa, has been enrolled as a life member.

## NOTES AND COMMENT

The old settlers of Linn County held a meeting at Marion on September 1, 1921.

An old settlers' reunion and picnic was held at Lynnville on August 18 and 19, 1921.

A meeting of the American School of Wild Life Protection and Propagation was held at McGregor, Iowa, from August 7 to August 19, 1921.

Clinton County pioneers held their annual picnic at Clinton on August 25, 1921. The address was delivered by J. A. Murray. The officers were reelected and a number of new members were added.

The Historical Department of Iowa is planning a marker in honor of the original Delicious apple tree developed on the Hyiatt farm near Peru.

On August 30, 1921, an old settlers' picnic was held at Toledo. The principal address was given by D. McMasters. J. L. Bracken was elected president; Mrs. G. H. Austin, vice president; J. G. Ennis, secretary; and A. E. Jackson, historian.

The annual reunion of the Black Hawk County Civil War veterans was held at Waterloo on September 20, 1921. Burton E. Sweet gave one of the addresses.

A memorial tablet in honor of Mrs. Lois Edgington who gave Eldora its name is to be erected by the Daughters of the American Revolution in the courthouse park at Eldora.

A report of the Conservation Conference for the Resources of Interior Waters, held at the Fisheries Biological Station, Fairport, Iowa, on June 8-10, 1921, is published in the *Iowa Conservation* for April-June.

The annual summer convention of the Iowa Conservation Association was held at Cedar Rapids, on July 15-17, 1921. A brief

account of the meeting is given in *Iowa Conservation* for April-June.

On June 24, 1921, an old settlers' picnic was held at Britt, Hancock County. An address was given by Glenn C. Haynes, State Auditor.

The Hawkeye Natives of Burlington held their regular meeting on September 12, 1921. The following officers were elected: president, John Braunberger; vice president, Fred S. Schreiber; secretary, F. N. Field; treasurer, L. C. Wallbridge; corresponding secretary, W. B. Bloomer. Sixteen new members were received.

The forty-fifth annual meeting of the Old Settlers' Association of Boone, Greene, and Dallas counties was held at Dawson on August 17 and 18, 1921. A program of music, readings, and addresses was presented, including a paper, "History of Angus", by W. A. Morris.

R. W. G. Vail, Assistant Director of the Roosevelt Memorial Association, has issued an appeal for material concerning the life of Theodore Roosevelt. Reminiscences of meetings, stories, clippings, photographs, magazine articles, and similar biographical materials are wanted and may be sent to the Roosevelt Memorial Association, Inc., One Madison Ave., New York City.

An historical and patriotic pageant was given at Onawa on August 9, 1921, the occasion being the unveiling of the granite tablet provided by the Daughters of the American Revolution to mark the site near Blue Lake where Lewis and Clark camped one hundred and seventeen years ago. The land between the two arms of Blue Lake has been dedicated as a State park and will be known as "Lewis and Clark Park".

#### JOHN H. PETERS

John H. Peters, last surviving member of the constitutional convention which drafted the Iowa State Constitution in 1857, died at Manchester, Iowa, on July 19, 1921. He was born in Kent, Litch-

field County, Connecticut, on February 2, 1829, coming to Delhi, Iowa, in 1833, where he began the practice of law.

During the Civil War, Mr. Peters served in the Union army as captain of Company B, Fourth Iowa Cavalry, and later as major and colonel. In July, 1865, while participating in Sherman's march to the sea, he was injured by a fall from his horse and from this injury he suffered for a number of years. After his return from the army Colonel Peters resumed the practice of law at Delhi, later removing to Manchester where he remained until he retired in 1900.

#### WILSON SEELEY LEWIS

Wilson Seeley Lewis was born in Russell, St. Lawrence County, New York, on July 17, 1857, and died in Sioux City, Iowa, on August 21, 1921. He came to Iowa in 1878 and served as superintendent of the public schools at Center Point and Belle Plaine. In 1884 he entered the Methodist ministry in the Upper Iowa Conference and served as pastor at Blairstown and Traer.

In 1892 he became principal of Epworth Seminary at Epworth, Iowa, and during his five years of service, he built the main hall and a students' dormitory, put the institution upon an improved financial basis, and gave it scholastic standing.

Five years later Mr. Lewis was elected president of Morningside College. He met with the trustees, canvassed the situation, decided there was a great opportunity to build up a strong college in Sioux City, and accepted the presidency.

When President Lewis went to Morningside College he found only a small campus and a small building, now occupied by the Conservatory of Music. The foundation had been laid for the present main building, but the institution was heavily in debt, the enrollment was small, and there was no endowment.

During the administration of President Lewis, the campus was enlarged, the main hall was erected, and money raised to pay off the old indebtedness and also for the main hall. Two endowment campaigns for \$200,000 each were staged successfully during his presidency. The student body was increased from 187 to 500 and



the College came to be recognized as one of the established educational institutions of the State.

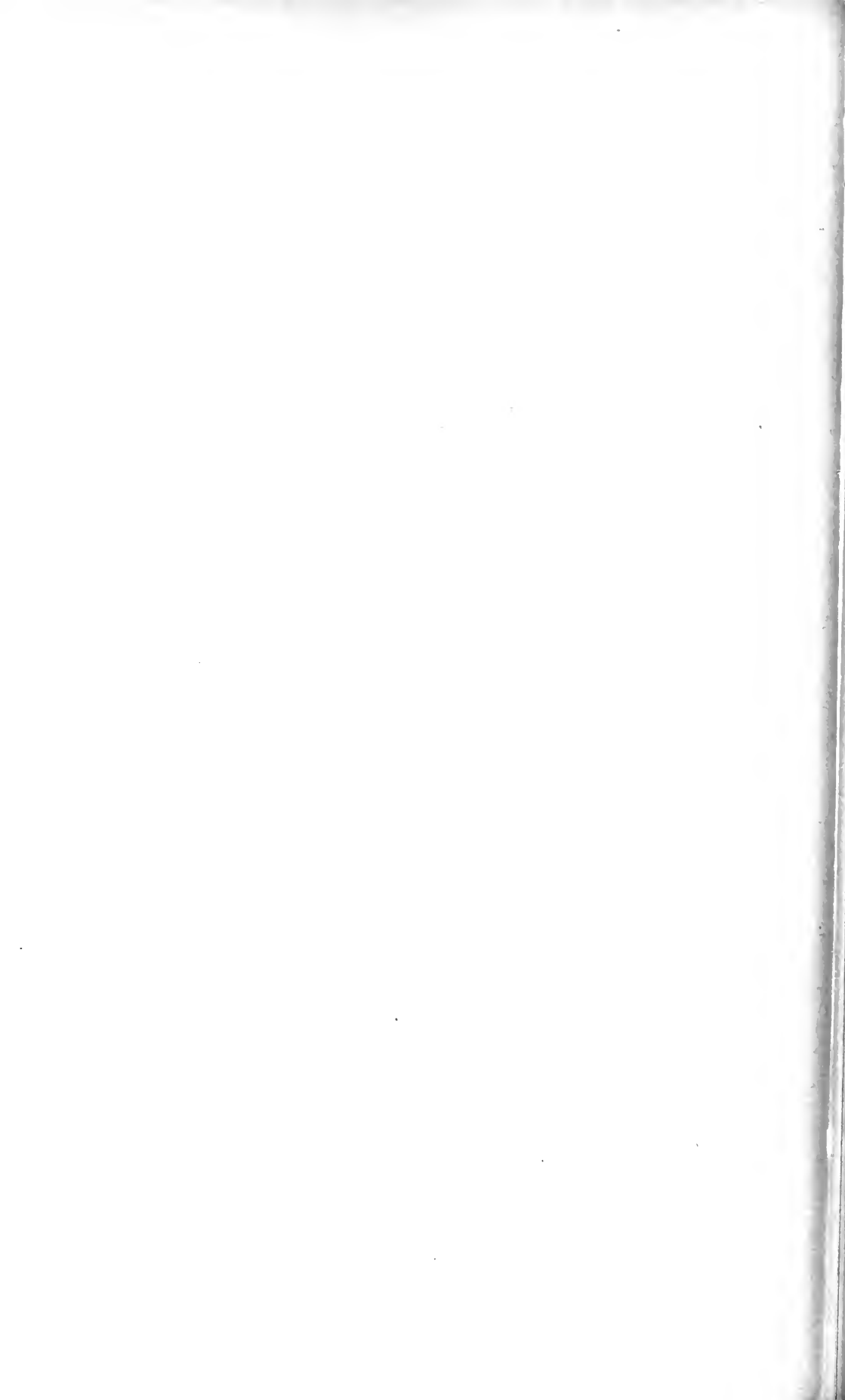
After eleven years of untiring service, President Lewis was elected bishop at the General Conference held at Baltimore in 1908. He was assigned to supervision of the work of the Methodist Episcopal Church in China, where he served thirteen years. Since the death of Bishop J. W. Bashford, he had been the senior bishop in China with headquarters at Peking.

For more than forty years, Bishop Lewis was engaged in religious and educational work. His greatest achievements, however, were educational. Epworth Seminary, Morningside College, and Chinese education comprise his most important undertakings. His greatest work in Iowa was the building of Morningside College. He was an educational statesman and his ceaseless energy, devotion to the tasks he set himself, sympathy for and understanding of human needs, a benevolent attitude that marked the devout and sincere Christian were the characteristics of the man which he used in the accomplishment of his work.

## CONTRIBUTORS

JOHN ELY BRIGGS, Assistant Professor of Political Science  
in the State University of Iowa. (See THE IOWA JOURNAL OF  
HISTORY AND POLITICS for July, 1915, p. 471, and July, 1921,  
p. 486.)

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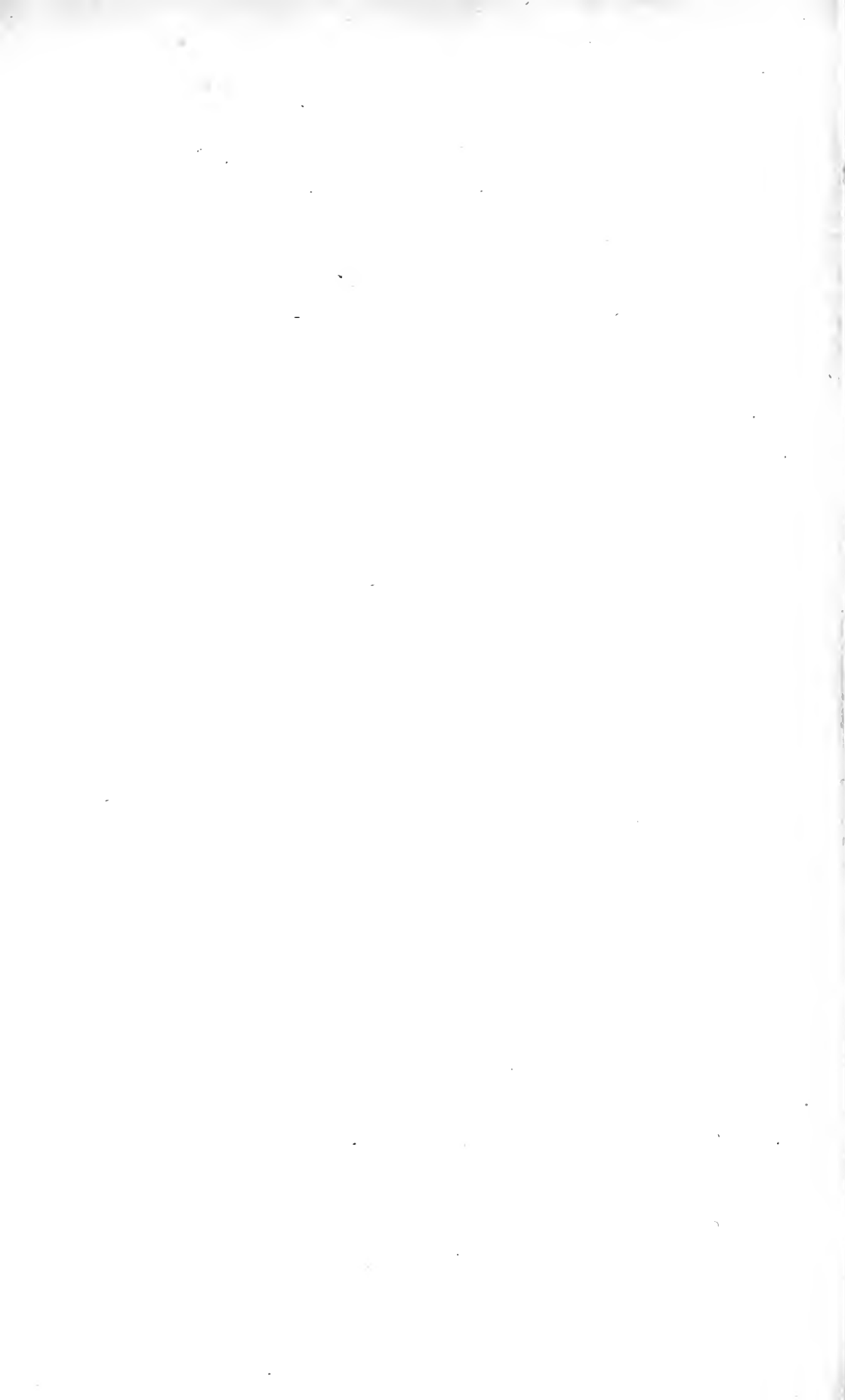
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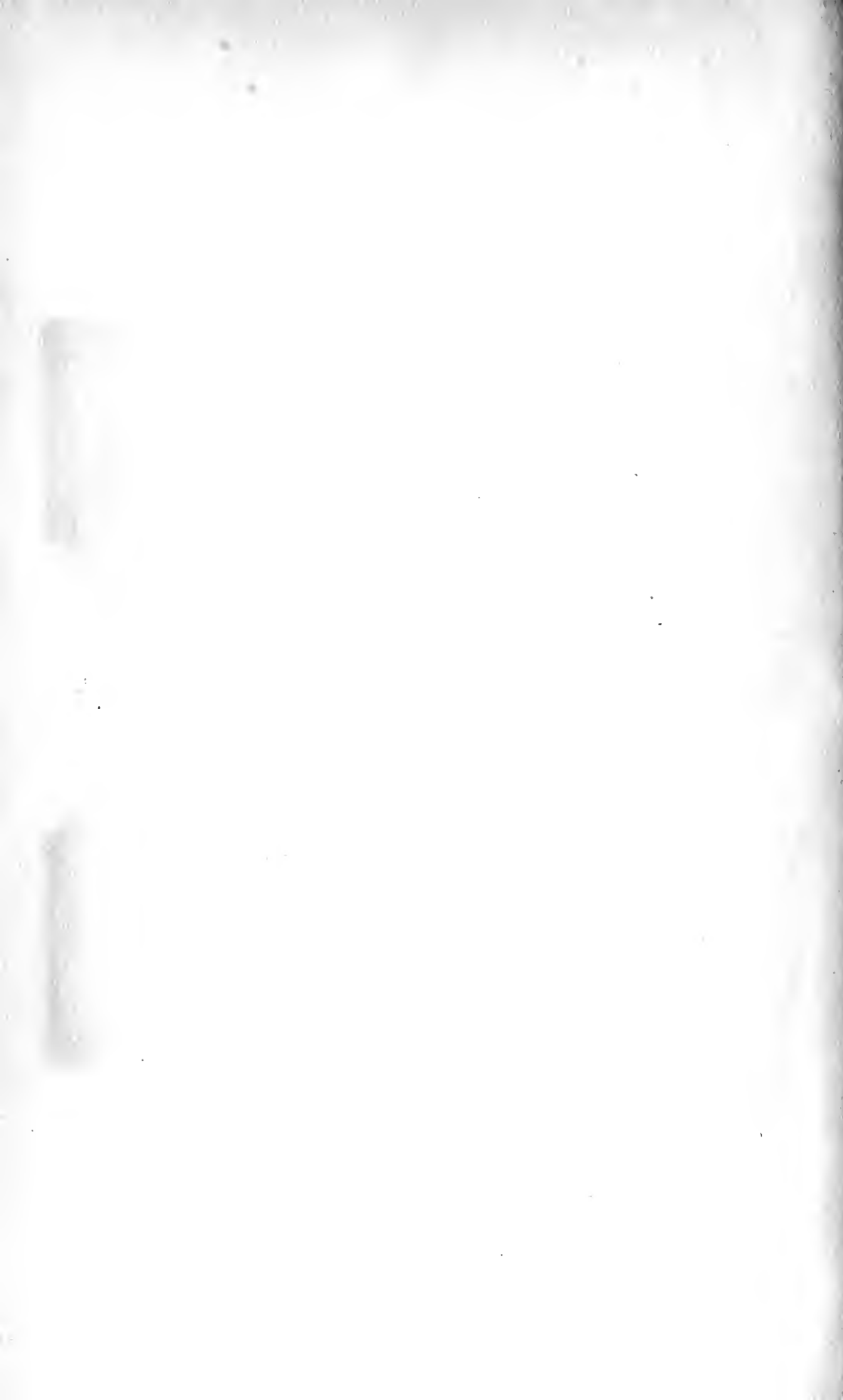












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