

BILLS SIGNED BY THE SPEAKER

The Speaker of the House announced that, as Speaker of the House, he had signed in the presence of the House, the following bills:

House Files Nos. 207 and 263.

Senate File No. 56.

BILLS SENT TO THE GOVERNOR

Hesse of O'Brien, from the committee on enrolled bills, submitted the following report:

MR. SPEAKER: Your committee on enrolled bills respectfully reports that it has, on this 26th day of February, 1931, sent to the governor for his approval:

House Files Nos. 207 and 263.

G. H. HESSE, *Acting Chairman.*

Report adopted.

BILLS APPROVED BY THE GOVERNOR

A communication was received from the Governor announcing that he has approved the following bills:

February 20th, House File No. 154.

February 23rd, House File No. 16.

February 25th, House Files Nos. 164 and 35.

The following speeches were delivered at the meeting of the Iowa Pioneer Lawmakers' Association held in the House Chamber February 18th:

The following address of welcome was given by Representative George M. Hopkins of Guthrie county:

Mr. President, members of the Pioneer Lawmakers' Association:

We are mighty glad to have you with us this afternoon. Your work and your lives have been an inspiration to those who followed you.

We almost envy you the thrilling experiences that you have had. You were real trail blazers leading the way to better legislation. You wrote some mighty fine laws. The one relating to township rural schools has stood the test of more than eighty years, and is a challenge to present lawmakers to make a better one. You made a very lasting property tax law. It is liked so very well that it will take the united efforts of the suffering taxpayer to improve it. It has been your privilege to work with many of Iowa's great lawmakers, John A. Kasson, James F. Wilson, J. B. Grinnell, S. J. Kirkwood, James Wilson, John Y. Stone, Samuel Merrill, George D. Perkins, John H. Gear, William Larrabee and many others.

I wish to briefly speak of the life of my boyhood hero, Hon. John A. Kasson. Born in Massachusetts, he acquired a well rounded out education; gave the address of welcome to Louis Kossuth at St. Louis; was one of the founders of the Republican party; located in Des Moines, Iowa, in 1857; was a delegate to the Republican National Convention in Chicago, 1860, and wrote the platform on which Abraham Lincoln was elected president; served as first assistant postmaster general, 1861-62, and served three terms in Congress; was appointed delegate to the international postal parley at Paris, 1863, and was one of the most influential delegates there. This was the first international postal agreement. As minister to Germany, he became one of Bismarck's most respected friends. After returning from Berlin he served three more terms in Congress. His remaining life was devoted to the Department of State as special negotiator of reciprocity treaties, being a worthy successor in that respect of James G. Blaine. During his period of activity he was Iowa's greatest scholar, statesman and orator.

Des Moines wanted a new capitol building. Polk county elected Mr. Kasson to the legislature. He introduced the resolution for a new capitol building and after a terrific parliamentary struggle secured the necessary appropriation. Later the capitol extension program was put over and resulted in giving Iowa's capitol a most beautiful setting.

After the capitol had been completed an appropriation was made by the legislature to get Iowa's most noted men's pictures painted to adorn the walls of the governor's rooms. Word was sent to Kasson, then in Russia, that his picture was wanted. Accordingly he employed an artist to paint it. It was shipped to the state house, C. O. D. The charges amounted to several thousand dollars and further, the painting was so very large that it occupied altogether too much space. This created a great amount of controversy. In order to relieve the situation, Mr. Kasson's picture was taken to the attic of the capitol. When the historical building was completed Mr. Kasson's picture was taken out of the attic and placed in the art gallery to the delight of his admiring friends.

We are glad to have you here and talk over events of the pioneer lawmaking days, of which we have profitably learned by your good laws and good work. I want you to feel, as your shadows are falling far towards the east, that the lawmakers of the Forty-fourth General Assembly, love, honor and respect you.

Senator L. H. Doran also expressed welcome in the following address:

Mr. President, gentlemen of the Forty-fourth General Assembly and Members of the Pioneer Lawmakers' Association:

It is indeed an honor this afternoon, on behalf of the Senate of the Forty-fourth General Assembly, to extend to you Pioneer Lawmakers of Iowa a hearty welcome home. As I stand before you this afternoon I see many familiar faces of men whom I observed here when I came as a boy to visit the session while my father had the privilege of serving with you. You have labored long and served well. The records of your achievements still live and are apparent here and throughout the state.

When I think of the pioneers of Iowa, I am reminded of that beautiful poem:

“There are loyal hearts; there are spirits brave;
There are souls that are pure and true.
Then give to the world the best you have,
And the best will come back to you.

“For life is the mirror of king and slave.
It is what you are and do.
Then give to the world the best you have,
And the best will come back to you.”

As pioneers, you have given the best you have to the great state of Iowa, and the best has come back to you, because you see evidences on every hand of the results of your labors in this great state of Iowa, which is in the greatest nation of the world.

Since your labors here, the economic structure of the world has been thrown out of balance as a result of the World War. History tells us in that war that over ten million men and women were killed; and a committee recently appointed by the League of Nations, in its report to the league, tells us that as a result of that war there has been lost to the world thirty-seven million unborn. With all the financial depression that we have had, this government is now paying the price of victory in that war. Then, it would seem, great as the problems are that are facing us today as members of this Forty-fourth General Assembly, and other legislative assemblies throughout the United States, the greatest problem confronting all of us is not the problem of taxation or tax revision. Is it not well at this time that each one of us should ask ourselves, “What are we doing in order to prevent another such a catastrophe as the World War?” As a result of that war, the problems confronting this Assembly have been made more complex and difficult of solution. In your day and in your grandfathers' day, it was the desire on the part of everyone at some time to own a home that they could call their own, while today the greatest desire seems to be to own a better and more high-powered car than that of our neighbors. When Henry Ford put the world on wheels and provided a method by

which people could pay for their automobile as they ride, it was the means of the springing up of finance companies of various kinds, until today a large per cent of our problems can be traced to the abuse of credit.

However complex and difficult of solution as are the problems confronting this assembly, they are no more difficult than the problems that confronted you gentlemen in these halls when you labored here. We of the Forty-fourth General Assembly realize the value of experience. We not only welcome you as Pioneer Lawmakers this afternoon; we welcome you here at any time. We need and will appreciate your counsel. We of the Forty-fourth have a rich heritage as a result of your labors. May we prove faithful to the trust thus imposed upon us. As for you, Pioneer Lawmakers of Iowa, may the wreaths you have won never wither, nor the star of your glory grow dim.

Hon. George M. Titus of Muscatine gave the following address on behalf of the association:

Mr. President, members of the Pioneer Lawmakers' Association and the Forty-fourth General Assembly:

On behalf of the pioneer lawmakers I wish to thank the Senator and member of the House who have so ably expressed your cordial welcome to us. We are pleased to be here. We appreciate your stopping the mills of legislation long enough to greet us. For the last two years I have served as the "Kingfish" of this organization. That, you know, is the new name for the presiding officer. While serving in this capacity, I have been asked a great many questions about the association. I find that it is not generally understood. Before introducing the first speaker in our part of this afternoon's program, I will take a few moments to explain the objects and purposes of the association. It was organized in 1886. We are not "incorporated". We are simply an association and have no dues. We are held together by brotherly love and mutual admiration. Requisites for membership are as follows: Twenty years after you first serve in a state office or in the General Assembly, you automatically become a member of this association. Just why that period was established I am unable to say, but I think it probably means that, figuratively speaking, during that period you are to enter into the Chamber of Reflection, where your conscience will be cleared and you will, in twenty years, ripen into the wisest period of your life. By reason of our superior legislative and public office experience, we are sometimes called the third house, or House of Lords. That is the reason you are asked to rise while we enter the House chamber, and remain standing until we are seated. This is a delicate compliment to our superior wisdom. We meet biennially during the session of the General Assembly in order that we may be convenient to give you free counsel and advice. At this point I might say that if the Forty-fourth General Assembly has some very serious legislative problems, we will be most willing to assist you. We think it is quite generally conceded

that the pioneer lawmakers are beyond doubt the wisest body of men in the whole state. This being true, it is not surprising that practically all the governors of Iowa are chosen from our association. The present governor, Dan W. Turner, John Hammill, Nate Kendall; I cannot remember, when a governor served as such without being a member of our association. This may be a little disappointing to some of our younger men that have ambitions on that line. I am simply mentioning the condition that may be necessary if your ambitions are to be gratified.

I think it will be entirely proper for me to say in this presence that most of the pioneer lawmakers were chosen under the old convention system, when the women did not vote and it was not necessary to consider personal appearance. That probably resulted to our advantage.

At a similar meeting with the Forty-second General Assembly, I stated I thought it was rather the best looking assembly I ever saw in the Capitol. I am forced to admit that the Forty-fourth compares very favorably with them. If it were not for fear of criticism from my Republican brethren, I might say if you had a few more Democrats you might be 100 per cent. I am not in favor of overwhelming majorities. The state of Iowa has suffered politically from its reputation of being rock-rooted Republican. Under other conditions some of the prominent men mentioned by the senator in his address of welcome might have served as President of the United States if they had not lived in Iowa.

As I look over this assembly today, I recall my experience in the other chamber over thirty years ago. That does not mean that I am so very old at this time. I was very young when I came. Some people are embarrassed after middle life when asked their age. I am not. I am past fifty-two and I do not care who knows it. In the days when I served, as well as now, most all the members had young lady secretaries. These young ladies, in their idle moments, constituted themselves a committee to classify the members as to personal appearance, legislative ability, etc. I learned through my secretary that Senator Funk and I were by them placed in Class A on this line. I served on the appropriations committee at both sessions. The responsibility placed upon members of that committee and assisting in spending other people's money served to seriously affect my physical condition. As a result, under the head of personal appearance I think the young ladies reduced me to Class C, and I question whether I ever returned to "normalcy" since.

We have cycles in politics as well as in business. Some forty-two years ago a Democratic cycle swept over Iowa. Governor Boies, a Democrat, was nominated at Sioux City in 1889 and was duly elected. The campaign was on the wet and dry issue, prohibition and anti-prohibition.

We have with us today a gentleman from Muscatine, who served as chairman of the Democratic convention in Sioux City when Governor Boies was nominated. This gentleman was elected to the Twenty-third General Assembly from Muscatine county and was chairman of the Democratic caucus in that General Assembly that was deadlocked for six weeks, being evenly divided. He was also elected to the Twenty-fourth General Assembly. He served as United States consul-general

to Switzerland under President Cleveland. Recovering somewhat from all these handicaps, he drifted into the literary field and has written several books that have secured national reputation. Among them is the history of the state of California, the history of Rhode Island, and in a few weeks the history of the State of Iowa, written by him, will appear.

I take great pleasure in introducing to you the Honorable Irving B. Richman, of Muscatine.

Hon. Irving B. Richman of Muscatine was then introduced and addressed the Joint Convention as follows:

President of the Iowa Pioneer Lawmakers' Association and Gentlemen of the Forty-fourth General Assembly:

As preliminary to the few words which I am to address to you today, let me quote from a Muscatine County newspaper of the long ago.

"Thursday, October 31, 1889.

"So you are going to vote for I. B. Richman, are you? Can you tell why? Is it because he is a representative Democrat? It can't be that, for you will remember that he's a newcomer in that camp, who didn't climb the fence until he thought the 'cherries were ripe.'

"Because he is a Republican? No, for he tore up his certificate of membership in that organization when he went over after the cherries.

"Because he is a representative man? Please run over the 'elements' which go to make up our citizenship and find, if you can, the one of which he is representative.

"Is it because he is the farmer's friend? the merchant's friend? the friend of the people? or the disinterested friend of his party? You know he is none of these, then why, in the name of common sense, will you cast your ballot to send this specimen of unripe egotism—this fledgling lawyer—this inexperienced boy to Des Moines as the chosen representative of the progressive, pushing, sensible, industrious voters of this grand county of Muscatine? Gentlemen, you won't do it."

But they *did*; wherefor the "boy's" appearance before you this afternoon before you, "boys" along with himself.

"We're twenty! We're twenty! Who says we are more?
 Gray temples at twenty?—Yes! white if we please;
 Where the snow flakes fall thickest there's nothing can freeze!
 Yes, we're boys,—always playing with tongue or with pen,—
 And I sometimes have asked,—Shall we ever be men?
 Shall we always be youthful, and laughing and gay,
 Till the last dear companion drops smiling away?"

Then here's to our boyhood, its gold and its gray!
 The stars of its winter, the dews of its May!
 And when we have done with our lifelasting toys,
 Dear Father, take care of thy children,

THE BOYS!"

My topic, gentlemen, is:

“Pioneer Iowa Lawmakers Who Were Democrats.”

I

“Fifty Equals Fifty”

Only once in the political history of Iowa since 1855, when Augustus Caesar Dodge as United States senator was superseded in office by James Larlan, and since 1859, when George Wallace Jones as senator was superseded by James W. Grimes, has it been true that the Democratic party in the state has stood on anything like a legislative equality with the Republicans. The time referred to was 1890 when the lower house of the Iowa General Assembly was equally divided between the two parties, the democratic membership (helped out by an Independent or two) being fifty which was likewise the membership of the Republicans.

At this time not only was the lower house of the Iowa Assembly half Democratic but the Democrats had the (for them) unique experience of possessing the Iowa governorship.

For four years prior to 1888 the national democracy had held the presidency of the United States in the person of Grover Cleveland of the state of New York. In 1888, however, Cleveland had been displaced by Benjamin Harrison of Indiana, and the success in Iowa of the Democrats in 1889 marked the interim reaction against the party in power.

In Iowa this reaction was reinforced by a reaction against the prohibitory liquor law of the state effective in 1889. It was as a strong exponent of this particular reaction that in 1889 Horace Boies was made Iowa's governor. Boies, it is unnecessary to remind this gathering, was a distinguished lawyer of Waterloo, a man of the highest character, ability and dignity.

In 1889 it befell your speaker of this afternoon to preside at the preliminary session of the Democratic State Convention, held in Sioux City, which placed Horace Boies in nomination. How far back this event now seems may be realized from the circumstance that the period was that of Gilbert and Sullivan in light opera. When therefore the preliminary chairman of the Sioux City convention (your speaker) made reference in his convention address, to the rapidity with which James S. Clarkson of Iowa (first assistant postmaster general under Harrison) was severing the political necks of holdover Democratic postmasters, and when, in particular, the chairman improvised the Gilbertian stanza—

And you, my dear postmasters all,
 (Who yet your places keep),
 He's got you on the list,
 You'll shortly be dismissed,
 You'll shortly be dismissed—

the response in the form of cheers and laughter was all that could be desired.

But to recur to the Iowa House of Representatives in the (for Iowa Democrats) *annus mirabilis* of 1890. The first important business was the electon of a Clerk and a Speaker. The Democratic candidate for Clerk was none other than the broad minded and scholarly Frederick W.

Lehman of Des Moines, later Solicitor General of the United States.

At this period, too, Albert B. Cummins of Des Moines had political aspirations, and it was common remark that, if the Republicans of Iowa did not soon awaken to this interesting fact, Cummins, infected as he already was, by anti-Republican virus, might have to be reckoned with as a Democrat. The Republican awakening, he it said, took place and what followed for Mr. Cummins, in the way of brilliant political service, is too well known to require mention.

The membership of the Iowa House in 1890 being, then, an even thing as between political parties, the choice of Clerk and Speaker, especially of Speaker, became a protracted struggle. Fifty votes for John T. Hamilton of Linn County, the Democratic candidate; fifty votes for Silas Wilson of Cass County, the Republican candidate; such (without deduction for pairs) was the unvarying outcome of each call of the roll.

One thing only (except fiery declamation) wrought for diversion and that was influenza which in the winter of 1889-90 (a winter of noxious weather) raged mercilessly in Des Moines, reducing the hall of Representatives to something not unlike a hospital ward.

II

Democrats of the Iowa House of 1890.

Just here your speaker may be pardoned reference to an acknowledged fact of the time of the fifty-fifty deadlock, namely, the high standing, in point of character, ability and sartorial correctness, of the fifty who were Democrats. From Linn County there was the handsome, courteous, resolute John T. Hamilton of Cedar Rapids, Speaker of the House. From Iowa County there was the versatile and astute N. B. Holbrook of Marengo. From Allamakee County, the solid yet winning John Dayton of Waukon. From Keokuk County, the upstanding, outstanding J. C. Beem of What Cheer. From Woodbury County, the good looking and worth-while W. G. Clarke of Sioux City, newly graduated from Brown University. From Plymouth County, the alert, faultlessly groomed and sartorially exquisite William H. Dent of Le Mars. From Clinton County, the youthful appearing and capable George S. Gardiner of Lyons. As for the Republicans, they as a body (may I whisper the fact) failed to compare with the Democrats, although here and there among them were men not only intellectually capable but also sartorially minded. There was, for example, John W. Luke of Franklin County, long-headed and circumspect; James E. Blythe of Cerro Gordo County, dashing and resourceful; and Daniel Cady Chase of Webster County, young, aggressive, and the wit of the entire House.

But the Democrats of the Iowa House of 1890, how did they break the deadlock, for break it they did. They did it by introducing the following Resolution:

Resolution to End Deadlock

February 18, 1890

"Whereas, it has been demonstrated beyond all cavil by five consecutive weeks of daily balloting that upon the question of organization this house is a tie, and that neither side thereof will voluntarily yield the permanent speakership to the other, and

Whereas, the present deadlock is manifestly being perpetuated to the detriment of the public business and the exhaustion of the public patience, and

Whereas, it is a method provided in the statutes of this State for determining the election in the case of a tie vote, that lots shall be cast, therefore, be it

Resolved, that it is the sense of this house, regardless of party, that the question, "to which side shall the speakership fall?" be determined by lot in accordance with some plan to be agreed upon by the Conference Committees."

The Resolution was so fair, giving no advantage to either side, that the Republicans of the Iowa House, fearing the popular voice, felt themselves forced to concede to the Democrats the speakership, and so bring the deadlock to an end.

III

Liquor Control in Iowa

1889—1931.

Gathered in Des Moines this February day in 1931 we, members (aforetime) of the Iowa lawmaking body, look back, some of us, forty-one years. We are regarded as legislative pioneers. The term pioneer, however, is relative, no Einstein is needed to tell us that. In 1890 the members of the Iowa General Assembly looked back upon the period of Dodge and Jones, of Harlan and Grimes, as in Iowa the period of the genuine legislative pioneer; and forty years hence, in 1971, it will be ourselves who—dust though we, many of us, will then long have been—will hold the position of pioneers, legislatively, of the genuine breed.

In this connection let me be a bit daring and speak for a moment on a topic which, a living topic in Iowa and the nation in 1889, is even more a living topic in the nation (whether so in Iowa or not) today, I mean liquor control. Today in the nation and in Iowa we have the spectacle of a law absolutely deleting (more absolutely in Iowa than in the nation) the manufacture and use of intoxicants, yet a law, which, whatever of lip service it may command, is by multitudes secretly despised and by multitudes deliberately set at naught.

Today, in a word, conditions in Iowa in respect to the consumption of liquor are surprisingly as they were in 1889. Addressing the Iowa Democratic State Convention of 1889, your speaker said: "We of the Democratic party heartily concur in the dominant sentiment in favor of temperance. We oppose prohibition because we have seen that as a temperance measure it is a consummate failure." And, in 1889, looking back into the time then called pioneer—the time of the 1850's—there were to be met with appraisals of prohibition (for even in the 1850's prohibition was the law in Iowa) such as this from the Muscatine Journal: "Now (1856) that the Supreme Court of Iowa has pronounced our prohibitory liquor law constitutional, why is it not enforced? Is it to remain a dead letter upon our statute books? Is the great cause of temperance thus to be scandalized and brought to open shame?"

The aim of prohibition, be it at no time forgotten, is not temperance but total abstinence—an aim never in all likelihood susceptible of

attainment by man. Unsuccessful nevertheless as prohibition in Iowa and elsewhere was in the 1850's and again in the 1880's, and little successful as it is in the same quarters today, there is perhaps this to be said for it. By the agitation (agitation, be it noted, not coercion) brought with it, it may have advanced temperance in lands like Great Britain—the latter a land in certain of its classes of a sodden inebriety which now shows signs of abatement.

But—and this, regarding liquor control, is my principal point—were prohibition to be repealed (XVIII Amendment, Volstead Act and all); and were there to be substituted for it the plan of liquor control advocated by Governor Alfred E. Smith or Senator Dwight Morrow; and, furthermore, were the Smith or Morrow plan to prove in practice as little of a success as prohibition; the Smith or Morrow plan, by virtue of the agitation sure to attend it, might well accomplish for temperance all the little that thus far prohibition itself has accomplished; and this without the meddlesomeness and murderousness of prohibition—a meddlesomeness and murderousness subversive of Anglo-Saxon justice and repellent to the Anglo-Saxon spirit. As I have said, the attainable goal of anti-liquor legislation of any sort is probably never anywhere to be total abstinence. Temperance it may be. Temperance through progressive enlightenment—as in Great Britain.

IV

The Pioneer and the Domination of Private Wealth

Thus far I have spoken chiefly of the pioneer lawmaker in America as a lawmaker of 1890 or earlier. But the pioneer lawmaker may be a lawmaker of 1931. In this role he is giving, and may wisely continue to give, attention to issues known specifically as economic.

As our nation has grown in population and in wealth, there has developed a domination by private capital ("big business," we call it) upon which the pioneer lawmaker,—and for the most part the pioneer lawmaker alone,—has shown a disposition to lay a restraining hand. Among the States of the Union which today, in a sense, are yet pioneer may be named Wisconsin, Iowa, Minnesota, the Dakotas, Nebraska and Kansas. These states, through such representatives of them as, in Wisconsin, the La Follettes; in Minnesota, Henrik Shipstead; in North Dakota, Gerald P. Nye; in Iowa, Smith W. Brookhart; in Nebraska, George W. Norris are making in Congress a stiff fight against domination on the part of private wealth—a domination often ingeniously camouflaged,—which threatens the public weal. Exploitation of national natural resources; the enactment, in favor of high prices, of absurdly high tariffs on manufactured goods, these are some of the things, actual and political, which are now being combatted by lawmakers still to be called pioneer.

V

The Middle West a Holding Concern for the Nation

Having pointed out that yet today in America it is the pioneer—the pioneer lawmaker—who of all lawmakers seeks most ardently the common weal, let us not fail to take account of the fact that the states

already named as yet pioneer are states of the middle west. In all our history as a nation, since the rise of the middle west as a distinct factor, this section has operated politically as, so to say, a national holding concern. It was so in the 1840's when Iowa was admitted to the Union; when the great issue was not prohibition but (*absit omen!*) Slavery. It was so in the 1870's when, groaning under tyranny by the railroads, Illinois and Iowa passed their memorable Granger laws. May it not be that a holding concern—a concern moderating between extremes—will the middle west be in the days for America to come? In the matter of exorbitant tariffs the middle west (even Iowa) will not forever support the east. In the matter of liquor control, the middle west (even Iowa) may break with the fanaticism of the south.

Long, therefore, live the middle west—land of the lawmaker still a pioneer! As the heart of the middle west, long live Iowa! As a badly needed element in the politics of Iowa, long live the Iowa Democrats—and may their tribe increase!

Former Senator Leslie E. Francis gave the following address on behalf of the Pioneer Lawmakers:

Mr. Chairman, Gentlemen of the Forty-fourth General Assembly and Members of the Pioneer Lawmakers' Association:

I recall with some amusement that twenty years ago when I first attended a meeting of this character and saw those ancient gentlemen march in as we did a few moments ago, I felt that it was a bit reckless for men so advanced in years to be so far from home. Learning that twenty years must pass before I would be eligible for membership in the Pioneer Lawmakers Association I felt that day to be very far indeed in the future, but now that it has passed the time looking backward seems very short. A thousand years in the sight of the Lord is but a day, and twenty years when it has passed seems as but half a day to the members of this association.

The distinguished gentleman who has just spoken described a deadlock that lasted five weeks. I attended such a deadlock myself. Twenty years ago the death of Senator Dolliver imposed upon the legislature the duty of electing a United States senator. From the opening day of the session to the last day the struggle continued. Every day we marched over here, the Honorable Representative standing in deference to us. At the fifty-ninth minute of the eleventh hour of that last day we elected to the Senate of the United States that distinguished citizen of Iowa, William S. Kenyon.

In all the years since I left the Senate I have been interested in legislative work, and have watched your deliberations, often with envy, for I never enjoyed any work more than that during my years here. Whenever I have been in other states I have always visited their legislatures but I have never found such real interest in their work and such determination to accomplish good for the people as in the legislatures of Iowa.

I may be violating all rules of decorum at a meeting of this kind, but

I shall speak briefly upon two public questions of great moment to the people and taxpayers of Iowa. I shall offer you a lot of valuable advice wholly without charge.

Sixteen years ago I presented to the Senate a public utilities bill. After a long struggle it passed the Senate but was defeated in the House. It lost there almost wholly because it contained a provision making franchises indeterminate. The members were afraid of a franchise that did not expire at some specified date.

You have before you at this time a new public utilities bill. It also contains an indeterminate franchise provision. That clause will meet intense opposition and it should unless the bill contains proper safeguards. Those safeguards are three in number and if they are broad and ample the public will be fully protected.

The first is the right given the municipality or state to purchase the utility. The language used in conferring that right should be carefully considered by the lawyers of the assembly.

The second is the right to regulate the service to be rendered. This is the least important of the three, as self preservation will demand reasonable service and yet it should be carefully provided for.

The third is the most important of all—indeed it is the vital thing in any utility bill. I refer to the fixing of rates. One of the most important questions today is the regulation of rates fixed by public utilities. A species of insanity seems to grip the average man about the time he is placed in control of any form of public utility. He seems obsessed with the idea of milking the public to the very last drop. And if he has a monopoly he is often able to do exactly that. For more than a decade the railroads of our nation have taken advantage of every opportunity to increase rates. The result is competition by bus and truck that is giving alleged captains of industry sleepless nights. But with such utilities as telephone, electric light, gas, water, etc., competition is impossible and regulation of rates is the only protection the public has.

Much litigation has developed over the question of valuation of utility assets and the Supreme Court of the United States has adopted a rule that apparently recognizes replacement cost as an element in fixing values. Of course the value of the utility is vital in fixing rates for the rate so fixed must be such as will give to the utility a fair return (usually 6%) upon such value. It is at once clear therefore that a utility bill to be of any benefit whatsoever to the paying public must be most carefully drawn in the last particular especially. The bill I have before me is wholly defective in this respect. I take the liberty of offering a paragraph covering the question of fixing rates. I have drawn this with the utmost care and believe it covers the entire field. With that paragraph in the bill there will be no occasion to fear the indeterminate franchise, and when the commission acts there is little probability of reversal by the courts. I read the proposed paragraph as follows:

“The commission shall fix a rate that shall bring to the utility furnishing the service a fair and reasonable return upon its investment, giving due consideration to the original cost of all elements and things used and useful in furnishing such service, repairs thereon, depreciation thereof, the then value of such elements and things so used and useful

in their condition at the time such rate is fixed, the then replacement cost of such elements and things as under then existing conditions and efficient practice would be used and useful in rendering such service, the just and necessary expense of giving such service, the value of such service so rendered and all other facts and matters required in determining what is in fact such fair and reasonable rate and return, and the finding of the commission shall be presumptively fair and reasonable and the party attacking same shall have the burden of proving that the rate so fixed is not fair and reasonable."

I wish to speak briefly upon another subject close to the hearts and pocket books of the people—TAXATION. Taxes have reached a point making the ownership of property almost prohibitive. In the years since I ceased to be with you taxes have increased many times over. Spending the public money has ceased to be merely an avocation—it has become an art. Every legislature adds new departments, creates new offices, new judges, new something that costs money, but no departments are ever abolished or consolidated.

The Fish and Game Department collects more than a Hundred Thousand Dollars each year and after twenty years what have we to show for it? You create a Highway Commission and give it autocratic power. It spends around Two Million Dollars each year in salaries—overhead if you please—mostly for engineers, and who gives it a thought?—there is more money where that came from so who should worry? And there are other instances I might mention if time permitted—plenty of them.

You have before you a number of bills the purpose of which is to reduce taxes. Upon those bills I offer no opinion but I do say to you most emphatically that there is just one way to reduce taxes—AND THAT IS TO REDUCE EXPENSES.

Governor Carroll very wisely remarked in his address to us this morning that in his observation almost every man appointed to head any department or project immediately made every effort within his power to secure an increase appropriation. I think I know the reason for this—it is EGOTISM—he feels that he is a bigger man if he has more people under him.

For more than a year the Committee on Retrenchment and Reform created by the Thirty-fifth General Assembly gave careful consideration and intensive study to reduction of expenses by simplification of governmental affairs. That committee consisted of ten men then well known over the state. A report was prepared and published. Today but one copy remains and I hold it in my hand. The chairman of the committee was Senator J. H. Allen of Pocahontas. I think that report should be preserved for it is even more fitting to conditions today than when it was prepared. I had the pleasure of writing that document and I shall hand it to the son of our chairman, the brilliant young representative from Pocahontas county, with the request that he have it printed in your journal. And I ask that every member of this body read that report. You will find it very difficult, as did we, to legislate any one out of office—much easier to legislate them in—but the people cannot and will not always bear these ever increasing burdens uncomplainingly and a remedy must and will be found and used. And all that is suggested in that

report relative to state affairs will apply to county business. And to schools.

I regret that time forbids further discussion. It is a pleasure to appear before you, gentlemen of the Forty-fourth General Assembly, and to renew the happy acquaintances of years ago. I wish you unlimited success in your work here this winter. And from your deliberations may there come to the people of Iowa relief from burdens that are too heavy to longer bear.

AMENDMENTS FILED

Torgeson of Worth filed the following amendment to House File No. 121:

Amend House File No. 121 as follows:—Strike out the words in line six (6) “and said commission”.

Forsling of Woodbury filed the following amendment to Senate File No. 49:

Amend Senate File No. 49 as follows:

1. By striking all of Section I and inserting in lieu thereof the following:

SECTION 1. Section twenty-five hundred eighty-five-b twelve (2585-b12), code, 1927, is amended by inserting after the word “barber” in line 18 thereof, the following:

“or student in a barber school approved by the board of barber examiners or registered barber apprentice while pursuing a regular course of study of barbering”

Also by adding after the word “study” in line 12 of said section the following:

“or students attending schools approved by the barber examiners”

2. By inserting after the word “course” in line 5 of Section 3, the following:

“both of theory and practice”

3. By inserting after the word “college” in the last line of Section 3, the following: “by a student during the first three months of his course”

Hush of Montgomery filed the following amendment to Senate File No. 148:

Amend Senate File No. 148 by striking from line six (6) of section one (1) the words: “or in case of accident or sickness the attending physician”.