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# How Government Functions in Indiana

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FORM AND FUNCTIONS OF  
AMERICAN GOVERNMENT



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# How Government Functions in Indiana

## VOCATIONAL CIVICS

THE state of Indiana is a great, modern civic forum. Every community offers a complete setting for the study and practice of vocational civics.

The primary purpose of a course in present-day civics is to enable the student to acquaint himself with the civic life of which he is a part. The object of the course is not attained unless it creates and cultivates in the young citizen the civic sense of close relationship with everything about him that affects the public welfare. This cannot be accomplished by a perfunctory knowledge of official facts and legal details. Learning a catalog of public powers and forms from a textbook will in itself accomplish little or nothing. The facts will be forgotten and the lesson lost.

Civic life in full significance is teeming around us as never before, and the student can come to understand functions of government directly by getting into touch with actual civic operations. He should become familiar with the powers and duties of offices by personal acquaintance with the officers and by witnessing the performance of duties in their actual setting. Thus he can see government in the functioning.

Functions may have widely different significance from forms and both forms and functions are constantly changing or developing, especially in such thrilling times as these in which we live. It is much better that the student actually get some first-hand understanding made vital through direct touch and through his own interested initiative than that he study and try to remember volumes of technical details.

Having this in view, this supplement attempts to do no more than project some of the main phases and conditions touching governing functions. The text cannot possibly be an encyclopedia of civic knowledge. Compilations of fact and detail for which there is no space in the text can be obtained first hand in the most up-to-date, concrete and authoritative forms through official reports and documents without expense. The list of general references appended, consisting of official reports and bulletins, published mostly at the cost of the state for free distribution, can be made to repay the state richly by their use for research and investigation in civics classes. All these should be collected at the very beginning of the course and made easily available for all students. Some of these documents can be procured in such numbers as to offer copies to students individually.

Every lesson in the course devoted particularly to Indiana civics should be a consideration and discussion of first-hand reports upon actual public work—government functioning—civics. Students should be taken into public offices and places of official action and public officers should be

brought to the civics class. Careful and complete plans should be made at the beginning of the course so that the whole direct program of vocational civics can be carried out during that part of the course covering Indiana civics.

Students should be given special appointments for investigation far in advance, and a carefully arranged program of visits by the class and an even more carefully arranged and conducted program of visits to classes by public officers should be put into effect. The course can be so managed that public officers will feel the compliment of an invitation to meet with the civics class and will keenly appreciate the opportunity to further in this way their own official functions and perform an extraordinary public service by bringing their work into touch with forward-looking young citizens.

It should be possible to have at least one state officer visit the class, and certainly it can be easily arranged to have several local officers. There is no better way to give a fair and accurate understanding of the workings of our system, as it is, than by having it explained directly by those who are responsible for operating the system.

On the other hand, public-spirited citizens should be invited to meet with the class for the purpose of discussing proposed reforms of vital interest. In every community there are leading citizens who have taken a noteworthy position in the study or promotion of some one or more important proposals for fundamental civic reform. Let them be heard in the proper relation in the civics class. This will help in a primary

way to introduce the vocational idea into civics—the laboratory method.

It will be possible, except in cases of schools in the most distant parts of the state, to have the entire class visit the state house. This will be of especial interest when the legislature is in session. There should be many visits to the courthouse and city hall, calling at all offices, attending court and meetings of the council. Where the class cannot go as a body, individual students may be assigned to make special investigation and report.

The lethargy due to textbook limitations must be completely overcome in the vital spirit of civic life cultivated and practiced.

The state constitution should be studied thoroughly in its application to forms and functions. Every assignment should include some specific part of the organic law for basic civic consideration.

More important than all else, the students should have some direct part in promoting and helping to accomplish some needed local civic improvement—the repair of a bridge or sewer, beautifying a public site, the clearing of an alley, the restoration of a street light, or some like activity. Direct participation, through the official course of procedure, in such concrete civic work will be a genuine lesson in vocational civics.



## CONSTITUTIONAL HISTORY

THE first constitutional convention in Indiana met at Corydon, the territorial capital, on June 10, 1816. It continued in session, meeting from day to day, until the 29th of June, completing its work in nineteen days. The convention was made up of forty-three delegates representing the thirteen counties of the state. These delegates were typical frontiersmen, possessing little education but much common sense. They did not attempt in this short time to create a constitution *de novo*. (Reed, Chapter II.) It is apparent that they modeled their work very closely after the Kentucky constitution, which was adopted in 1792, and the Ohio constitution of 1803. The constitution went into effect automatically without being submitted to the people.

**Beginning  
of  
statehood**

The constitution contained no provision for separate amendment, but required that a vote be taken every twelfth year on the question of calling a convention to revise, amend or change the constitution.

**Method  
of  
revision**

This provision made imperative the taking of a vote on the question every twelve years, but did not prevent the submission of the question at any period of less than twelve years.

Votes were taken under this provision in 1823, 1828, 1840, 1846 and 1849. The vote in 1849 resulted in a majority favorable to holding a con-

vention, thus authorizing the convention which wrote our present constitution.

**Some criticisms of the constitution of 1816**

Some of the principal grounds of public criticism of the old constitution were based upon legislative interference in local affairs, annual sessions of the legislature, the lack of provision for amendment, and the antiquated provisions of the civil and criminal code. The greatest single objection, perhaps, was the lack of local self-government, which resulted in making nearly all the work of the legislature purely local in character. According to this constitution legislative enactment was necessary in order to accomplish such trivial matters as vacating streets or alleys in towns and small villages. Divorces were even granted by special bills. The session of 1845-46 dissolved no less than forty matrimonial alliances.

**Convention of 1850-51**

The second constitutional convention met in the hall of representatives in the old state capitol in Indianapolis on October 7, 1850. It continued to meet from day to day until February 10, 1851, having been in session 127 days. The convention consisted of 150 men who were highly representative of all walks of life, and of all phases of political and social experience. They entered into the work of revising the constitution with great seriousness and submitted their product to popular vote. (Reed, Chapter IX.) The new constitution was adopted in the regular election of August 4, 1851, and by its own provision went into operation on November 1, 1851.

**Amending the constitution**

This constitution, unlike the constitution of 1816, contains no provision for calling a convention. It provides a method of amendment

embodying three main features: first, the requirement that the proposed amendment must pass two successive legislatures in exactly the same form by a majority of each house before it can come before the people; second, the requirement that on submission of the amendment to the electors of the state, a majority of said electors must ratify it before it can become a part of the constitution; and third, the provision that while any amendment or amendments shall be awaiting action of a succeeding general assembly or of the electors, no additional amendment or amendments shall be proposed. (Constitution, Art. XVI.) Experience has proved this to be a very difficult process. By recourse to special elections, the constitution has been twice amended—one section in 1873 and nine sections in 1881.

Since 1881 no less than 184 separate and distinct attempts to amend the constitution, including 447 proposals, have been made without success. During this time only two proposed amendments have ever been submitted to the people. These were the so-called "Lawyers' Amendment," proposing to authorize the fixing of qualifications for lawyers, and the amendment proposing to increase the membership of the supreme court. The "Lawyers' Amendment" was submitted in the regular elections of 1900, 1906, and 1910, and received each time a large majority of votes cast thereon, but not a majority of the electors of the state. The supreme court amendment was submitted November 6, 1900; 314,710 "yes" votes and 178,060 "no" votes were

cast. It was lost for want of a "constitutional" majority.

**Demands  
for  
revision**

Demands for constitutional changes have been voiced by platform declarations of political parties, by resolutions of civic organizations, and by official recommendations.

Governor Marshall said in 1912:

The people of Indiana are bound down under a fundamental law which they have no means of amending by so much as a punctuation mark. . . . Now, a constitution is sacred to me. But the rights of the people are more sacred. A constitution has got to be workable, and when one fails to work—why, then it's time to get another.

Governor Ralston in his inaugural address in 1913 and likewise in his farewell address in 1917 recommended the holding of a convention for the purpose of writing a new constitution, declaring that the present constitution had been outgrown through intellectual, social and material progress. He said:

New questions have arisen that cannot be solved under the present instrument, and new conditions make it necessary for the people to assert rights they cannot exercise thereunder.

Governor Goodrich, in his first message to the legislature of 1917, urged the calling of a constitutional convention, declaring that:

Since 1851, state government has become so complex that many of the provisions of the constitution which were in point sixty years ago no longer cover our present conditions of society. . . . The public interest requires that there be no further delay in changing the constitution so that we may meet squarely the important problems which confront us at this time. I believe, as a matter of fact, that these changes can be accomplished more satisfactorily through a constitutional convention than through any other method.

There has been much valuable civic and educational study and discussion upon proposed constitutional changes covering problems of city government, taxation, suffrage reform, short ballot, budget system, initiative and referendum, recall, labor reform and social justice, together with many fundamental proposals of judicial and educational reform. The liquor problem has also been intimately involved in all considerations of constitutional revision.

The failure of repeated attempts to amend and the demand for revision along many separate lines has resulted in much agitation for a new constitution. The legislature of 1911 prepared a so-called new constitution popularly known as the "Marshall Constitution." It was a general copy of the present constitution, with some twenty-three specific changes. (Acts 1911, page 205.) The legislature proceeded on the theory that it was unnecessary to follow the formality of holding a constitutional convention or of undergoing the delay of amendment and "enacted" the constitution in exactly the same manner that statutory laws are enacted. The supreme court in the case of *Ellingham vs. Dye* (178 Indiana 336) annulled the proposed constitution, holding in effect that the legislature is without authority to frame a constitution *in toto* and that its power in the matter of proceeding to revise the constitution is contained in the amendment provision. The Supreme Court of the United States in the case of *Marshall et al. vs. Dye* (58 U. S. Sup. Ct. Reports, Law Edition 206) sustained in effect the state supreme court, holding that the case

**Proposed  
constitution  
of  
1911**

involved no federal question and that therefore the federal court was without jurisdiction.

Following the decision of the supreme court on the proposed new constitution, the legislature of 1913 proposed twenty-two separate amendments embodying substantially the changes included in the constitution "enacted" by the legislature of 1911. At the same time the legislature provided for a vote at the general election of 1914 upon the question of calling a constitutional convention in the year 1915. (Acts 1913, page 812.) The vote was negative. The legislature of 1915 killed the twenty-two proposals to amend.

The legislature of 1917 passed an act calling a constitutional convention, providing for the election of delegates and the assembling of the convention. (Acts 1917, page 5.) By the terms of this act, 115 delegates should have been elected at a special election on the third Tuesday in September, 1917—100 from the representative districts of the state and 15 from the state at large. The delegates so elected were to assemble in convention at the capitol on January 2, 1918, for the purpose of revising the constitution of the state of Indiana and of submitting the new constitution proposed by them to the voters for ratification or rejection. This act was held unconstitutional by the supreme court of Indiana on July 13, 1917, in the case of *Bennett vs. Jackson, Secretary of State, et al.*, 116 *Northeastern Reporter* 921. The decision in this case positively affirmed the right of the supreme court to determine the constitutionality of any act of the legislature, holding that the legislature's powers are not inherent but

derived solely from the constitution, and that the legislature is without authority to call a convention in view of the negative expression of the people in the referendum on the question in 1914. The court said:

We are of the opinion that the will of the people as expressed in the election of 1914 is as binding on the general assembly as a positive provision of the constitution could be, and hence the action of the legislature in calling a constitutional convention, as provided for in Chapter II, page 5, of the Acts of 1917, is null and void, being in conflict with Section 1 of the bill of rights, taking from the people the right to say when they desire a change in their fundamental law.

It is therefore established now that the power to call a constitutional convention resides solely in the people through an affirmative vote on a referendum submitted to them by the legislature.

### **QUESTIONS AND SUGGESTIONS**

1. What states have adopted new constitutions in recent years?
2. Report fully upon the Massachusetts "War Time Convention."
3. Is constitution-making a political function?
4. What is the difference between statutory law and constitutional law?
5. Compare relative advantages and disadvantages of revising constitutions by amendment and by constitutional convention.
6. What proposed changes in our judicial system would come before a constitutional convention? Our legislative system? Our executive and administrative system? Our system of taxation? Our educational system? Provisions for suffrage and elections? Labor and social justice?
7. Is the liquor problem a constitutional question in Indiana at this time?
8. Distinguish as to the right of the legislature (1) to write a constitution, (2) to call a convention for the purpose



of writing a constitution, (3) to propose amendments to a constitution, (4) to submit the question of calling a convention to popular vote.

9. What authority is there for the submission to popular vote of the question of calling a convention?
10. Read and report fully the decision and minority opinion in: *Bennett vs. Jackson*, Secretary of State, et al., 116 N. E. 921; *Ellingham vs. Dye*, 178 Indiana 336; *Marshall, et al., vs. Dye*, 58 U. S. 206.
11. Are there any proposed amendments pending at this time? If so, what are they?
12. Should delegates to a constitutional convention be elected by partisan ballot?
13. Compare and contrast constitution of 1816 with our present constitution.
14. Arrange discussion or debate on the desirability of holding a constitutional convention in Indiana at the present time.



## SUFFRAGE AND ELECTIONS

SUFFRAGE in Indiana is qualified by sex, age, residence, registration and, in the case of unnaturalized aliens, declaration of citizenship intentions. (Const., Art. II, Sec. 2.) Only males over the age of twenty-one may vote. The residence requirement of all voters is six months in the state, sixty days in the township and thirty days in the ward or precinct immediately preceding the election. Voters of foreign birth must have resided in the United States one year and have taken out "first papers." All voters must be duly registered according to law. None who lack these qualifications may vote. The legislature can neither extend the suffrage to others nor deny it to any so qualified except those convicted of infamous crime. (Reed, Chapter IX.)

Qualifica-  
tions for  
voters

The legislature of 1917 passed a partial or limited suffrage act which granted women the right to vote for presidential electors, members of congress, all non-constitutional state and local officers and in all non-constitutional elections. (Acts 1917, page 73.) This act was declared unconstitutional by the Supreme Court of Indiana, October 29, 1917, in the case of Board of Election Commissioners of the City of Indianapolis et al. vs. Knight, 117 Northeastern Reporter 565.

Woman's  
suffrage

This decision completely interpreted the suffrage provisions of the constitution. The court held that:

The right of suffrage is not inherent or natural, and is held only by those upon whom it is bestowed by express constitutional grant or authorized legislative provision.

The court also said:

The legislature has no general power to confer the elective franchise upon classes other than those to whom it is given by the constitution, since this description of those who are entitled to vote is regarded as excluding all others.

It follows from this decision that no measure of suffrage can be extended to women in Indiana except through revision or amendment of the constitution or through provision of the federal constitution.

**Alien  
suffrage**

When the constitution of 1851 was written, it was deemed advisable to extend the suffrage to un-naturalized aliens, to the end, as reported by the convention, that home-building foreigners might be encouraged to come to Indiana and help settle our unpopulated farm lands. Under this provision aliens who come to Indiana take out their declaration papers after a year's residence, or rather permit their papers to be taken out for them. Then they vote, or, as is too often true, are voted, in all elections, regardless of bona fide intention to become citizens. It takes but one year to make the alien a voter in Indiana, whereas it takes five years to make him a naturalized citizen of the United States. The abuse of this liberal provision is illustrated by the following figures for declaration and naturalization:

	Declared Intention	Naturalized
1908 .....	5,785 .....	151
1910 .....	4,339 .....	209
1912 .....	3,021 .....	459
1914 .....	3,306 .....	843
1916 .....	5,298 .....	678
1917 .....	8,029 .....	830

For the full period of ten years from 1908 to 1917, inclusive, the total number of declarations was 36,621 and the total number naturalized was 4,857.

It is, indeed, anomalous that thousands of men who have been voting in Indiana for the past generation are being compelled to register as alien enemies.

We have voters who are not citizens and citizens who are not voters.

All persons entitled to vote must register before they can exercise the right of franchise. The registration law applies alike to all electors in cities, towns and rural communities. It is very difficult to procure a complete registration and equally difficult to get out the full vote after registration. In 1912, 745,638 voters were registered and 654,474 votes were cast. In 1914, the registration was 725,423 and the total vote 646,059. In 1916, 811,405 voters registered and 718,848 voted. Taking 1914 as a typical election, there were 725,423 voters registered and 646,059 votes cast out of 792,625 qualified voters, according to the enumeration of 1913. This means that 67,202 qualified voters failed or refused to register and 69,474 registered voters failed to vote, making a total of 146,546 delinquent electors. It is to be regretted that in most instances the delinquent electors include those who are prevented from voting by a temporary absence from the precinct in which they reside. Again, it is regrettably true that the failure to vote is due to a lack of interest in politics. The alien and "floating" vote seldom fails to make itself a factor in the election.

**Registration**

The legislature of 1917 passed an absent voters' law (Acts 1917, page 317) providing a method of voting by qualified voters who are unavoidably absent on election day.

All general elections in Indiana for the state, county, township, city and nation are held on the

**Elections**

first Tuesday after the first Monday in November. City elections are held every four years in odd years: 1913, 1917, etc. Regular elections for the election of state and local officers, members of congress, etc., are held every two years in the even years.

Primary elections for the nomination of candidates of all political parties which cast ten per cent or more of the total vote are held on the first Tuesday after the first Monday in May each year preceding every election. The primary law is general and compulsory, covering all elective officers other than presidential electors and officers voted for by all electors of the state. Thus it includes all elective offices of the county, township, city and town, members of congress and the state legislature. The primary election law also provides for the establishment of party machinery through the selection of the precinct committeemen for each precinct and party delegates to the state convention. The precinct committeemen elect the county chairman. The county chairmen of each congressional district elect the party district chairman and the district chairmen of the state make up the state committee.

Voting by secret ballot under the Australian ballot system prevails and the use of voting machines is becoming quite common.

Corrupt practices in elections, especially in our large cities, have been brought vividly to light in recent years. Notable punishments have been inflicted in the federal court upon city and county officers in certain of our cities. The characteristic features of the corruption in these elections were the soulless domination of partisan machines, the blind obedience of party workers to sinister influ-

ences, the activity of the saloon and brewery and the purchasability of the floating vote, particularly unnaturalized aliens. The successful prosecutions in the federal court appear to be having a tremendously deterrent influence and have helped to bring about an awakening on the part of good citizens from which much better results may be expected. The passing of the liquor power from politics will tend to relieve political life of some of its worst evils.

What is known as the "long ballot" prevails to a very high degree in Indiana, both in state and local government, and this multiplicity of elective offices is coming to be generally recognized as the "jungle" of bad politics. (Reed, pages 106-107.)

**The  
long  
ballot**

The voters of Center township, Marion county, Indiana, in the general election of 1914, voted upon 67 offices,<sup>1</sup> and in 1916 upon 39 offices in addition to presidential electors.

- 
- <sup>1</sup> United States Senator  
Representative in Congress  
Secretary of State  
Auditor of State  
Treasurer of State  
Attorney General  
Clerk of the Supreme Court  
State Superintendent of Public Instruction  
State Geologist  
Judge of the Supreme Court, 5th District  
Two Judges of the Appellate Court, 1st District  
Three Judges of the Appellate Court, 2nd District  
County Offices—  
Auditor  
Treasurer  
Clerk  
Sheriff  
Recorder  
Surveyor

(Continued on page 24)

All told, we elect some fifty or more officers at every biennial election. Our sample ballot is usually over six feet long and contains over two hundred names.

Under this system of voting for so many offices, both important and unimportant, even intelligent and wide-awake voters are compelled in every election, if they vote at all, to make a choice among candidates with whom they have no acquaintance and of whose qualifications they can not have adequate information. This necessarily brings about such political confusion as could hardly result otherwise than in irresponsible and uncertain voting—the ideal opportunity for political bosses and party machines.

The application of the “short ballot” in Indiana to state elections would probably leave for popular election only the governor and the lieutenant governor and possibly the auditor. Other officers would be appointed upon merit. In the county, the short

---

Coroner  
Prosecuting Attorney  
Judge of the Circuit Court  
Five Judges of the Superior Court—Rooms 1, 2, 3, 4, 5  
Judge of the Criminal Court  
Judge of the Probate Court  
Judge of the Juvenile Court  
County Assessor  
Three County Commissioners  
Seven Councilmen  
Trustee of Center Township  
Three Members of the Advisory Board of Center Township  
Four Justices of the Peace, Center Township  
Four Constables of Center Township  
Assessor of Center Township  
State Senator  
Ten Representatives to the General Assembly

ballot would provide for the election of the board of county commissioners or county council with large appointive powers, operating under a merit system.

There is already a tendency toward the short ballot in our city elections and it may be expected that this movement will become much stronger. The principle of the short ballot is that only a few offices should be filled by election at one time and that only those offices shall be elective which are important enough to attract (and deserve) public examination.

It is quite evident that the right to vote is not in itself a complete guarantee of the proper exercise of popular power. The ultimate meaning of this fundamental right must depend upon the laws governing its qualifications and the manner of its exercise. Certainly more discrimination can be exercised in granting this privilege, so that all desirable classes of citizens may be included and that at least some clearly undesirable classes may be excluded. Every safeguard must be exercised to prevent fraudulent voting and to guarantee an honest count. **Conclusion**

Every step toward greater simplification of the ballot will tend to make voting more effective and diminish corruption in the conduct of elections. Most important of all is the need of a general awakening on the part of well-meaning citizens to a vital appreciation of the public benefits depending upon the proper exercise of the franchise. This will come from better civic education and can be greatly encouraged by an improved elective system.



## QUESTIONS AND SUGGESTIONS

1. Define citizen; alien; voter; suffrage; franchise; elector.
2. What states of the Union have equal suffrage?
3. What states have a tax or property qualification?
4. Name the states that have an educational test.
5. Who were the election officials in your precinct at the last election?
6. Get a sample ballot of the last primary election in your county.
7. Who were the delegates from your county in the last Republican state convention? In the Democratic state convention?
8. Who is the Democratic county chairman for your county? Republican?
9. Is registration of voters essential in all communities of the state?
10. What are the chief causes for corruption in elections?
11. Distinguish between citizenship and the right of suffrage.
12. Should any who are not citizens vote?
13. Topics for discussion or debate:
  - (a) Woman's suffrage.
  - (b) Educational test for suffrage.
  - (c) Poll tax requirement for suffrage.
  - (d) Short ballot.

## SPECIAL EXERCISES

1. Have the class visit a polling place on election day. Have students attend a political convention.
2. Arrange for talks before the class by the county chairman of one or both political parties.
3. Have a talk by a leading equal suffrage worker.



## EDUCATION

What the people need and demand is that their children shall have a chance—as good a chance as any other children in the world—to make the most of themselves, to rise in any and every occupation, including those occupations which require the most thorough training. What the people want is open paths from every corner of the state through the schools to the highest and best things which men can achieve. To make such paths, to make them open to the poorest and lead to the highest, is the mission of democracy.

**Education  
as a  
function of  
government**

THIS statement by William L. Bryan, President of Indiana University, in his inaugural address in 1902, expresses the ideal of public education.

There is no more important function of government in Indiana than to provide the means of carrying out this “mission of democracy.” Since the establishment of the principle of tax-supported free schools in Indiana, in 1848, the public school system has constantly grown and developed, ranging now from kindergarten to university. It can not be doubted that faith in education is deeply rooted in the hearts of the people. This faith is finding constantly greater and clearer expression in our educational activities. (Reed, Chapter XXXI.)

What institution have we of greater magnitude? The public school enrollment in Indiana for the year 1916-17 was 567,962. This included 847 high schools, of which 573 were commissioned high schools, 113 certified high schools and 161 accred-

**Magnitude  
of  
system**

ited and unclassified high schools. The teachers numbered 19,876. The value of public school plants exclusive of higher institutions of learning was estimated at \$62,051,536. During the school year of 1916-17, 173 new schoolhouses were erected, valued at \$3,346,461. Our annual school revenues amount to over \$17,000,000. The common and congressional school fund totaled in 1917 over \$12,000,000. (Const., Art. VIII, Sec. 2.) These permanent funds are constantly augmented by state tax levies and special school revenues which the trustees have power to levy. Local school funds, in addition, are derived from licenses, fees and special taxes. A state deficiency fund is maintained for the poorer counties in order to keep up a sufficient length of term. The purpose of this fund is to offer reasonable educational opportunity to all portions of the state and to all the people.

The average cost per high school pupil for the year 1916-17 was \$58.44. The administration of educational finances is complex and results can not be fully estimated. This is our principal investment in democracy.

The state superintendent of public instruction is the official head of the public school system of the state. He is elected by popular vote and serves for a term of two years. The length of term and manner of election are provided by the constitution and can not be changed by legislation.

An enumeration of the duties of the state superintendent would be a report upon the conduct of our whole scheme of public education. He has the general superintendence of all work relating to the schools of the state. The duties of the office increase

State  
superinten-  
dent

with opportunity and necessity. For example, the war service program more than doubled the work of this office. This department is constantly growing in influence and importance. It has a regular working force of no less than eighteen members, including the following chief assistants:

- Assistant superintendent
- Deputy state superintendent
- Director of vocational education
- State high school inspector
- Assistant in home economics
- Assistant in agriculture
- Chief manuscript clerk
- Clerk of the state board of education
- Clerk of the teachers' retirement fund

The superintendent is president of the state board of education.

The state board of education consists of thirteen members, seven of whom are members ex-officio and six appointive. The ex-officio members are the state superintendent, the presidents of Purdue University and Indiana University and the State Normal School, and the city superintendents of Indianapolis, Fort Wayne and Evansville. There are six other members appointed by the governor for a term of four years. Three of these must be citizens who have been engaged in educational work in the state, at least one of whom must be a county superintendent of schools. The other three must be persons who are actively interested in and of known sympathy with vocational education, one of whom shall be a representative of employees and one of employers.

**State  
board of  
education**

The board has general control of the entire system of examining and licensing teachers, preparing ques-

tions and fixing standards, adopting textbooks and establishing courses of study. It controls our educational policies and initiates most of the school legislation. The influence of this body is constantly being developed to the use of every possible means of bettering the educational work of the state.

**County  
superinten-  
dent**

The county superintendent is elected by the township trustees of each county for a term of four years. He must have been actually engaged in school work for a period of not less than two years out of the ten next preceding his election and must hold at the time of his election a three years' license, a sixty months' license or a life or professional license. He has the general superintendence of the schools of his county, visiting schools, attending township institutes, conducting examinations for teachers' licenses and for common school diplomas, conducting county associations and institutes and determining controversies arising under the school law. It is his duty to carry out the orders and instructions of the state board of education and the state superintendent of public instruction and to labor in every practicable way to elevate the standards of teaching and improve the schools in his county. He has no direct control over city schools that have a duly appointed city superintendent.

**School  
trustees**

The township trustee is elected by the voters of the township for a term of four years and is not eligible for more than eight years in any period of twelve years. His powers and duties have been graphically summed up by the supreme court as follows:

The township trustee is clothed with almost autocratic power in all school matters. The voters of the town-

ship have but little, if indeed any, voice or part in the control of educational affairs. So far as actual authority is concerned, the trustee is the corporation, although in contemplation of law it is otherwise. (*Wallace vs. Johnson Township*, 75 Ind. 368.)

He has complete responsibility in the matter of selecting teachers, providing, maintaining and equipping school plants and, with the advisory board, determining the tax rate for educational purposes. The township trustees, together with the chairmen of the town and city school boards in the county, constitute the county board of education, which holds meetings every six months.

In incorporated towns and cities of less than 50,000 inhabitants, the board of town trustees or city council selects the school trustees for the town or city for a term of three years. The board of school trustees consists of three members who have general control of the schools of the town or city similar to the control of the trustee in the township. For cities of 50,000, special laws have been passed fixing the number and establishing the manner of selection of trustees. In Indianapolis and Terre Haute the board consists of five members elected by the people.

An encouraging movement is developing towards the selection of at least one woman on the board, and in several cities women are already serving in this important capacity.

The all-important factor in the conduct of the public schools is the teacher. The qualifications, compensation and general conditions surrounding teachers have improved during recent years, although the improvement, especially in compensation, has been discouragingly slow. A continually

**Teachers**

rising standard of qualifications prevails. Beginning teachers must have a high school education or its equivalent and must have taken a course in professional training of at least twelve weeks and must hold not less than a twelve months' license. The requirements as to professional training and license continue to rise with experience. A minimum wage law is tending to raise the compensation and establish more uniformity. Both scholarship and successful experience are emphasized. Professional interest in attending county institutes and other educational gatherings is also encouraged under this law. The rapidly growing activity and influence of educators in public affairs offers a most hopeful civic outlook in Indiana.

#### **Teachers' pensions**

A marked step in the application of a high form of social justice is found in teachers' retirement and pension laws, now well established in Indiana. After some special laws had been passed applying to some of the larger cities, a state teachers' pension law was enacted in 1915 providing for a teachers' retirement fund and for the payment of annuities after stated periods of service. The fund consists of a permanent fund coming from gifts and other miscellaneous sources of income and a current fund made up of interest on investments, assessments on teachers' salaries and apportionment of proceeds derived from the state school tuition fund.

For the purpose of administering the pension and retirement fund, the state is divided into the following units: first, cities of 5,000 population or more; second, each public state normal; third, other state educational institutions; fourth, each county. It has often been proposed to make the entire state a

unit and this may be done in the near future. Any unit may come under the provisions of the law by petition of a majority of teachers and school officials. Teachers coming under the law are assessed according to their years of service. After thirty-five years of service a teacher is entitled to an annuity of from \$600 to \$700. When retired on account of disability, a teacher is entitled to receive an annuity ranging from \$350 for twenty-five years of service to \$575 for thirty-four years of service. The fund is controlled and managed by a board of trustees, consisting of the state superintendent, state auditor, attorney general and two other members appointed by the governor. The state treasurer is custodian of the fund.

The more complete establishment of the pension law will add security and permanency to the profession.

Indiana is in the front rank of the movement for the consolidation of rural schools and is known as the pioneer of consolidation in the Mississippi valley. More than 2,000 one-room schools have been permanently closed in the state. There were in 1917, 706 consolidated schools; 46,997 children were transported to these schools at a total township expense of over \$900,000; 430 consolidated schools are of high school rank, employing four or more teachers. The consolidated movement is favored in Indiana by the township system of school organization, which vests large control and discretion in the township trustee. The compulsory education law, the compulsory closing of all schools with less than average daily attendance of twelve pupils and the compulsory transportation of pupils in consolidated

**Consolidation of schools**



schools have aided this movement greatly. Consolidation tends to offer the poorest and most remote districts the same facilities of modern equipment and instruction enjoyed by the most populous and wealthy centers.

Indiana University, located at Bloomington, now has a college of liberal arts, a school of education, schools of law and medicine and a graduate school. The medical school is located at Indianapolis. In addition to its courses for resident students, Indiana University, by means of its extension department, places before all the citizens of the state an opportunity to pursue advanced study.

Purdue University, located at Lafayette, is a technical, scientific and agricultural institution of high standing. It ranks among the foremost schools of America which offer technical training. A United States Government experiment station is located at Purdue; with this the university collaborates. The university is sustained, in part, by federal support.

The State Normal, located at Terre Haute, is primarily a teachers' training school offering a four years' course leading to the degree of bachelor of arts. This was the first of the many Indiana schools devoted primarily to the training of teachers. Like the two state universities, the State Normal ranks among the foremost educational institutions of its kind in this country.

In response to the ever increasing demands made upon teachers by the state educational organization, and in order more fully to present the opportunities of advanced training in methods of teaching, there has recently been organized a branch of the Indiana State Normal at Muncie. This school will co-ordinate with the school at Terre Haute.



These institutions are controlled by boards of trustees. The members are partly appointive by the governor and the state board of education and partly elective by alumni. These state institutions are maintained by a state educational institution fund raised by a special state tax levy. The general assembly also makes special appropriations for buildings and other extraordinary expenses.

Denominational and private colleges and normal schools are accredited by the state board of education for the professional training of teachers.

A significant step in higher education is the rapid development and growth of university extension, the educational process of carrying the benefits of the university directly to the homes of the people. The function of extension work has come to be peculiarly that of public service. The character of the service depends upon the functions of the university and the demands of the people of the state.

**University  
extension**

Purdue University directs its extension activities mainly to agricultural service by means of bulletins, demonstrations, short courses and institutes, thereby fulfilling the very important function of educating farmers and aiding them to develop agricultural resources of the state. The work is carried on partly by men sent out directly from the university and partly, in fact largely, through the county agricultural agents. Each agent serves as an organizer for his county. Bulletins are distributed and concrete investigations made in connection with conferences and institutes. Through the short courses the farmers of the community or district are enabled to receive advanced instruction on subjects relating directly to farm problems. These courses usually

last from two days to a week. The extension department of Purdue has very properly influenced the war aid movement toward larger food production, keeping ever awake to the particular needs of the day and directing campaigns of education to meet them.

Indiana University has a well developed extension division conducting outside extension teaching and public welfare service. The teaching consists of class instruction, lectures and correspondence study. The welfare service is conducted along the line of organizing and directing institutes, surveys and conferences; collecting and lending package libraries, exhibits and lantern slides; compiling and publishing information in circulars and bulletins and giving co-operative assistance to clubs, civic societies and all community agencies. Extension centers are maintained at Indianapolis and Fort Wayne, where regular class work and accredited instruction are offered similar to that offered in residence. Instructors are furnished to classes elsewhere on application.

Butler College carries on academic extension work in the city of Indianapolis among schools and clubs.

Extension work is one of the newer departments of university activity and is serving the purpose of carrying the message of higher education directly into community life. The opportunities in this field of service are unlimited and the next few years will doubtless show tremendous development.

#### **Vocational education**

The establishment of vocational education is our most advanced step toward making education entirely democratic. Beginning with the Vocational Education Act of the legislature of Indiana in 1913, and continuing through co-operation with the Smith-

Hughes Act, passed by Congress in 1917, Indiana is making marked progress in the field of genuine vocational education. This form of education is directed purposefully and specifically toward equipping young people for the pursuit of some useful occupation. The home, the workshop, the farm and the commercial institution are no longer adequate to educate boys and girls up to standards required by modern conditions. This is now conceived to be the function of the schools, demanding special equipment and expert instruction. The school is following the youth into his work. The federal vocational act provides for allotment among the states an annual appropriation beginning at \$500,000 in 1918 and increasing on a graduated schedule until in 1926 it shall have reached the sum of \$3,000,000.

Indiana has met all of the requirements for receiving the benefits of this act and has a state vocational department of three members, covering industry, agriculture and household arts. The work is classified as follows:

1. Day and vocational courses in agriculture;
2. Day part-time and evening courses in trades and industries;
3. Part-time general continuation classes in civic and vocational subjects;
4. Training courses for teachers of agriculture, trades and industry, and home economics subjects.

The state pays two-thirds of the sum expended for instruction in order to maintain approved vocational schools for agriculture, industry and domestic science. A special vocational levy is added to the state common school levy for the purpose of creating this fund.

A notable example of modern co-operation of the schools for the general welfare in concrete ways is seen in the war service activities now recognized as an essential part of the work of the schools. Immediately following the declaration of war by the United States Indiana educators began the task of mobilizing all educational forces. Teachers, students, and all persons connected with the public school system quickly enlisted in every civilian movement to further the winning of the war.

A special part of this effort has been devoted to the intensive training of men and women for specialized service so that the state should not suffer from a dearth of experts in any needed lines. The schools have not only kept open for the pursuit of their normal educational purposes but have added greatly to their efforts. The State Board of Education formulated plans in connection with the State Council of Defense whereby the entire school system could be made a great reserve power.

Higher institutions of learning have modified their courses and requirements to meet the war-time needs. Courses have been intensified to prepare young men quickly for enlistment in special government service. The extension departments of Purdue and Indiana Universities have devoted their strength without reserve to war aid work. Special provision has been made by Purdue University to train auto mechanics sent by the Government from the various camps.

Perhaps the greatest educational function and service conducted through the schools in this connection is that of helping awaken our entire citizenship to an appreciation of the needs of the time. The

school system is the best medium through which information can be directed to the homes of the people. It offers "quick" wires of intelligence, reaching to every nook and corner of the commonwealth. In a democracy, people must have a clear understanding in order that they may act wisely. It is certainly a valuable by-product of the war that education has been vitalized into a more direct form of service to promote the general welfare.

### **QUESTIONS AND SUGGESTIONS**

1. Who is the county superintendent of your county? The trustee of your township? The members of your town or city school board?
2. When do the terms of these officers expire?
3. Give the names of the members of the state board of education.
4. Should the terms of these officers be extended?
5. What is the school tax levy in your city?
6. What considerations of public policy support vocational education?
7. Is it the duty of the state to furnish at public expense technical and professional training for the purpose of developing specialists and skilled workers?
8. What industrial institutions of your city offer opportunities for their employees for part time-vocational courses?
9. Should textbooks be furnished free?
10. What university extension courses are offered in your community?
11. Who is your county agricultural agent?

### **SPECIAL EXERCISES**

1. Have the class visit a teachers' association or institute and some higher institution of learning if one is near.
2. Visit vocational class; extension class; agricultural institute or short course.
3. Have talks before the class by a member of the state board; the county agent; county superintendent of schools; and a member of the school board.

## DEPARTMENTS AND ADMINISTRATION

### Distribution of powers

THE constitution (Art. III) distributes the powers of government among the legislative, executive (including administrative) and judicial departments, providing explicitly that no person charged with the official duties of one of the departments shall exercise any of the functions of another, except as expressly provided in the constitution. The distinction is clear in principle, but there is much overlapping in practice and functioning. This is especially marked between the legislative and judicial in the exercise by the courts of the power to annul any legislative act on the ground of unconstitutionality, though no such authority is expressed in the constitution. Recent and striking instances may be noted in the decisions upon the constitutional convention act and the suffrage act, passed by the legislature of 1917. Both were declared unconstitutional by the supreme court, and in both cases by a divided opinion of the court.

### EXECUTIVE

The office of governor is substantially the same in Indiana as in all the states. (Reed, Chapter X; Indiana Constitution, Art. V.)

The lieutenant-governor is in effect the vice-governor. In case the office of the governor becomes vacant or the governor is unable to discharge the duties, the same shall devolve upon the lieutenant-

governor. The lieutenant-governor is president of the senate and has a right when in committee of the whole to vote on all subjects and to give a casting vote in case of a tie. It is a disputed question as to whether or not he can vote on the passage of bills and joint resolutions in any case. The senate was equally divided politically in the session of 1917, but no test case of this question was allowed to arise.

It can not be said literally that the governor is, indeed, a chief executive in any such sense as in the case of the President of the United States. The constitution provides that he shall take care that the laws be faithfully executed, but in this respect he is entirely dependent upon the measure of power extended to him by the legislature. He can not, in fact, directly execute the laws, since he has no immediate authority over sheriffs and local police officers and he has no direct power over prosecutors in the performance of their duties. In cases of extreme necessity, he can call in the militia to execute laws, suppress insurrection or repel invasions, but occasions seldom arise for the exercise of this extraordinary authority. The governor is deprived of the actual benefits of a cabinet, since the chief administrative officers about him hold their positions on the independent basis of popular election. The attorney general is chosen in the same manner as the governor and is the chief legal representative of the state. He may act independently of the chief executive in many important functions.

**Executive  
powers**

Although the executive department includes the administrative in the general divisions of power, a separate article of the constitution is devoted to

**Adminis-  
trative  
relations**



administrative officers. These officers are established in the constitution and made elective. The state administrative officers so named are secretary, auditor, and treasurer of state, all of whom hold office for two years and are not eligible to serve more than four years in any period of six years. (Reed, Chapter XIV.)

The county officers similarly so established by the constitution are clerk of the circuit court, auditor, recorder, treasurer, sheriff, coroner and surveyor. The clerk, auditor and recorder have four-year terms and are not eligible for more than eight years in any period of twelve years. The others have two-year terms and are not eligible for more than four years in any period of six years. Other state, county, town, and township officers not specifically named in the constitution are subject to election or appointment to office in such manner as the legislature may determine. (Reed, Chapter XVIII.)

It thus appears that in administrative functions the duties and powers are divided among independent officers with whom the governor must work more upon the basis of equality than authority. The county is really an administrative unit of the state, but the functions are exercised by officers elected independently of state officers and of each other. The same is true in the township, thus establishing a degree of decentralization such as is not conducive to the strongest executive or administrative efficiency.

It is entirely possible of occurrence, and in fact has frequently occurred in Indiana, that the governor finds himself surrounded by officers adverse to



him politically or otherwise. This is especially possible in view of the somewhat uncertain political complexion of the state. A situation of this kind resulted from the election of 1908, causing Governor Marshall to exclaim that he was in "the governor's chair, surrounded by state officials politically opposed to him, like a rat in a trap." The fact that the political complexion of some of these offices, such as the secretary, auditor, treasurer and attorney general, may change during the governor's term, because of election every two years, further enhances the possibility of a lack of harmony and co-operation in the state house.

Perhaps the chief use of the governor's power over state administration resides in his authority to require information in writing from the officers of the administrative department upon any subjects relating to their respective offices. This is a part of his general power in transacting all necessary business with the officers of the government.

**The governor may demand publicity**

The governor, by official messages, gives information to the legislature from time to time, touching any condition of the state's affairs which he wishes to present to the law-making body. This is usually done by a formal and general message at the opening of the session, though numerous special messages may be given during the session. In these messages he recommends such action as to him seems expedient.

**Relation to legislature**

After a bill has passed the two houses it must be presented to the governor. With his approval and signature it becomes a law. If he vetoes the bill, it can only become a law by having again passed both houses by a majority vote of all members of

**Veto Power**

each house. If the governor does not return the bill within three days, Sundays excepted, it shall become a law without his signature. The "pocket" veto can be applied to all bills presented to the governor within two days of final adjournment. This may be, and often is, very effective, since it is customary for the legislature to pass a great many measures at the very close of the session. The governor can only approve or veto a bill as a whole. He can not discriminate as to individual parts of measures and is, therefore, divested of any real discrimination in final control of finances through legislative appropriation of public funds. The governor necessarily hesitates to veto an entire appropriation bill at the close of the session and so possibly require an extra session because of a few objectionable features of the measure. This makes possible the adoption of many bad provisions in the form of "riders" to appropriation bills. In the session of 1917 approximately \$15,000,000 of appropriations were made in the last three days of the session. In these appropriation bills salaries were increased, new offices were created and some offices were abolished. This would hardly occur if the governor possessed the power to approve parts of a measure and disapprove special items or provisions. The governor may by proclamation call a special session of the legislature at any time when, in his opinion, the public welfare requires it. This is an extraordinary power of great importance, but is seldom used. The governor's chief source of power over legislation is usually found in his strength as party leader.

A plan popularly urged to give the governor actual responsibility and discrimination in financial affairs of the state is the establishment of the budget system. (Reed, page 486.) The present method of determining state needs through recommendation of a visiting committee of the legislature can hardly assure adequate and systematic investigation of all state needs. The recommendations may be adopted or reduced or greatly enlarged, or they may be changed altogether by the legislature. Special appropriations may be made entirely apart from the general plan. Under the circumstances the time and opportunity for careful consideration are limited, though it fortunately happens that there are usually "faithful guardians of the treasury" in every legislature. The budget plan proposes to substitute for general legislative responsibility a systematic control and a direct responsibility in the governor. It would authorize him to formulate, submit and defend before the legislature, if necessary, all financial measures. The complete budget of state needs would be submitted under executive direction. The budget might be reduced in one or more items, but could not be increased. The governor would be authorized to veto any one or more items of any appropriation bill.

Without more centralization of responsibility it is very difficult indeed to have a systematic and economic control of state finances in view of the present enormous burden of state government. This situation of divided control led Governor Goodrich to state publicly at the close of the legislature of 1917, that "there is little the governor can do for

economy," and that "he is as helpless as a child" in some very important matters of state finance.

#### **Pardoning power**

The governor is vested with large power to grant reprieves, commutations and pardons after conviction covering all offenses except treason and cases of impeachment. He can suspend execution for treason until the case is considered by the legislature. He has power to remit fines and forfeitures. This power, exercised in co-operation with the pardon board, constitutes the working basis of our reformative system in penal procedure. The tendency seems to be toward an ever broader exercise of executive clemency.

#### **Appoint- ments**

Through the creation of large numbers of boards and commissions the appointive power of the governor is constantly increased. This power enables the governor to extend his control and influence in many special functions of administration, though it does not apply to much definite executive or administrative work. The principal powers thus exercised are of a supervisory nature, pertaining especially to state institutions.

#### **Military**

By virtue of the fact that he is commander-in-chief of the military and naval forces of the state, the governor is vested with authority of a military nature which in cases of emergency, and especially in times of war, offers a large measure of executive force and discretion. He appoints the adjutant, quartermaster and commissary generals, and is himself commander in charge of the state militia, consisting of all able-bodied white male persons between the ages of eighteen and forty-five, except such as may be specially exempted. Our war governors

have been able to use the military discretion vested in them with great efficiency.

It is probably true that the governor's chief source of power is not the authority legally reposed in him by law, but in his influence and force as a public and popular representative. As the spokesman of the people of his commonwealth he may gain prestige and command such a following as may overcome all technical obstacles in the conduct of public policies.

**The  
spokesman  
of the  
people**

The application of the short ballot to state affairs is being thoughtfully considered as a means of vesting needed responsibility and discretion in the governor in his executive capacity. This would probably vest such appointive powers in him as have always been vested in the President of the United States, leaving only the governor, lieutenant-governor and possibly the auditor of state, who is the check upon the governor, to be elected by popular vote. (Reed, page 108.)

**Short  
ballot**

The extension of such additional power carries with it the suggestion of more direct recourse in the hands of the people through the recall. The short ballot idea is condemned on the one hand as undemocratic because it deprives the people of the privilege of voting for many of their officers. It is advocated on the ground that it really promotes greater democracy as well as efficiency in that it would make voting more responsible and effective through the simplification of elections and the complete fixing of responsibility. President Wilson has declared it to be "the key to the whole problem of the restoration of popular government in this country."

The conduct of business in counties and townships is almost entirely administrative in character and is carried out by these units as subdivisions of the state along the same general lines of state policy. It is simply a form of administrative self-government subject to general laws and policies. The only legislative powers vested in the county are reposed in the board of county commissioners. This board exercises some functions of all three departments of government. The same reasons for the application of the short ballot which might be urged in state government would apply also in county and township government.

### **LEGISLATIVE**

The legislative authority of the state is vested in the general assembly, consisting of the senate and house of representatives. These bodies now include the maximum membership allowed by the constitution—fifty in the senate and one hundred in the house. Senators are elected for four years, the term of one-half the members expiring every two years. No person is eligible to either house who is not a citizen of the United States and who has not been for two years next preceding his election an inhabitant of the state, and for one year of his county or district. The minimum age for senators is twenty-five years, and for representatives twenty-one years. There is no limit to the number of terms for which a member may be elected. No member of either house shall, during the term for which he may have been elected, be eligible to any office created by the session in which he serves. It is quite common for members to serve many terms in succes-

sion. Members of the house are frequently elected later to serve in the senate. The membership of both houses usually represents all walks of life—lawyers and farmers predominating. (Reed, Chapter XI.)

The legislature assembles in regular session on the first Thursday after the first Monday in January in every odd year. The fixed limit to the session is sixty-one days, including Sundays and holidays. It usually takes several days for the legislature to become thoroughly organized, and the inevitable result is that there is a tremendous rush in the closing days of every session. This limitation of sessions results in setting aside, in many important cases, the carefully planned rules of procedure which are intended to safeguard all steps in legislation. Instead of reading all bills by sections on three several days, the rules are often suspended by a two-thirds vote and numerous bills are passed with a rush during the last two or three days of the session. This tends to prevent the deliberation and thorough consideration contemplated in our system of representative government. (Reed, Chapter XII.)

Length  
of session

One of the suggested remedies for undue limitation of session is a divided session, having the first part devoted to the introduction of measures, after which a recess may be taken for the return of members to their constituents. The recess gives time for the study and discussion of these measures by the people as well as the representatives. After the recess, the legislature proceeds to final consideration and passage of needed measures.

Another proposed plan is to remove all limitation



of session and fix an annual salary for legislators rather than payment on a per diem basis.

There is comparatively little open and thorough discussion of measures in either house, excepting in the case of special proposals of most intense importance. The effective work is practically all done by hard-working committees which investigate and revise bills and report them for passage or block them completely.

#### **Bicameral system**

The two-house system that prevails in state legislation generally has always been in vogue in this state. It is an interesting question as to the actual effect of this dual plan whereby each house can check and support the other. The complaint is frequently heard that this system, instead of making a double safeguard, is doubly confusing in that each house passes the responsibility on to the other for final determination, developing methods of political manipulation tending to defeat deliberation and care instead of promoting careful consideration. The double system multiplies labor and expense and makes the question of limitation of session doubly serious. Whether or not the substitution of a single house with a smaller number of members would result in more representative government is a subject for thoughtful consideration.

#### **Representative government**

An all-important question of representative government is as to whether or not, through the legislature, the real wants and needs of the people are felt and considered. It must be recognized that this depends very largely upon the question as to whether or not party political organizations can be relied upon as being representative of the people, for the legislature is largely controlled by political



policies and platforms and is often subject to the direction of party leaders. In notable questions involving keen public sentiment, such as the liquor question, public influences do make themselves felt in legislative halls regardless of party organization. However, in the main course of legislation, the influences that are constantly felt are those of a specially organized nature that have means of reaching the legislature, whereas the general mass of the people do not. Anti-lobby regulations have been made to restrain the influence and possible evil of special interests as far as possible. The people have no direct method of reaching the legislature except by petitions which, having no compelling force behind them, are of questionable value unless backed by overwhelming sentiment. The individual member tries to reflect what he believes to be the prevailing sentiment of the people of his district, though it may happen, and frequently does happen, that his action is controlled by general state policy rather than local sentiment. (Reed, page 109.)

Perhaps the greatest single obstacle in the way of thorough representation of the people of the state is the growing tendency toward local and special legislation. The constitution provides (Art. IV, Sec. 22) careful and specific safeguards against this practice, embodying some seventeen enumerated cases of inhibitions of local or special laws. These were sufficient to avert the need of special legislation a half century ago and prove excellent safeguards in so far as they are applicable today. It is quite essential that the legislative body be permitted to deal only with matters of general state importance and to this end it is necessary that minor

**Special  
legislation**

local interests be attended to in local communities. The provisions against special legislation may be greatly strengthened by the extension of a larger measure of local initiative and local self-government in counties and cities. This will make way for far larger opportunity in the legislature to be thoroughly representative of all the people of the state.

**Representa-  
tion in  
Congress**

Indiana is represented in the Congress of the United States by thirteen members in the Lower House and two senators, all elected by direct popular vote. The members of the Lower House are elected for two-year terms and those of the Senate for six years. The representatives are chosen by districts made of contiguous counties so as to form thirteen separate congressional districts. Marion county constitutes a single district.

**JUDICIAL**

**Organiza-  
tion of  
courts**

The judicial power in Indiana is vested by the constitution in a supreme court, in circuit courts and in such other courts as may be established by the legislature. The development of the system has provided an appellate court for the state, superior courts for counties containing large cities, special probate, criminal and juvenile courts, city courts, mayors' courts and justice of the peace courts. (Reed, Chapter XIII.)

The supreme court can have no more than five judges. When the great increase of appellate business, due to increase in population and enterprise of the state, rendered this number insufficient to perform all the duties of the highest court of appeals, the legislature, acting under its general power to

establish courts, created the appellate court of six members as an aid to the supreme court. Supreme judges serve for six years and appellate judges for four years. The judges of the supreme court are elected from districts. The state is divided into five sections for this purpose and one judge is elected from each district by all the electors of the state. The six members of the appellate court are elected similarly from two districts of the state, three from each district. Due to the practice of taking cases from the appellate court to the supreme court for review, it has resulted, in part at least, that the appellate court constitutes another link in the chain of procedure instead of being a positive addition to the supreme court. The cases passed upon by the appellate court are published in volumes separate from those passed upon by the supreme court. These reports are published by the supreme court reporter. Cases go both to the supreme and to the appellate court from the circuit courts, superior courts and other specially created courts. Cases involving the constitutionality of a law can be determined only by the supreme court. A majority of the members of the court form a quorum and a majority may render a decision. A great deal of the work of these courts of appeal consists in construing new statutes, determining their application and constitutionality.

There are sixty-eight circuit courts in the state, one judge being elected from each circuit. In many cases the circuit is coterminous with the county. In some districts, several of the smaller and sparsely populated counties are combined to make one circuit. No county has more than one circuit judge. The judge is elected for a term of six years by the voters

of the circuit. This court has general original jurisdiction in civil and criminal cases and has appellate jurisdiction from justice of the peace courts and city courts. The circuit court also has probate and juvenile jurisdiction, except in Marion county.

The legislature has created superior courts in several counties containing large cities, where a single circuit court has been found insufficient. These now number seventeen. Five of these are in the city of Indianapolis. The judges are elected by the people of the county for a term of four years. The superior courts have jurisdiction almost identical with the circuit courts, being limited only in some special actions in which the circuit court has exclusive jurisdiction.

Other special courts created to take care of increasing litigation are a criminal court, probate court and juvenile court—all for Marion county.

We have twenty-four special city courts in cities of the first, second, third and fourth classes. The judges are elected by the people of the cities for a term of four years and have exclusive jurisdiction of all violations of city ordinances and general jurisdiction similar to justices of the peace. In cities of the fifth class the mayor acts as judge of the city court, having jurisdiction similar to that of judges in the cities of the other classes and of justices of the peace.

The constitution authorizes a "competent" number of justices of the peace. We have in Indiana 1,260 of these courts with a constable acting for each court. The justice court has limited civil and criminal jurisdiction in township and county. Appeals are taken directly from the justice court to the cir-

cuit or superior court. Jury trials are held in the justice courts, the jury consisting of six members. A questionable feature of our justice court practice is the retention of the old fee system—the compensation of officers depending upon conviction and collection of fees in criminal cases, the fees being assessed as part of the costs.

A prosecuting attorney is elected for a term of two years by the voters of each judicial circuit. It is his duty to represent the state in the prosecution of all violations. He is compensated in part by fees.

It is possible that a general reorganization of our system adapted to all the needs of the present day could result in reducing the number of courts and in bringing greater dispatch and economy in dispensing justice.

The Bill of Rights (Sec. 12) provides that “all **Delay** courts shall be open; and every man, for injury done to him, in his person, property or reputation, shall have remedy by due course of law. Justice shall be administered freely and without purchase; completely and without denial; speedily and without delay.” This expresses the ideal sentiment and practice which underlies our system of justice. The most general dissatisfaction with court procedure has been due to delay, resulting largely from technical forms of procedure and the chain of appeals. Cases frequently require many years for ultimate determination. It is true that delays may be in many cases an aid to the careful and thorough investigation and trial of a case and may result in more complete justice. On the other hand, it is also true that long-drawn-out delays operate in the long run against the poor, unprotected litigant, especially if

the other side of the case is of considerable power. With all possible delay excluded, every precaution should, of course, be maintained to guarantee a fair and thorough hearing, touching all wrongs and grievances for which public tribunal is required. The courts are tribunals of last resort and should not be burdened with minor complaints, which common sense and good citizenship can reconcile without public appeal. The development of greater civic sense among the people will tend to lessen the duties of the courts.

### **The jury**

Although the tendency in much of our litigation, especially in civil cases, seems toward trial directly by the judge without a jury, this time-honored institution, the jury, still prevails in the Indiana judicial system. Two jury commissioners for the county, appointed by the judge of the circuit court, serve for one year and select from the names of all the voters of the county double the number needed for all the juries, grand and petit, for the year. The names are kept in the jury box by the clerk of the circuit court and the key deposited with that one of the commissioners who is of opposite political faith from the clerk. Names are drawn for the petit jury. These constitute the panel from which is selected jurors to sit in the trial of cases. Separate names are drawn for the grand jury. Juries in the circuit and superior courts consist of twelve men; in the justice court, of six men.

A peculiar provision of the Indiana constitution gives jurors the authority to determine both the law and the facts in the trial of criminal cases. The practice which generally prevails limits the function of the jury to the determination of the facts. The

requirement that the verdict of the jury be unanimous results in many hung juries, new trials and compromise verdicts. This might be relieved by allowing three-fourths of the jurors to return a signed verdict in civil cases and in criminal cases less than felonies.

It is to be regretted that many good citizens avoid jury service, leaving too many opportunities for professional jurors.

It is of the utmost importance that judges in all courts be as free as possible from any form of bias or special influence. The question as to whether or not this can be obtained by popular election and short term is a very interesting one. It is urged that selection of judges by appointment would tend toward greater freedom from political influence such as may result in the canvass for votes in the primary and general elections. If the judge's term could be made to depend upon efficiency and good behavior, instead of being limited to a short fixed period with the possibility of re-election depending upon political chance, it would induce greater independence and possibly more satisfactory service. The constitution authorizes the legislature to provide for the election of all judges by an election to be held for them only, at which time no other officer shall be voted for. (Art. II, Sec. 14.) A separate election of this kind might have the tendency to lessen the influence of partisan politics. It has always been the practice in Indiana to select judges by the same political methods that prevail in the choice of public officers generally.

**Selection  
and term  
of judges**

Through the influence of bar associations and law schools an ever higher standard of professional



### Lawyers' qualifications

qualifications is being promoted. By provision of the constitution (Art. XII, Sec. 21), every person of good moral standing who is a voter is entitled to be admitted to the bar upon his own application. Being a voter and of good moral character are the maximum requirements. Many who are not voters have been admitted. The supreme court has held that women may be granted the right to practice before all courts.

### Impeachment

Strong constitutional provisions and general laws for the impeachment of officers prevail in Indiana. However, the cases of impeachment and removal have been comparatively rare. A limitation upon the power of impeachment, intended to give greater independence and discretion to prosecutors and judges, provides, in effect, that these officers can only be impeached and removed after conviction of corruption or other high crime. (Art. VII, Sec. 12.) This article has had late construction in the supreme court (*State vs. Patterson*, 181 Indiana 660) holding that the judge and prosecuting attorney are constitutional officers and are neither state nor county officers subject to the general impeachment provisions of the constitution and laws based thereon, applicable to state and county officers. Adequate impeachment provisions and vigorous enforcement would do much to relieve all agitation for proposals of recalls applied to such officers.

### Federal jurisdiction

The state of Indiana constitutes a federal court district, having one judge appointed by the President during life or good behavior. Sessions of the court are regularly held at Indianapolis and occasionally in Fort Wayne, Evansville, Hammond and New Albany. Appeals from the district judge are



taken to the federal circuit court of appeals of the seventh circuit, which includes Indiana, Illinois and Wisconsin. The circuit court usually holds sessions in Chicago, but may designate other places in the circuit. Cases involving federal questions are tried in the federal courts.

## **TAXATION**

The levy and collection of taxes is a highly important function in the administration of government. (Reed, Chapter XL.) Probably no subject of public policy in civic affairs has received more thought and discussion in Indiana in recent years than taxation. The general system in vogue has been maintained substantially the same since the adoption of the constitution in 1851, though phases of the law have received different application. The constitution requires a uniform and equal rate of assessment and taxation, thus establishing the general property tax. Under this provision all tax laws must apply alike to all classes of property regardless of nature or kind. This has been found extremely difficult to carry out in practice because of the vastly different nature of property. Real estate differs widely as an object of taxation from intangible personal property.

The system is administered through township, county, city and state agencies. The township assessor has the extremely important duty of making assessment and fixing the valuation of personal property of private individuals each year. Real property is assessed every four years. The county board of review fixes the assessment upon the property of corporations excepting pipe lines, railways,

express companies, telegraph and telephone systems. These are assessed by the state board of tax commissioners. Appeals from the valuations made by the township assessor may be taken to the county board and even to the state board. The tax levy is the sum total of levies made for the different units of government by the state legislature, county council, city council or town trustees, township advisory board and the school trustees. Taxes are paid in installments twice a year to the county treasurer, who makes distribution to the state, county, township and city.

It will be noted that the administration of the tax system represents the peculiar relation of the state, county, township and city. The township assessor has really the most important duty of all in making the assessment. If this is inequitable, the further administration of the system can not possibly be equitable. The county assessor has uncertain supervisory powers over township assessments and can bring appeals before the county board of review. The county board of review, in addition to assessing the property of corporations, reviews grievances and makes equalization between the townships. The state tax commissioners, in addition to assessing public utilities, settle appeals from county boards and make equalization between counties.

The application of the general property tax to modern forms of property seems to bear with undue hardship upon visible property in common forms which can be listed easily at true value, whereas vast amounts of wealth in invisible form—stocks, bonds, etc.—easily escape taxation. It is urged that this could be remedied, in part at least, by the appli-

cation of a classification tax which would fix different rates for different kinds of property. A state income tax has been adopted in many states as a means of equalizing the burden of government support according to income. Neither of these have been tried thus far in Indiana because of constitutional objections.

Indiana has an inheritance tax law, adopted in 1913, which contributes revenue to the state highway fund. The rate varies from one per cent to five per cent according to the degree of relationship and the amount of inheritance. It is a graduated tax—the rate rising with the amount of the heritage and the distance of relationship.

The problem of taxation is recognized as including much more than the machinery and system of levy and collection. It involves the whole subject of cost of government, which has been increasing in every unit of government for the last twenty-five years. This increase has been due, of course, in some measure to the increase in population but mainly to the increasing number of functions of government and possibly to lax methods of financial administration. Whether or not this expense will increase or decrease will depend upon both of these elements—the functions assumed and the efficiency of financial administration. Whether the cost be great or small, it is essential that the burden borne by the taxpayer be equitably adjusted, considering such elements as ability to pay and the benefit to be derived.

## TOPICS AND QUESTIONS FOR DISCUSSION OR DEBATE

1. Short ballot.
2. Budget system.
3. Recall of executive and administrative officers.
4. Recall of judges.
5. Should judges be appointed to serve during good behavior?
6. What qualifications should be required for admission to the bar?
7. Should unanimity of verdicts for jurors be abolished?
8. Should courts have the power to annul legislative acts on grounds of unconstitutionality?
9. Unicameral system of legislation.
10. Initiative and referendum.
11. Classification tax *vs.* general property tax.
12. Is a state income tax desirable?

## SPECIAL EXERCISES

1. Have talks before the class from one or more state officers ; a member of the legislature ; a judge.
2. Arrange special visits of the class to the courts when they are in session ; to the legislature if it is in session during the term and to county, executive and administrative departments of the county and state.
3. Assign to each student some special exercise requiring a personal interview or correspondence with some state officer or board touching some state function.

## CITY GOVERNMENT

THE peculiar nature of the city as a separate unit in public policy has not been recognized to a very large degree in the government of Indiana. To those who live in cities, it is becoming increasingly clear that the city is a distinct factor in government rather than a subdivision of the state after the nature of the county and the township. We have more points of direct contact with affairs that are peculiar to the city than we have with all other units of government combined, not excepting the nation. A rightful regard for the city, state and nation involves a three-fold patriotism.

**Peculiar  
problem**

The problem of city government is distinctly modern and is taking on new and peculiar aspects constantly. This problem today is not the problem that was involved in the government of compact communities fifty years ago, or even twenty-five years ago. The rapid increase of population makes necessary the development of new forms and functions of community activity. The growing complexity of social and economic relations in these compact communities continually produces new questions of public policy, requiring new methods of solution in a political sense. There is just as much basis for new and original development in the government of municipal corporations as there is for

new and original methods and activities in the development of modern business through private corporations. (Reed, Chapter XXXIX.)

**City  
growth in  
Indiana**

Over one-half of the people of Indiana live in urban communities. In 1910, Indiana had 88 cities of over 2,500 inhabitants, and 382 towns and villages of less than 2,500 inhabitants. Our urban population included, in 1910, 53.5 per cent of the whole and the rural population 46.5 per cent. Ten years previous, 1900, the relation was almost exactly reversed, the rural communities including 55.2 per cent and the towns and cities 44.8 per cent. This indicates the rapid tendency toward centralization of population in cities and suggests the growing complexity of the problem of local government. From 1900 to 1910 our city population increased 30.5 per cent, while our rural population decreased 5.5 per cent. About one-tenth of the population of Indiana is in the city of Indianapolis.

**Lack of  
city  
system**

It is true of Indiana, as of much of the western world, that there can hardly be said to exist a really adequate system of city government. As the cities have grown and it has become necessary to meet vitally changed conditions, government has tried to keep pace largely by a series of makeshifts. Our state constitution takes practically no note of cities and makes no substantial provision for them. The word "city" appears only once in the constitution, and then not in any important connection. Article XIII, adopted in 1881, makes reference to municipal corporations for the purpose of limiting the activities and powers of cities by imposing a two per cent debt limit. (Reed, Chapters XV, XVI.)

Our cities are subject to state regulation and control by general laws. Through interpretation of a provision relating to private corporations (Art. XI, Sec. 13), cities in Indiana, constitutionally defined, are "corporations other than banking." This oversight in regard to cities was natural in the making of a constitution at a time when there was no real city problem in Indiana. Our largest city in 1850 had less than 8,000 inhabitants and the coming of the modern municipal era had hardly cast its shadow.

The boundary line between towns and cities is the population limit of 2,000. A village can become a town through petition of the people to the county commissioners asking for the establishment of a separate government prescribing the boundaries. If this is approved by the commissioners and ratified by the people residing within the proposed town limits, a town is formed, divided into wards, and officers are chosen. By a two-thirds vote of four-fifths of the electors, the town government can be dissolved.

**Classifica-  
tion of  
cities**

A town of 2,000 population or over may by petition and a majority vote of its inhabitants become a city. The city so formed then enters into its general class under our state laws governing cities.

It can not properly be said that any Indiana city has a charter. The so-called charter of any Indiana city consists merely of an act or acts of the state legislature applying to that particular city or rather to the class to which it belongs. Our cities are divided into five classes on the basis of population and, to some extent, upon the assessed valuation of



taxable property within the city limits. Cities of 100,000 or over belong in the first class. This includes only the city of Indianapolis. Cities having a population of not less than 35,000 or more than 100,000 belong to the second class. The third class includes all having a population of from 25,000 to 35,000. The fourth class includes all cities having a population of from 10,000 to 20,000, provided they also have taxable property amounting to \$5,000,000. This class also includes cities having a smaller population than 10,000 if they have taxable wealth assessed at \$7,500,000 or over. For example, Whiting with a population of less than 7,000 was included in the fourth class because of its taxable property. The fifth class includes all other cities.

#### **System of government**

The general system of government in the cities, provided by the state law, is very similar in all classes. The plan is the "mayor and council plan," or the so-called "federal plan," which is entirely political in nature. Officers are elected by party ballot. The holding of city elections at a time when there is no national or state election has tended to center more exclusive interest upon city government, but it has had very little effect in changing the partisan political character of the elections. National and state politics still reign supreme. It naturally follows that the appointments of officers and boards are dominated almost entirely by political considerations and largely as a means of paying political debts. The mayor and council frequently cross each other in such ways as to interfere with progress and to make the fixing of absolute responsibility very uncertain. Conflicts between the



departments often bring the administration of the government to a standstill.

Again, the city is limited in fundamental respects by state legislation so as to make almost impossible adequate exercise of local self-government. At the same time a very high degree of decentralization exists, since the state can not exercise direct control in local affairs. There can be little doubt that the dissatisfaction which has existed so generally in our cities is traceable almost entirely to our confusing system of administering city affairs and to the dependent position in which the city officers are placed. This dissatisfaction is always expressed politically and it is the natural political history of our cities that almost every administration is succeeded by an administration of the opposing party—a continual round of “ins and outs” without much material change in results.

For educational purposes the city is a separate unit, the school city being distinct from the civil city. If these functions are not properly discharged, the fault must lie either with the system in operation or with the men charged with the administration of these duties. The fault may reside in both. The system has much to do in determining the selection of men as well as the character and quality of the service they render.

A highly important part of the functioning of city government in the way of serving the people is conducted very largely and in many cities entirely through private corporations. This covers such important and universal service as the supplying of gas, water, electricity, street railways and telephones. Approximately one-half of the cities

**Public  
utilities**

in Indiana own their own waterworks and about one-third own and operate their own electric light plants. None of the other utilities is owned by any Indiana city. The city of Indianapolis owns none of its public utilities. These are the money-making functions of the city and private enterprise is eager to control them. (Reed, Chapter XXXVI.)

Through our state utility law, passed in 1913, the general control and regulation of rates and service of these public utilities is vested in the public service commission of the state, appointed by the governor. All franchises are in effect indeterminate permits. No city may grant a franchise without permission of the commission and the commission may take away franchises for cause. Rates and regulations of service are fixed entirely by the commission upon its own investigation, taking this important power entirely away from the control of the people themselves.

**Need of  
home rule**

It is becoming clearly evident that government of cities by general classes does not reach the best results in the different cities. Cities are no more alike than families or states or nations. The internal local problems of each city are, in many cases, entirely peculiar to that city and can not be solved by methods of general control. This suggests the need of home rule, which is coming to be the prevailing method of modern city government. Home rule would relieve the cities entirely of special interference in local matters by the legislature and would enable the people of each municipality to provide their own special form of local self-government by a self-made charter which they could adapt to suit

their needs and could change as experience should recommend.

One of the main considerations in the making of the present constitution was the ridding of the state of the evil of local and special legislation which had grown up under the constitution of 1816. To some extent this evil has returned, although in a somewhat different form, namely, the attempt to legislate for our cities under general laws. In all legislative sessions much time is given to the passage of acts which, though general in form and terms, are special in their application inasmuch as such acts so fix the population limits of the cities to which they apply as to include a given city and no other. Thus, although the act must of necessity be so framed as to be general in its nature, nevertheless it actually becomes "special legislation."

In order to obtain the passage of these bills it is quite often necessary that purely local questions be fought out in the legislature on a state political basis. Complications which concern only the government of cities, as for instance differences between city officers and city councils, the establishment of special boards or of special courts, must of necessity come before the legislature. These are matters which the cities themselves should have the power to attend to at home without asking any kind of state interference.

Our legislature is composed of 150 men, representing 92 counties, 88 cities, 382 towns and villages and a strictly rural population of a million and a half. It will be seen that the legislature has a full program by attending to the affairs of the whole state of Indiana and can hardly afford to give its

time to a consideration of the internal conflicts over local interests in particular communities. The legislature of 1915 passed 191 laws of which less than twenty-five can be considered state laws of general interest. The same was substantially true of the legislature of 1917. Legislative control of cities has given large opportunity for the influence of special interests in cities. This will continue as long as cities are without independence in their purely local matters.

### **QUESTIONS AND SUGGESTIONS**

1. To what class does your city belong?
2. What was the issue in the last city election?
3. What political changes in the administration have there been in the last sixteen years?
4. What public utilities are owned by your city?
5. Find some needed improvement in your community and determine who is responsible for making the improvement. Take steps to have it attended to and report results.
6. Give the names of all city officers and members of boards.
7. Attend the meeting of the council and report proceedings in full.
8. How nearly has the civil city reached its two per cent debt limit? The school city?
9. Do you know of any special laws that were passed for the particular benefit of your city?

### **TOPICS FOR SET DEBATES OR DISCUSSION**

1. Home rule for Indiana cities.
2. Municipal ownership of public utilities.
3. Abolition of two per cent debt limit.
4. Should city officers be elected by partisan ballot?
5. Discuss commission form of city government; the city manager plan; the business system of city government.

### **SPECIAL EXERCISES**

1. Arrange for the class to visit sessions of the city council and all offices in the city hall. Assign special reports

upon the work of the different departments of the city.

Attend hearing of the police court.

2. Have the entire class try to work out and bring about some needed public improvement in the city.
3. Arrange for talks before the class by the mayor, a member of the council, the judge of the police court and a member of one of the boards.

## GENERAL WELFARE

Public  
policy  
and the  
individual

INDIVIDUAL rights and interests in civic life are necessarily subject to what is known as the public welfare, which it is the primary purpose of all forms and functions of government to promote. Every civic activity could properly be listed under this head. There are certain activities of government which deal directly with the immediate conduct and environment of the individual, restraining his personal freedom, both for his own benefit and for the public welfare. These may be generally defined along the broad lines of public health, public morals and public safety, though no classification is all inclusive or exclusive. Other functions of a somewhat extra-governmental nature offer the individual common conveniences and advantages for the sake of the general welfare. In such advanced civic functions Indiana is taking a leading rank among the states of the Union.

Public  
health

The state board of health, consisting of five members appointed by the governor, is in general charge of activities pertaining to the public health. The principle underlying this activity is expressed in the adage of Benjamin Franklin, "Public health is public wealth." The board carries on a state-wide work in the promotion of health, the stamping out of disease and the reform of conditions tending to bring about disease. One member of the board must be a physician who acts as secretary and is in active

charge of the work. The board collects vital statistics of every kind in reference to births, deaths, the causes of death and the prevalence and causes of disease. It advances means of combating disease and ill health, makes surveys of public and private property, issues orders to stop disease-breeding or disease-spreading habits and to prevent the polluting of lakes and rivers with sewage, restricts the holding of public gatherings where there is danger of epidemic, orders the discontinuance of the use of common drinking cups, establishes quarantines, maintains laboratories, enforces the food and drug act, and carries on campaigns of education along all lines tending to awaken the people to the need of better methods of preserving health. (Reed, Chapter XXXII.)

The orders of the state board of health and the rules established by it have the binding, legal force of statutory laws. Legislative acts authorizing the adoption of these rules have been held constitutional and valid. Prosecuting attorneys are required to prosecute violators of the rules and orders. Local health officers act as deputies of the state food and drug commissioner, who is also chief chemist in charge of the bacteriological laboratory. The effective administration of health programs for the state is hindered in much the same manner that general state administration is hindered by decentralization of power. Our local health officers should perhaps be more directly connected with the state board. The continual development of this work will tend to bring about a greater unification of the entire system and will result in the establishment of offices filled by experts devoting their full time to these duties.



A comprehensive system of charities and corrections, including all agencies for ministering to the unfortunates who are subjects of public care, prevails in Indiana through state and local officers and boards. The work is conducted by individual outdoor relief in the homes of those in need and by the so-called indoor relief through public institutions. This system of public relief in Indiana dates from territorial days in the early forming of townships in 1790, and from this local organization there has developed in this state one of the most complete systems of charities and corrections existing anywhere in the United States. (Reed, Chapter XXX.)

Outdoor relief is largely in the hands of the township trustee, under some supervision of the county commissioners. Indoor relief is administered through state institutions and supervised by the state board of charities. This system of state supervision has been so successful and has gained such recognition as to be known generally as the "Indiana Plan."

The following charitable and penal state institutions are maintained in Indiana:

Central Hospital for Insane.....	Indianapolis
Northern Hospital for Insane.....	Logansport
Eastern Hospital for Insane.....	Richmond
Southern Hospital for Insane.....	Evansville
Southeastern Hospital for Insane.....	North Madison
Soldiers' Home .....	Lafayette
Soldiers' and Sailors' Orphans' Home....	Knightstown
School for Feeble-Minded Youth.....	Fort Wayne
Village for Epileptics.....	Newcastle
State School for the Deaf.....	Indianapolis
Indiana School for the Blind.....	Indianapolis

Tuberculosis Hospital .....	Rockville
Robert W. Long Hospital.....	Indianapolis
Indiana State Prison .....	Michigan City
Indiana Reformatory .....	Jeffersonville
Indiana State Farm .....	R. R. 7, Greencastle
Indiana Woman's Prison .....	Indianapolis
Indiana Boys' School .....	Plainfield
Indiana Girls' School .....	Clermont

Each of these institutions is under the control of a separate board of trustees serving at a nominal salary and appointed by the governor. The board chooses the superintendent of the institution and contracts for all supplies. The state board of charities supervises and investigates all these institutions, making public report to the governor and offering recommendations to the legislature. Annual state conferences are held and the proceedings published in quarterly bulletins. Much of the value of this work is due to its educational nature.

The county maintains poorfarms for persons who are helpless on account of age, infirmity or poverty. Some counties have orphan homes and a few have hospitals. A county board of children's guardians appointed by the circuit judge looks after orphan children. County charities generally are in charge of the county commissioners.

The Bill of Rights (Sec. 18) provides that "the penal code shall be founded on the principle of reformation and not of vindictive justice." This indicates the spirit underlying the administration of our penal system through which the reformative idea has developed to a high degree. Men between the ages of sixteen and thirty who are convicted of crime are sent to the reformatory rather than to the penitentiary, and girls under seventeen are sent to

**Reforma-  
tive  
system**

the girls' school of correction. Boys under sixteen are sent to the training school at Plainfield. The principal purpose in all of these institutions is to give needed correction and opportunity for rehabilitation. All persons convicted of crime, excepting murder and treason, may receive an indeterminate sentence and after serving the minimum period, may, in the discretion of the prison commission, be paroled under good behavior. Girls under eighteen and boys under sixteen found guilty of crime may be committed to the custody of probation officers. (Reed, Chapter XXVIII.)

This excellent system involved in the whole program of charities and corrections is a most commendable method of extending mercy and care in cases of error and wrong. It tends to soften the results of wrongs which may be due in large part to social conditions and environment rather than to inherent individual tendencies. The conditions out of which these cases arise are being dealt with constantly in constructive ways through education and through the enforcement of laws against institutional vices whereby, it may be hoped, the need of charities and corrections may grow less with increasing enlightenment. It is seldom necessary for institutions of correction to deal with those who can enjoy the advantages of our institutions of learning.

**Compulsory  
education**

The compulsory school law is an advanced step in harmony with the free public school system and with the public policy of benefiting the individual for the sake of the general welfare. This law requires that all children between the ages of seven and fourteen, unless physically or mentally disquali-

fied, shall regularly attend school during each year for the full term of the common school in their respective localities. The provisions of the law apply also to children between the ages of fourteen and sixteen not engaged in some useful employment or service. A child that is totally or partially blind or deaf must attend the state school for the blind or deaf from the period of seven to eighteen years of age. The principle upon which compulsory education rests is that democratic institutions can not be successfully maintained unless all members of society have educational training comprehending at least the rudiments of learning.

The compulsory education law is enforced through a state board of truancy consisting of the state superintendent of public instruction, a member of the state board of education, and the secretary of the state board of charities and corrections. Local attendance officers are appointed by the county board of education or city school commissioners. All officers and teachers are required to co-operate in the enforcement of this act. Penalties are provided for parents or guardians who contribute to the delinquency of the child in the matter of school attendance. The child who habitually absents himself from school may be dealt with as incorrigible under the jurisdiction of the juvenile court.

The Indiana child labor law prohibits the employment of any child under the age of fourteen years in any gainful occupation other than farm work, domestic service and work in canning factories during the summer. It also prohibits the employment of any child under sixteen years of age over eight hours a day and requires the consent of the parents

**Child  
labor**

and a school certificate or permit showing that the child has completed the fifth grade in school work. By special written consent of parents, the child may be permitted to work the maximum of nine hours per day. Children under sixteen years of age are prohibited absolutely from working in any dangerous occupation. School officers and enforcement officers work in harmony in the enforcement of this act in conjunction with the administration of the compulsory education law.

**Anti-  
cigarette  
law**

A significant exercise of public restraint upon the individual, especially the young, is found in the effort to restrict the general use of cigarettes. Indiana has had different kinds of anti-cigarette laws in recent years, ranging from the absolute prohibition of the sale or use of cigarettes universally to the law passed in 1913 prohibiting any minor from using, procuring or receiving in any manner or having in his possession any cigarettes, cigarette papers or substitutes therefor. Penalties are provided for violation and misrepresentation of age. This supplements the juvenile court law, which provides that any child under the age of sixteen years of age who is an habitual cigarette smoker may be made a ward of the court as a delinquent. These laws are based upon the fact that the habitual smoking of cigarettes among boys is exceedingly harmful, tending towards bad conduct and evil association.

**Liquor  
prohibition**

The police power of the state of Indiana received extensive application when the legislature of 1917 passed a law prohibiting the sale, manufacture, barter, gift, or exchange of liquor except for medicinal, mechanical and scientific purposes. (Acts

1917, page 15.) This act went into operation April 2, 1918. It defines intoxicating liquors as "beverages containing to exceed one-half of one per cent of alcohol." It prohibits the sale of patent medicines of high alcoholic contents that are capable of being used as a beverage. The law provides a scale of penalties for violations, ranging in severity according to the gravity of the infraction. The law does not attempt to prohibit the drinking of liquor in the home, nor does it prohibit the individual from making wine and cider for his own use. It prohibits the advertisement of liquor in printed journals of any kind which circulate in Indiana and renders it unlawful to solicit for the sale of liquor in the state either by agents or by catalogues through the mail. The basis of such prohibitive legislation is the exercise "of the police power of the state for the protection of the economic welfare, health, peace and morals of the people."

Largely through the intelligent and active public efforts of labor organizations some advanced steps have been taken in Indiana towards the promotion of a better state of social justice, applied to important phases of labor conditions. A notable step in this direction was the enactment of the workingmen's compensation act by the legislature of 1915. (Acts 1915, page 392.) The act was amended in some particulars in 1917.

**Labor and  
social  
justice**

The primary purpose of this act is to make the state a direct mediator between the employer and the employee in the case of injury suffered by the employee during service. It tends to dispense with long-drawn-out and expensive suits for damages in the courts. It provides compensation for injuries

resulting in disability extending beyond seven days on the basis of fifty-five per cent of the weekly wage. This compensation is to continue for the full period of disability not exceeding 300 weeks if the disability is only partial. In cases of total disability the period is extended to 500 weeks. If the injury results in death, burial expenses are provided and fifty-five per cent compensation given for a period not to exceed 300 weeks.

All awards are made by the state industrial board. No award can exceed \$5,000 in any case. Many important details of administration are left to the discretion of the industrial board, which consists of three members appointed by the governor. The board may summon witnesses and examine books and records. No compensation is allowed in any case of willful injury or any damage resulting from intoxication of the employee. The purpose of this act is highly preventive as well as compensatory and includes provision for accident insurance. This law is not compulsory and employers can reject the act or elect to come under its provisions. Fifteen hundred corporations did reject it as soon as it went into effect and, all told, the employees of some 2,000 corporations are not within its provisions. By such rejection these corporations deprive themselves of many defenses in personal injury suits.

Workingmen's compensation is a modern step toward complete social justice and is a great relief to the courts in the settlement of industrial disputes. Decisions are made much more quickly and equitably, and with less expense and uncertainty.

Labor organizations in Indiana are pursuing a broad educational policy touching all subjects affect-



ing the condition of workers. A representative lobby is maintained at all sessions of the legislature. The unions participate prominently in civic movements. The educational results of this organized activity tend to bring about a better understanding between employers and employees conducive to the best public interest. (Reed, Chapter XXXVII.)

Organized labor is represented on the state board of education and the council of defense. Through co-operation with the United States employment service, the state is thoroughly organized for a proper distribution of labor. District employment agencies have been established and local representatives appointed in every county. The state maintains free employment agencies in Indianapolis, Fort Wayne, South Bend, Evansville and Terre Haute. This is a recognition in Indiana that unemployment is a matter of social significance rather than of individual fault or misfortune.

The most valuable by-product in Indiana, resulting from the world war for democracy, is the cultivation of a genuine spirit of democracy at home. The civic lessons coming from patriotic responses of our public officials and people to the call of the nation are deep and lasting.

Indiana  
and the  
war

Though the conduct of the war is directly in the hands of the federal government, our participation as a state very properly engenders new state pride and a new sense of state and local civic obligation. It is bringing a more intimate and vital relationship among officers and people and among all units of government in the promotion of the common welfare.

The vigorous leadership of our governor and the

ready co-operation of all public officials, aided by the prompt initiative of our citizens, is of exactly that kind and character needed to accomplish every important civic victory, and it can not be doubted that the lessons taught will remain with all our people. The leadership of the governor as chief executive has been voiced in proclamations, addresses and official acts of a public character, many of which are entirely outside of the lines of legal duty. Indeed, the manner in which the necessities of war have inculcated the broad spirit of achievement and accomplishment regardless of limitations and requirements touching official powers and duties, constitutes a valuable object lesson in extra-governmental functions.

The principal war aid work is promoted through the council of defense, acting in a semi-official capacity. The Indiana council of defense was appointed by the governor following the organization of the national council of defense at the call of the President. Our state council is made up of public-spirited men and women representing the chief industries and the learned professions of the state and including representative leaders of organized activities of every civic nature in the state. Each county has a council of defense formed after the manner of the state council, the members being appointed by the judge of the circuit court. The headquarters of the state council are in the state house and it is now established as a vital agency of government.

The new Americanism will result from the vital transformation of the thrilling impulses of a people

aroused by war into permanent forms of civic endeavor.

### **SPECIAL EXERCISES**

1. Discuss the enforcement of the prohibition law; the anti-cigarette law.
2. Have talks before the class by a representative of the state board of health; a local health officer; a representative of the department of charities and correction; a representative of organized labor.
3. Have the class attend, if possible, a local or state conference of charities and correction.
4. Have the class visit a labor union meeting.
5. Require each member of the class to report some needed action for preservation of the public health and take the necessary steps to have it attended to.



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# ROSTER OF OFFICIALS

## STATE OFFICERS, BOARDS AND COMMISSIONS

OFFICER	HOW CHOSEN	TERM	IMPORTANT POWERS AND DUTIES
Governor	Elected	4	Chief executive Commander-in-chief military forces Suggests legislation Veto power Appointive power
Lieutenant-Governor	Elected	4	President of state senate Casts deciding vote in case of tie Succeeds governor in case of removal or death
Secretary of State	Elected	2	Inspects and places state seal to all official state documents Member of number of important commissions
Auditor of State	Elected	2	Audits state accounts Apportions state funds Appoints bank examiners Controls insurance companies and other corporations
Treasurer of State	Elected	2	Custodian of state funds
Adjutant-General	Appointed by Governor	4	Active head of state military forces
Superintendent Public Instruction	Elected	2	Administrative head of common school system President of state board of education Appointive power
Clerk of Supreme Court	Elected	4	
Prosecuting Attorney (One in each [68] judicial district)	Elected	2	Represents state in criminal cases
Judge of Supreme Court (5 judges)	Elected	6	Judges of highest court of appeal
State Senator (One from each [50] senatorial district of the state)	Elected	4	Represents district in upper branch of general assembly



OFFICER	How CHOSEN	TERM	IMPORTANT POWERS AND DUTIES
State Representative	Elected	2	Represents district in lower branch of general assembly
Reporter of Supreme Court	Elected	4	Publishes supreme and appellate court reports
Judge of Appellate Court (6 judges)	Elected	4	Judge of appeals from circuit and superior courts
Attorney-general	Elected	2	Counsel for state in cases to which it is a party Interprets laws for state officials Advises legislature on constitutionality of proposed legislation
Chief of employment offices	Elected	4	General supervisor over the five state employment offices Statistician ex-officio
Law librarian Supreme Court	Appointed by Court	Pleasure of Court	Custodian of law library
State geologist	Elected	4	Survey and conservation of mineral resources
Natural gas inspector	Appointed by State Geologist	4	
Commissioner of fisheries and game	Appointed by Governor	4	Enforcement of game laws Conservation of fish and game
State supervisor of oil inspection	Appointed by State Geologist	4	
Inspector buildings and factories	Appointed by Industrial Board	Pleasure of board	Inspection to promote safety and health Enforcement of building and health laws
State fire marshal	Appointed by Governor	4	Executive head of machinery for prevention of destruction by fires
Inspector of boilers	Appointed by Industrial Board	Pleasure of board	Inspection of boilers
Inspector of mines	Appointed by Industrial Board	Pleasure of board	Inspects mines
Supt. Public Buildings and property	Appointed by Board of Buildings and Property	Pleasure of board	Supervision and care of public buildings

OFFICER	How CHOSEN	TERM	IMPORTANT POWERS AND DUTIES
State chemist	Ex-officio	Term of position at Purdue	
State librarian	Appointed by Library Board	2	Custodian of state library
Clerk printing board, also election commissioners	Appointed by board of printing	4	
Secretary board state charities	Appointed by board state charities	Pleasure of board	Being only salaried member of the board, he keeps all records, edits publications, etc.
Secretary public library commission	Appointed by public library commission	Pleasure of commission	
State examiner	Appointed by governor	4	
State veterinarian	Appointed by governor	4	
Supt. soldiers' and sailors' monument	Appointed by board of control	1	
Inheritance tax investigator	Appointed by governor	Pleasure of governor	Supervises administration of inheritance tax
State entomologist	Appointed by governor	4	
State high school inspector	Appointed by superintendent public instruction	2	Inspects high schools of state for purpose of keeping work standardized
Director of vocational education	Appointed by superintendent public instruction	4	Directs the vocational education of state
Sec'y state board of health	Appointed by state board of health	4	
State highway engineer	Appointed by state highway commission	Pleasure of commission	

OFFICER	How CHOSEN	TERM	IMPORTANT POWERS AND DUTIES
Agricultural agent	Appointed by superintendent public instruction and Purdue University	4	
Sec'y state board forestry	Appointed by governor	4	
Sec'y of industrial board	Appointed by industrial board	Pleasure of board	

### PERMANENT STATE BOARDS AND COMMISSIONS

The following permanent State Boards and Commissions are appointed by the governor. (Some include members ex-officio.)

#### A.—For a Term of 4 Years:

BOARD	NUMBER OF MEMBERS
Public Service Commission.....	5
Industrial Board .....	3
Board of Forestry .....	5
Board of Election Commissioners.....	3 (Governor an ex-officio member)
Board of Health .....	5
Board of Pardons .....	3
Board of Education .....	13 (7 ex-officio)
Board of Certified Accountants .....	3
Board of Medical Registration and Examination .....	6
Board of Pharmacy .....	5
Board of Veterinary Examiners .....	4
Board of Embalmers .....	5
Voting Machine Commission.....	3
Board of Tax Commissioners.....	5 (Secretary of State and Auditor of State ex-officio members)
Public Library Commission.....	3
Indiana State Highway Commission....	4

#### B.—For a Term of 3 Years:

Board of State Charities....	8 (Governor and State Superintendent of Instruction ex-officio members)
Board for the Registration and Examination of Nurses.....	5
Board of Examination in Optometry...	5
Board of Control State Soldiers' and Sailors' Monument .....	2
Board of Trustees of the State Teachers Retirement Fund.....	5 (Superintendent of Public Instruction, Attorney-General, Auditor of State ex-officio members)

#### C.—For a Term of 2 Years:

State Board Dental Examiners.....	5
(Governor appoints 1; State Board Health 1; Dental Association 3)	

The members of these boards serve on a nominal salary or without pay, except the members of the Public Service Commission, the Industrial Board, State Board of Tax Commissioners and State Highway Commission.

The secretaries of the Board of Forestry, Board of Health, and Board of Pharmacy receive salaries.

In addition to the foregoing permanent boards and commissions, there are boards of trustees for the five state educational institutions, the eleven state benevolent institutions and the six state correctional institutions. With the exception of the Indiana University trustees, three of whom are elected by the alumni and five elected by the state board of education, all these trustees are appointed by the governor. These trustees serve for four years, except those of Indiana University, who serve for three years, and of Purdue, who serve for six years.

### COUNTY OFFICERS

OFFICER	HOW CHOSEN	TERM	IMPORTANT POWERS AND DUTIES
County commissioners 3 members	Elected	3	Meet once each month Care of county buildings Care of roads and bridges outside towns and cities Builds county buildings Purchases all county supplies Regulates number of justices of peace Fixes time for considering franchises Fixes county tax levy Borrows money Allows all claims May change township boundaries Audits accounts of all county officers Appointive power
County council 7 members	Elected	4	Passes appropriation ordinances for drawing funds from treasury Authorizes borrowing of money for special needs Passes on county budget Meets each September
County auditor	Elected	4	Audits all orders for money drawn Acts as check on commissioners and council Distributes school money Invests school fund obtained from sale of school land Helps council fix tax rate and makes tax duplicates
County recorder	Elected	4	Cares for records, mortgages, deeds, etc.
County assessor	Elected	4	President county board of tax review Supervises work of township assessor Assesses property omitted
Clerk of circuit court	Elected	4	

OFFICER	How CHOSEN	TERM	IMPORTANT POWERS AND DUTIES
County super- intendent of schools	Chosen by township trustees	4	Heads public school system of county Visits schools, issues teachers' cer- tificates, etc.
County treas- urer	Elected	2	Custodian of county funds Responsible to state treasurer for state taxes Collects delinquent taxes
County sheriff	Elected	2	Executive officer of all courts in the county Responsible for county jail
County cor- oner	Elected	2	Investigates sudden deaths Can summon witnesses and order arrests
County sur- veyor	Elected	2	Civil engineer for county
County attor- ney	Appointed by county commissioners	1	
County physi- cian	Appointed by county commissioners	1	
County health officer	Appointed by county commissioners	1	
County inspec- tor of weights and measures	Appointed by county commissioners	1	

### TOWNSHIP OFFICERS

OFFICER	How CHOSEN	TERM	IMPORTANT POWERS AND DUTIES
Township trustee	Elected	4	Acts as treasurer for township Supervises roads and ditches and line fences Overseer of the poor Makes census of voters every six years for apportioning senators and representatives Control of schools; custodian of funds, care of buildings, hiring of teachers, etc. Takes school enumeration
Township ad- visory board 3 members	Elected	4	Acts as advisory board to trustee Makes appropriations Passes on budget of expenditures and tax levy made by trustee
Township as- sessor	Elected	4	Makes general assessment of per- sonal property
Justice of peace (1 or more)	Elected	4	Issues warrants for arrest and search Administers oaths Tries petty criminal cases Tries civil cases involving less than \$200
Constable ....	Elected	4	Executive officer of justice court

# CITY OFFICIALS

OFFICER	HOW CHOSEN	TERM	IMPORTANT POWERS AND DUTIES
Council Representative from each ward	Elected	4	Legislative body Passes city ordinances
Mayor	Elected	4	Chief executive of city Suggests ordinances Power of veto Appointive power Keeper of records
City clerk	Elected	4	Judge of city court
City judge	Elected	4	Charge of school finances Prepares budget and fixes tax levy Elects superintendent schools Elects business manager in case such officer is needed
Board of school commissioners (Elected by people in Indianapolis; elsewhere appointed by city council)			
City controller	Appointed by mayor	4	Head of financial administration O. K.'s all warrants drawn on treasury Prepares budget Collects all fees and licenses
City attorney	Appointed by mayor	4	Prosecutes violation of city ordinances Attorney for city in suits to which it is a party Legal adviser for city officials Drafts ordinances when so requested
City treasurer (In cities of 1st, 2nd and 3rd class that are county seats, county treasurer acts as city treasurer)	Elected	4	Custodian of funds
Board of public works 3 members	Appointed by mayor	4	Charge of buildings and property, streets, sewers, etc. Municipal-owned public utilities Draws up franchises and contracts subject to approval of council
Board of public health 3 members	Appointed by mayor	4	Looks after all local matters pertaining to public health
Board of public safety 3 members	Appointed by mayor	4	Has charge of police department, fire department, city market, inspector of weights and measures Enforcement of building regulations
Board of public parks (Cities 1st and 2nd class)	Appointed by mayor	4	Control of public parks

In cities of the fifth class the marshal, fire chief and street commissioner are appointed by the mayor.

# TOWN OFFICIALS

OFFICER	HOW CHOSEN	TERM	IMPORTANT POWERS AND DUTIES
Board of trustees One from each ward	Elected	4	Legislative and executive body
Clerk	Elected	4	Acts as clerk for board of trustees
Treasurer	Elected	4	Keeps all town records Custodian of funds
Marshal	Elected	4	Peace officer May act as street commissioner



# CONSTITUTION OF THE STATE OF INDIANA

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1851

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## PREAMBLE

To the end that justice be established, public order maintained, and liberty perpetuated: We, the people of the State of Indiana, grateful to Almighty God for the free exercise of the right to choose our own form of government, do ordain this Constitution:

## ARTICLE I

### BILL OF RIGHTS

SECTION 1. We declare that all men are created equal; that they are endowed by their Creator with certain unalienable rights; that among these are life, liberty, and the pursuit of happiness; that all power is inherent in the people; and that all free governments are, and of right ought to be, founded on their authority, and instituted for their peace, safety, and well-being. For the advancement of these ends, the people have at all times an indefeasible right to alter and reform their government.

SEC. 2. All men shall be secured in their natural right to worship Almighty God according to the dictates of their own consciences.

SEC. 3. No law shall, in any case whatever, control the free exercise and enjoyment of religious opinions, or interfere with the rights of conscience.

SEC. 4. No preference shall be given, by law, to any creed, religious society or mode of worship; and no man shall be compelled to attend, erect or support any place of worship, or to maintain any ministry against his consent.

SEC. 5. No religious test shall be required as a qualification for any office of trust or profit.

SEC. 6. No money shall be drawn from the treasury for the benefit of any religious or theological institution.

SEC. 7. No person shall be rendered incompetent as a witness, in consequence of his opinion on matters of religion.

SEC. 8. The mode of administering an oath or affirmation shall be such as may be most consistent with, and binding upon, the conscience of the person to whom such oath or affirmation may be administered.

SEC. 9. No law shall be passed restraining the free interchange of thought and opinion, or restricting the right to speak, write, or print, freely, on any subject whatever; but for the abuse of that right every person shall be responsible.

SEC. 10. In all prosecutions for libel, the truth of the matters alleged to be libelous may be given in justification.

SEC. 11. The right of the people to be secure in their persons, houses, papers and effects, against unreasonable search or seizure shall not be violated, and no warrant shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the person or thing to be seized.

SEC. 12. All courts shall be open; and every man, for injury done to him, in his person, property or reputation, shall have remedy by due course of law. Justice shall be administered freely and without purchase; completely, and without denial; speedily, and without delay.

SEC. 13. In all criminal prosecutions the accused shall have the right to a public trial, by an impartial jury in the county in which the offense shall have been committed; to be heard by himself and counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face, and to have compulsory process for obtaining witnesses in his favor.

SEC. 14. No person shall be put in jeopardy twice for the same offense. No person, in any criminal prosecution, shall be compelled to testify against himself.

SEC. 15. No person arrested, or confined in jail, shall be treated with unnecessary rigor.

SEC. 16. Excessive bail shall not be required. Excessive fines shall not be imposed. Cruel and unusual punishment

shall not be inflicted. All penalties shall be proportioned to the nature of the offense.

SEC. 17. Offenses, other than murder or treason, shall be bailable by sufficient sureties. Murder or treason shall not be bailable when the proof is evident, or the presumption strong.

SEC. 18. The penal code shall be founded on the principles of reformation, and not of vindictive justice.

SEC. 19. In all criminal cases whatever, the jury shall have the right to determine the law and the facts.

SEC. 20. In all civil cases the right of trial by jury shall remain inviolate.

SEC. 21. No man's particular services shall be demanded without just compensation. No man's property shall be taken by law without just compensation; nor, except in case of the State, without such compensation first assessed and tendered.

SEC. 22. The privilege of the debtor to enjoy the necessary comforts of life, shall be recognized by wholesome laws, exempting a reasonable amount of property from seizure or sale for the payment of any debt or liability hereafter contracted; and there shall be no imprisonment for debt, except in case of fraud.

SEC. 23. The General Assembly shall not grant to any citizen, or class of citizens, privileges or immunities which, upon the same terms, shall not equally belong to all citizens.

SEC. 24. No *ex post facto* law, or law impairing the obligation of contract, shall ever be passed.

SEC. 25. No law shall be passed, the taking effect of which shall be made to depend upon any authority, except as provided in this Constitution.

SEC. 26. The operation of the laws shall never be suspended except by the authority of the General Assembly.

SEC. 27. The privileges of the writ of *habeas corpus* shall not be suspended, except in case of rebellion or invasion, and then only if the public safety demand it.

SEC. 28. Treason against the State shall consist only in levying war against it, and giving aid and comfort to its enemies.

SEC. 29. No person shall be convicted of treason, except on the testimony of two witnesses to the same overt act, or upon his confession in open court.

SEC. 30. No conviction shall work corruption of blood or forfeiture of estate.

SEC. 31. No law shall restrain any of the inhabitants of the State from assembling together, in a peaceable manner, to consult for their common good; nor from instructing their representatives; nor from applying to the General Assembly for redress of grievances.

SEC. 32. The people shall have a right to bear arms for the defense of themselves and the State.

SEC. 33. The military shall be kept in strict subordination to the civil power.

SEC. 34. No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war but in a manner to be prescribed by law.

SEC. 35. The General Assembly shall not grant any title of nobility, nor confer hereditary distinctions.

SEC. 36. Emigration from the State shall not be prohibited.

SEC. 37. There shall be neither slavery nor involuntary servitude, within the State, otherwise than for the punishment of crime, whereof the party shall have been duly convicted. No indenture of any negro or mulatto, made or executed out of the bounds of the State, shall be valid within the State.

## ARTICLE II

### SUFFRAGE AND ELECTION

SECTION 1. All elections shall be free and equal.

SEC. 2. In all elections not otherwise provided for by this Constitution, every male citizen of the United States, of the age of twenty-one years and upwards, who shall have resided in the State during the six months, and in the township sixty days, and in the ward or precinct thirty days immediately preceding such election; and every male of foreign birth, of the age of twenty-one years and upwards, who shall have

resided in the United States one year, and shall have resided in this State during the six months, and in the township sixty days, and in the ward or precinct thirty days, immediately preceding such election, and shall have declared his intention to become a citizen of the United States, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote in the township or precinct where he may reside, if he shall have been duly registered according to law.

SEC. 3. No soldier, seaman or marine, in the army or navy of the United States, or their allies, shall be deemed to have acquired a residence in this State in consequence of having been stationed within the same; nor shall any such soldier, seaman or marine, have the right to vote.

SEC. 4. No person shall be deemed to have lost his residence in the State by reason of his absence either on business of the State or of the United States.

SEC. 5. [Stricken out by constitutional amendment of March 24, 1881.]

SEC. 6. Every person shall be disqualified from holding office during the term for which he may have been elected, who shall have given or offered a bribe, threat, or reward to procure his election.

SEC. 7. Every person who shall give or accept a challenge to fight a duel, or who shall knowingly carry to another person such challenge, or who shall agree to go out of the State to fight a duel, shall be ineligible to any office of trust or profit.

SEC. 8. The General Assembly shall have power to deprive of the right of suffrage, and to render ineligible any person convicted of an infamous crime.

SEC. 9. No person holding a lucrative office or appointment, under the United States, or under this State, shall be eligible to a seat in the General Assembly; nor shall any person hold more than one lucrative office at the same time, except as in this Constitution expressly permitted: *Provided*, That offices in the militia, to which there is attached no annual salary, and the office of Deputy Postmaster, where the compensation does not exceed ninety dollars per annum, shall not be deemed lucrative; *And provided, also*, That counties containing less than one thousand polis may confer the office of Clerk,

Recorder and Auditor, or any two of said offices, upon the same person.

SEC. 10. No person who may hereafter be a collector or holder of public moneys, shall be eligible to any office of trust or profit until he shall have accounted for and paid over, according to law, all sums for which he may be liable.

SEC. 11. In all cases in which it is provided that an office shall not be filled by the same person more than a certain number of years continuously, an appointment *pro tempore* shall not be reckoned a part of that term.

SEC. 12. In all cases, except treason, felony and breach of the peace, electors shall be free from arrest in going to elections, during their attendance there, and in returning from the same.

SEC. 13. All elections by the people shall be by ballot; and all elections by the General Assembly, or by either branch thereof, shall be *viva voce*.

SEC. 14. All general elections shall be held on the first Tuesday after the first Monday in November; but township elections may be held at such time as may be provided by law: *Provided*, That the General Assembly may provide by law for the election of all judges of courts of general or appellate jurisdiction, by an election to be held for such officers only, at which time no other officer shall be voted for; and shall also provide for the registration of all persons entitled to vote.

## ARTICLE III

### DISTRIBUTION OF POWERS

SECTION 1. The powers of the Government are divided into three separate departments: the Legislative, the Executive (including the Administrative), and the Judicial; and no person charged with official duties under one of these departments shall exercise any of the functions of another except as in this Constitution expressly provided.

## ARTICLE IV

### LEGISLATIVE

SECTION 1. The legislative authority of the State shall be vested in a General Assembly, which shall consist of a Senate

and House of Representatives. The style of every law shall be, "Be it enacted by the General Assembly of the State of Indiana"; and no law shall be enacted except by bill.

SEC. 2. The Senate shall not exceed fifty, nor the House of Representatives one hundred members; and they shall be chosen by the electors of the respective counties or districts into which the State may, from time to time, be divided.

SEC. 3. Senators shall be elected for the term of four years, and Representatives for the term of two years, from the day next after their general election: *Provided, however,* That the Senators elect, at the second meeting of the General Assembly under this Constitution, shall be divided, by lot, into two equal classes, as nearly as may be; and the seats of Senators of the first class shall be vacated at the expiration of two years and those of the second class at the expiration of four years; so that one-half, as nearly as possible, shall be chosen biennially forever thereafter. And in case of increase in the number of Senators, they shall be so annexed by lot, to the one or the other of the two classes, as to keep them as nearly equal as practicable.

SEC. 4. The General Assembly shall, at its second session after the adoption of this Constitution, and every sixth year thereafter, cause an enumeration to be made of all the male inhabitants over the age of twenty-one years.

SEC. 5. The number of Senators and Representatives shall, at the session next following each period of making such enumeration, be fixed by law, and apportioned among the several counties, according to the number of male inhabitants, above twenty-one years of age, in each: *Provided,* That the first and second elections of members of the General Assembly, under this Constitution, shall be according to the apportionment last made by the General Assembly before the adoption of this Constitution.

SEC. 6. A Senatorial or Representative District, where more than one county shall constitute a district, shall be composed of contiguous counties; and no county, for Senatorial apportionment, shall ever be divided.

SEC. 7. No person shall be a Senator or a Representative who, at the time of his election, is not a citizen of the United States; nor any one who has not been, for two years next preceding his election, an inhabitant of this State, and for one year next preceding his election, an inhabitant of the



county or district whence he may be chosen. Senators shall be at least twenty-five, and Representatives at least twenty-one years of age.

SEC. 8. Senators and Representatives, in all cases except treason, felony, and breach of the peace, shall be privileged from arrest during the session of the General Assembly, and in going to and returning from the same; and shall not be subject to any civil process during the session of the General Assembly, nor during the fifteen days next before the commencement thereof. For any speech or debate in either House, a member shall not be questioned in any other place.

SEC. 9. The sessions of the General Assembly shall be held biennially at the capital of the State, commencing on the Thursday next after the first Monday of January, in the year one thousand eight hundred and fifty-three, and on the same day of every second year thereafter, unless a different day or place shall have been appointed by law. But if, in the opinion of the Governor, the public welfare shall require it, he may, at any time, by proclamation, call a special session.

SEC. 10. Each House, when assembled, shall choose its own officers (the President of the Senate excepted), judge the elections, qualifications and returns of its own members, determine its rules of proceeding and sit upon its own adjournment. But neither House shall, without the consent of the other, adjourn for more than three days, nor to any place other than that in which it may be sitting.

SEC. 11. Two-thirds of each House shall constitute a quorum to do business; but a smaller number may meet, adjourn from day to day, and compel the attendance of absent members. A quorum being in attendance, if either House fail to effect an organization within the first five days thereafter, the members of the House so failing shall be entitled to no compensation from the end of the said five days, until an organization shall have been effected.

SEC. 12. Each House shall keep a journal of its proceedings, and publish the same. The yeas and nays, on any question, shall, at the request of any two members, be entered, together with the names of the members demanding the same, on the journal: *Provided*, That on a motion to adjourn, it shall require one-tenth of the members present to order the yeas and nays.

SEC. 13. The doors of each House, and of Committees of

the Whole, shall be kept open, except in such cases as, in the opinion of either House, may require secrecy.

SEC. 14. Either House may punish its members for disorderly behavior, and may, with the concurrence of two-thirds, expel a member; but not a second time for the same cause.

SEC. 15. Either House, during its session, may punish, by imprisonment, any person not a member, who shall have been guilty of disrespect to the House, by disorderly or contemptuous behavior in its presence; but such imprisonment shall not, at any time, exceed twenty-four hours.

SEC. 16. Each House shall have all powers necessary for a branch of the legislative department of a free and independent State.

SEC. 17. Bills may originate in either House, but may be amended or rejected in the other, except that bills for raising revenues shall originate in the House of Representatives.

SEC. 18. Every bill shall be read by sections, on three several days in each House; unless, in case of emergency, two-thirds of the House where such bill may be depending shall, by a vote of yeas and nays, deem it expedient to dispense with this rule; but the reading of a bill by sections, on its final passage, shall in no case be dispensed with; and the vote on the passage of every bill or joint resolution shall be taken by yeas and nays.

SEC. 19. Every act shall embrace but one subject, and matters properly connected therewith; which subject shall be expressed in the title. But if any subject shall be embraced in an act, which shall not be expressed in the title, such act shall be void only as to so much thereof as shall not be expressed in the title.

SEC. 20. Every act and joint resolution shall be plainly worded, avoiding, as far as practicable, the use of technical terms.

SEC. 21. No act shall ever be revised or amended by mere reference to its title; but the act revised, or section amended, shall be set forth and published at full length.

SEC. 22. The General Assembly shall not pass local or special laws in any of the following enumerated cases, that is to say:

Regulating the jurisdiction and duties of justices of the peace and of constables;

For the punishment of crimes and misdemeanors;

Regulating the practice in courts of justice;

Providing for changing the venue in civil and criminal cases;

Granting divorces;

Changing the names of persons;

For laying out, opening and working on, highways, and for the election or appointment of supervisors;

Vacating roads, town plats, streets, alleys and public squares;

Summoning and empaneling grand and petit juries, and providing for their compensation;

Regulating county and township business;

Regulating the election of county and township officers, and their compensation;

For the assessment and collection of taxes for State, county, township or road purposes;

Providing for supporting common schools, and for the preservation of school funds;

In relation to fees or salaries; except that the laws may be so made as to grade the compensation of officers in proportion to the population and the necessary services required;

In relation to interest on money;

Providing for opening and conducting elections of State, county or township officers, and designating the places of voting;

Providing for the sale of real estate belonging to minors, or other persons laboring under legal disabilities, by executors, administrators, guardians or trustees.

SEC. 23. In all the cases enumerated in the preceding section, and in all other cases where a general law can be made applicable, all laws shall be general and of uniform operation throughout the State.

SEC. 24. Provisions may be made by general law, for bringing suits against the State, as to all liabilities originating after the adoption of this Constitution; but no special act authorizing such suit to be brought, or making compensation to any person claiming damages against the State, shall ever be passed.

SEC. 25. A majority of all the members elected to each House shall be necessary to pass every bill or joint resolution;

and all bills and joint resolutions so passed shall be signed by the presiding officers of the respective Houses.

SEC. 26. Any member of either House shall have the right to protest, and to have his protest, with his reasons for dissent, entered on the journal.

SEC. 27. Every statute shall be a public law, unless otherwise declared in the statute itself.

SEC. 28. No act shall take effect until the same shall have been published and circulated in the several counties of this State, by authority, except in case of emergency; which emergency shall be declared in the preamble or in the body of the law.

SEC. 29. The members of the General Assembly shall receive for their services a compensation, to be fixed by law; but no increase of compensation shall take effect during the session at which such increase may be made. No session of the General Assembly, except the first under this Constitution, shall extend beyond the term of sixty-one days, nor any special session beyond the term of forty days.

SEC. 30. No Senator or Representative shall, during the term for which he may have been elected, be eligible to any office, the election to which is vested in the General Assembly, nor shall he be appointed to any civil office of profit, which shall have been created, or the emoluments of which shall have been increased, during such term; but this latter provision shall not be construed to apply to any office elective by the people.

## ARTICLE V

### EXECUTIVE

SECTION 1. The executive powers of the State shall be vested in a Governor. He shall hold his office during four years, and shall not be eligible more than four years in any period of eight years.

SEC. 2. There shall be a Lieutenant-Governor, who shall hold his office during four years.

SEC. 3. The Governor and Lieutenant-Governor shall be elected at the times and places of choosing members of the General Assembly.

SEC. 4. In voting for Governor and Lieutenant-Governor the electors shall designate for whom they vote as Governor, and for whom as Lieutenant-Governor. The returns of every election for Governor and Lieutenant-Governor shall be sealed up and transmitted to the seat of government, directed to the Speaker of the House of Representatives, who shall open and publish them in the presence of both Houses of the General Assembly.

SEC. 5. The persons, respectively, having the highest number of votes for Governor and Lieutenant-Governor, shall be elected; but in case two or more persons shall have an equal and the highest number of votes for either office, the General Assembly shall, by joint vote, forthwith proceed to elect one of the said persons Governor or Lieutenant-Governor, as the case may be.

SEC. 6. Contested elections for Governor or Lieutenant-Governor shall be determined by the General Assembly, in such manner as may be prescribed by law.

SEC. 7. No person shall be eligible to the office of Governor or Lieutenant-Governor who shall not have been five years a citizen of the United States, and also a resident of the State of Indiana during the five years next preceding his election; nor shall any person be eligible to either of the said offices who shall not have attained the age of thirty years.

SEC. 8. No member of Congress, or person holding any office under the United States, or under this State, shall fill the office of Governor or Lieutenant-Governor.

SEC. 9. The official term of the Governor or Lieutenant-Governor shall commence on the second Monday of January, in the year one thousand eight hundred and fifty-three; and on the same day every fourth year thereafter.

SEC. 10. In case of the removal of the Governor from office, or of his death, resignation or inability to discharge the duties of the office, the same shall devolve on the Lieutenant-Governor; and the General Assembly shall, by law, provide for the case of removal from office, death, resignation, or inability both of the Governor and Lieutenant-Governor declaring what officer then shall act as Governor; and such officer shall act accordingly until the disability be removed or a Governor be elected.

SEC. 11. Whenever the Lieutenant-Governor shall act as Governor, or shall be unable to attend as President of the Senate, the Senate shall elect one of its own members as President for the occasion.

SEC. 12. The Governor shall be commander-in-chief of the military and naval forces, and may call out such forces to execute the laws, or to suppress insurrection, or to repel invasion.

SEC. 13. He shall, from time to time, give to the General Assembly information touching the condition of the State, and recommend such measures as he shall judge to be expedient.

SEC. 14. Every bill which shall have passed the General Assembly shall be presented to the Governor; if he approve, he shall sign it, but if not, he shall return it, with his objections, to the House in which it shall have originated, which House shall enter the objections at large upon its journals, and proceed to reconsider the bill. If, after such reconsideration, a majority of all the members elected to that House shall agree to pass the bill, it shall be sent, with the Governor's objections, to the other House, by which it shall likewise be reconsidered, and, if approved by a majority of all the members elected to that House, it shall be a law. If any bill shall not be returned by the Governor within three days, Sundays excepted, after it shall have been presented to him, it shall be a law without his signature, unless the general adjournment shall prevent its return, in which case it shall be a law, unless the Governor, within five days next after such adjournment, shall file such bill, with his objections thereto in the office of the Secretary of State, who shall lay the same before the General Assembly at its next session in like manner as if it had been returned by the Governor. But no bill shall be presented to the Governor within two days next previous to the final adjournment of the General Assembly.

SEC. 15. The Governor shall transact all necessary business with the officers of government, and may require any information in writing from the officers of the administrative department, upon any subject relating to the duties of their respective offices.

SEC. 16. He shall take care that the laws be faithfully executed.



SEC. 17. He shall have the power to grant reprieves, commutations and pardons, after conviction, for all offenses except treason and cases of impeachment, subject to such regulations as may be provided by law. Upon conviction for treason, he shall have power to suspend the execution of the sentence until the case shall be reported to the General Assembly at its next meeting, when the General Assembly shall either grant a pardon, commute the sentence, direct the execution of the sentence, or grant a further reprieve. He shall have power to remit fines and forfeitures, under such regulations as may be prescribed by law, and shall report to the General Assembly at its next meeting, each case of reprieve, commutation, or pardon granted, and also the names of all persons in whose favor remission of fines and forfeitures shall have been made, and the several amounts remitted: *Provided, however,* That the General Assembly may, by law, constitute a council, to be composed of officers of State, without whose advice and consent the Governor shall not have power to grant pardons, in any case, except such as may, by law, be left to his sole power.

SEC. 18. When, during a recess of the General Assembly, a vacancy shall happen in any office, the appointment to which is vested in the General Assembly, or when, at any time, a vacancy shall have occurred in any other State office, or in the office of Judge of any court, the Governor shall fill such vacancy by appointment, which shall expire when a successor shall have been elected and qualified.

SEC. 19. He shall issue writs of election to fill such vacancies as may have occurred in the General Assembly.

SEC. 20. Should the seat of government become dangerous from disease or a common enemy, he may convene the General Assembly at any other place.

SEC. 21. The Lieutenant-Governor shall, by virtue of his office, be President of the Senate; have a right, when in Committee of the Whole, to join in debate, and to vote on all subjects, and, whenever the Senate shall be equally divided, he shall give the casting vote.

SEC. 22. The Governor shall, at stated times, receive for his services a compensation which shall neither be increased nor diminished during the term for which he shall have been elected.



SEC. 23. The Lieutenant-Governor, while he shall act as President of the Senate, shall receive for his services the same compensation as the Speaker of the House of Representatives; and any person acting as Governor shall receive the compensation attached to the office of Governor.

SEC. 24. Neither the Governor nor Lieutenant-Governor shall be eligible to any other office during the term for which he shall have been elected.

## ARTICLE VI

### ADMINISTRATIVE

SECTION 1. There shall be elected by the voters of the State, a Secretary, an Auditor, and a Treasurer of State, who shall severally hold their offices for two years. They shall perform such duties as may be enjoined by law; and no person shall be eligible to either of said offices more than four years in any period of six years.

SEC. 2. There shall be elected in each county, by the voters thereof, at the time of holding general elections, a Clerk of the Circuit Court, Auditor, Recorder, Treasurer, Sheriff, Coroner and Surveyor. The Clerk, Auditor and Recorder shall continue in office four years; and no person shall be eligible to the office of Clerk, Recorder or Auditor more than eight years in any period of twelve years. The Treasurer, Sheriff, Coroner and Surveyor, shall continue in office two years; and no person shall be eligible to the office of Treasurer or Sheriff more than four years in any period of six years.

SEC. 3. Such other county and township officers as may be necessary, shall be elected or appointed, in such manner as may be prescribed by law.

SEC. 4. No person shall be elected or appointed as a county officer, who shall not be an elector of the county; nor any one who shall not have been an inhabitant thereof during one year next preceding his appointment, if the county shall have been so long organized; but if the county shall not have been so long organized, then within the limits of the county or counties out of which the same shall have been taken.

SEC. 5. The Governor, and the Secretary, Auditor and Treasurer of State, shall severally, reside and keep the public records, books and papers, in any manner relating to the respective offices, at the seat of government.

SEC. 6. All county, township, and town officers shall reside within their respective counties, townships, and towns, and shall keep their respective offices at such places therein, and perform such duties as may be directed by law.

SEC. 7. All State officers shall, for crime, incapacity, or negligence, be liable to be removed from office, either by impeachment by the House of Representatives, to be tried by the Senate, or by a joint resolution of the General Assembly; two-thirds of the members elected to each branch voting, in either case, therefor.

SEC. 8. All state, county, township, and town officers may be impeached, or removed from office, in such manner as may be prescribed by law.

SEC. 9. Vacancies in county, township, and town offices shall be filled in such manner as may be prescribed by law.

SEC. 10. The General Assembly may confer upon the Boards doing county business in the several counties, powers of a local administrative character.

## ARTICLE VII

### JUDICIAL

SECTION 1. The Judicial power of the State shall be vested in a Supreme Court, in Circuit Courts, and in such other courts as the General Assembly may establish.

SEC. 2. The Supreme Court shall consist of not less than three, nor more than five Judges; a majority of whom shall form a quorum. They shall hold their offices for six years, if they so long behave well.

SEC. 3. The State shall be divided into as many districts as there are Judges of the Supreme Court, and such districts shall be formed of contiguous territory, as nearly equal in population as, without dividing a county, the same can be made. One of said Judges shall be elected from each district, and reside therein; but said Judge shall be elected by the electors of the State at large.

SEC. 4. The Supreme Court shall have jurisdiction, co-extensive with the limits of the State, in appeals and writs of error, under such regulations and restrictions as may be pre-

scribed by law. It shall also have such original jurisdiction as the General Assembly may confer.

SEC. 5. The Supreme Court shall, upon the decision of every case, give a statement in writing of each question arising in the record of such case, and the decisions of the Court thereon.

SEC. 6. The General Assembly shall provide by law, for the speedy publication of the decisions of the Supreme Court, made under this Constitution, but no judge shall be allowed to report such decision.

SEC. 7. There shall be elected by the voters of the State, a Clerk of the Supreme Court, who shall hold his office four years, and whose duties shall be prescribed by law.

SEC. 8. The Circuit Courts shall each consist of one judge and shall have such civil and criminal jurisdiction as may be prescribed by law.

SEC. 9. The State shall, from time to time, be divided into judicial circuits, and a judge for each circuit shall be elected by the voters thereof. He shall reside within the circuit, and shall hold his office for the term of six years, if he so long behave well.

SEC. 10. The General Assembly may provide, by law, that the judge of one circuit may hold the courts of another circuit, in cases of necessity or convenience; and in case of temporary inability of any judge, from sickness or other cause, to hold the courts in his circuit, provision may be made, by law, for holding such courts.

SEC. 11. There shall be elected, in each judicial circuit, by the voters thereof, a prosecuting attorney, who shall hold his office for two years.

SEC. 12. Any judge or prosecuting attorney, who shall have been convicted of corruption or other high crime, may, on information in the name of the State, be removed from office by the Supreme Court, or in such other manner as may be prescribed by law.

SEC. 13. The judges of the Supreme Court and Circuit Courts shall, at stated times, receive a compensation, which shall not be diminished during their continuance in office.

SEC. 14. A competent number of justices of the peace shall be elected by the voters in each township in the several coun-

ties. They shall continue in office four years, and their powers and duties shall be prescribed by law.

SEC. 15. All judicial officers shall be conservators of the peace in their respective jurisdictions.

SEC. 16. No person elected to any judicial office shall during the terms for which he shall have been elected, be eligible to any office of trust or profit under the State, other than a judicial office.

SEC. 17. The General Assembly may modify or abolish the grand jury system.

SEC. 18. All criminal prosecutions shall be carried on in the name, and by the authority of the State; and the style of all processes shall be, "The State of Indiana."

SEC. 19. Tribunals of conciliation may be established, with such powers and duties as shall be prescribed by law; or the powers and duties of the same may be conferred upon other courts of justice; but such tribunals or other courts, when sitting as such, shall have no power to render judgment to be obligatory on the parties unless they voluntarily submit their matters of difference and agree to abide the judgment of such tribunal or court.

SEC. 20. The General Assembly, at its first session after the adoption of this Constitution, shall provide for the appointment of three commissioners whose duty it shall be to revise, simplify and abridge the rules, practice, pleadings and forms of the courts of justice. And they shall provide for abolishing the distinct forms of action at law now in use; and that justice shall be administered in a uniform mode of pleading, without distinction between law and equity. And the General Assembly may, also, make it the duty of said commissioners to reduce into a systematic code the general statute law of the State; and said commissioners shall report the result of their labors to the General Assembly, with such recommendations and suggestions, as to the abridgment and amendment, as to said commissioners may seem necessary or proper. Provision shall be made by law for filling vacancies, regulating the tenure of office and the compensation of said commissioners.

SEC. 21. Every person of good moral character, being a voter, shall be entitled to admission to practice law in all courts of justice.

## ARTICLE VIII

### EDUCATION

SECTION 1. Knowledge and learning generally diffused throughout a community, being essential to the preservation of a free government, it shall be the duty of the General Assembly to encourage, by all suitable means, moral, intellectual, scientific and agricultural improvement, and to provide by law for a general and uniform system of common schools, wherein tuition shall be without charge, and equally open to all.

SEC. 2. The common school fund shall consist of the congressional township fund, and the lands belonging thereto;

The surplus revenue fund;

The saline fund, and the lands belonging thereto;

The bank tax fund, and the fund arising from the one hundred and fourteenth section of the charter of the State Bank of Indiana;

The fund to be derived from the sale of county seminaries, and the moneys and property heretofore held for such seminaries; from the fines assessed for breaches of the penal laws of the State; and from all forfeitures which may accrue;

All lands and other estate which shall escheat to the State for want of heirs or kindred entitled to the inheritance;

All lands that have been or may hereafter be granted to the State, where no special purpose is expressed in the grant and the proceeds of the sales thereof; including the proceeds of the sales of the Swamp Lands granted to the State of Indiana by the act of Congress, of the 28th of September, 1850, after deducting the expense of selecting and draining the same;

Taxes on the property of corporations that may be assessed by the General Assembly for Common School purposes.

SEC. 3. The principal of the Common School Fund shall remain a perpetual fund, which may be increased, but shall never be diminished; and the income thereof shall be inviolably appropriated to the support of Common Schools, and to no other purpose whatever.

SEC. 4. The General Assembly shall invest, in some safe and profitable manner, all such portions of the Common School Fund as have not heretofore been entrusted to the several

counties; and shall make provisions, by law, for the distribution, among the several counties, of the interest thereof.

SEC. 5. If any county shall fail to demand its proportion of such interest for Common School purposes, the same shall be reinvested for the benefit of such county.

SEC. 6. The several counties shall be held liable for the preservation of so much of the said fund as may be entrusted to them, and for the payment of the annual interest thereon.

SEC. 7. All trust funds held by the State shall remain inviolate, and be faithfully and exclusively applied to the purposes for which the trust was created.

SEC. 8. The General Assembly shall provide for the election, by the voters of the State, of a State Superintendent of Public Instruction, who shall hold his office for two years, and whose duties and compensation shall be prescribed by law.

## ARTICLE IX

### STATE INSTITUTIONS

SECTION 1. It shall be the duty of the General Assembly to provide by law for the support of Institutions for the education of the Deaf and Dumb, and of the Blind; and, also, for the treatment of the Insane.

SEC. 2. The General Assembly shall provide Houses of Refuge for the correction and reformation of juvenile offenders.

SEC. 3. The County Boards shall have power to provide farms as an asylum for those persons who, by reason of age, infirmity, or other misfortune, have claims upon the sympathies and aid of society.

## ARTICLE X

### FINANCE

SECTION 1. The General Assembly shall provide, by law, for a uniform and equal rate of assessment and taxation; and shall prescribe such regulations as shall secure a just valuation for taxation of all property, both real and personal, excepting such only for municipal, educational, literary, scientific, re-

ligious or charitable purposes, as may be specially exempted by law.

SEC. 2. All the revenues derived from the sale of any of the public works belonging to the State, and from the net annual income thereof, and any surplus that may, at any time, remain in the Treasury derived from taxation for general State purposes, after the payment of the ordinary expenses of the government, and of the interest on bonds of the State, other than bank bonds, shall be annually applied, under the direction of the General Assembly, to the payment of the principal of the public debt.

SEC. 3. No money shall be drawn from the Treasury but in pursuance of appropriations made by law.

SEC. 4. An accurate statement of the receipts and expenditures of the public money shall be published with the laws of each regular session of the General Assembly.

SEC. 5. No law shall authorize any debt to be contracted, on behalf of the State, except in the following cases: To meet casual deficits in the revenue; to pay the interest on the State debt; to repel invasion, suppress insurrection, or, if hostilities be threatened, provide for public defense.

SEC. 6. No county shall subscribe for stock in any incorporated company, unless the same be paid for at the time of such subscription; nor shall any county loan its credit to any incorporated company, nor borrow money for the purpose of taking stock in any such company; nor shall the General Assembly ever, on behalf of the State, assume the debts of any county, city, town or township, nor of any corporation whatever.

SEC. 7. No law or resolution shall ever be passed by the General Assembly of the State of Indiana that shall recognize any liability of this State to pay or redeem any certificate of stock issued in pursuance of an act entitled "An act to provide for the funded debt of the State of Indiana, and for the completion of the Wabash & Erie Canal to Evansville," passed January 19, 1846, and an act supplemental to said act passed January 29, 1847, which by the provisions of the said acts, or either of them, shall be payable exclusively from the proceeds of the canal lands, and the tolls and revenues of the canal in said acts mentioned; and no such certificates of stocks shall ever be paid by this State.



## ARTICLE XI

### CORPORATIONS

SECTION 1. The General Assembly shall not have power to establish, or incorporate any bank or banking company, or moneyed institution, for the purpose of issuing bills of credit, or bills payable to order or bearer, except under the conditions prescribed in this Constitution.

SEC. 2. No bank shall be established otherwise than under a general banking law, except as provided in the fourth section of this article.

SEC. 3. If the General Assembly shall enact a general banking law, such law shall provide for the registry and countersigning by an officer of State, of all paper credit designed to be circulated as money; and ample collateral security, readily convertible into specie, for the redemption of the same in gold or silver, shall be required; which collateral security shall be under the control of the proper officer or officers of State.

SEC. 4. The General Assembly may also charter a bank with branches, without collateral security, as required in the preceding section.

SEC. 5. If the General Assembly shall establish a bank with branches, the branches shall be mutually responsible for each other's liabilities, upon all paper credit issued as money.

SEC. 6. The stockholders in every bank, or banking company, shall be individually responsible to an amount over and above their stock, equal to their respective shares of stock, for all debts or liabilities of said bank or banking company.

SEC. 7. All bills or notes issued as money, shall be, at all times, redeemable in gold or silver; and no law shall be passed, sanctioning, directly or indirectly, the suspension, by any bank or banking company, of specie payments.

SEC. 8. Holders of bank notes shall be entitled, in case of insolvency, to preference of payment over all other creditors.

SEC. 9. No bank shall receive, directly or indirectly, a greater rate of interest than shall be allowed by law to individuals loaning money.

SEC. 10. Every bank, or banking company, shall be required to cease all banking operations within twenty years from the time of its organization, and promptly thereafter to close its business.

SEC. 11. The General Assembly is not prohibited from investing the trust funds in a bank with branches; but in case of such investment, the safety of the same shall be guaranteed by unquestionable security.

SEC. 12. The State shall not be a stockholder in any bank, after the expiration of the present bank charter; nor shall the credit of the State ever be given, or loaned, in aid of any person, association, or corporation, nor shall the State hereafter become a stockholder in any corporation or association.

SEC. 13. Corporations, other than banking, shall not be created by special acts but may be formed under general laws.

SEC. 14. Dues from corporations, other than banking, shall be secured by such individual liability of the corporators, or other means, as may be prescribed by law.

## ARTICLE XII

### MILITIA

SECTION 1. The militia shall consist of all able-bodied white male persons between the ages of eighteen and forty-five years, except such as may be exempted by the laws of the United States, or of this State; and shall be organized, officered, armed, equipped and trained in such manner as may be provided by law.

SEC. 2. The Governor shall appoint the Adjutant, Quartermaster and Commissary Generals.

SEC. 3. All militia officers shall be commissioned by the Governor, and shall hold their offices not longer than six years.

SEC. 4. The General Assembly shall determine the method of dividing the militia into divisions, brigades, regiments, battalions and companies, and fix the rank of all staff officers.

SEC. 5. The militia may be divided into classes of sedentary and active militia in such manner as shall be prescribed by law.

SEC. 6. No person conscientiously opposed to bearing arms shall be compelled to do militia duty; but such person shall pay an equivalent for exemption; the amount to be prescribed by law.

## ARTICLE XIII

### POLITICAL AND MUNICIPAL CORPORATIONS

SECTION 1. No political or municipal corporation in this State shall ever become indebted, in any manner or for any purpose, to any amount, in the aggregate exceeding two per centum on the value of taxable property within such corporation, to be ascertained by the last assessment for State and county taxes, previous to the incurring of such indebtedness, and all bonds or obligations in excess of such amount, given by such corporations, shall be void: *Provided*, That in time of war, foreign invasion, or other great public calamity on petition of a majority of the property owners, in number and value, within the limits of such corporation, the public authorities, in their discretion, may incur obligations necessary for the public protection and defense, to such an amount as may be requested in such petition.

## ARTICLE XIV

### BOUNDARIES

SECTION 1. In order that the boundaries of the State may be known and established, it is hereby ordained and declared, that the State of Indiana is bounded on the east by the meridian line which forms the western boundary of the State of Ohio; on the south by the Ohio River, from the mouth of the Great Miami River to the mouth of the Wabash River; on the west, by a line drawn along the middle of the Wabash River, from its mouth to a point where a due north line, drawn from the town of Vincennes, would last touch the northwestern shore of said Wabash River; and thence by a due north line, until the same shall intersect an east and west line, drawn through a point ten miles north of the southern extreme of Lake Michigan; on the north, by said east and west line, until the same shall intersect the first mentioned meridian line, which forms the western boundary of the State of Ohio.

SEC. 2. The State of Indiana shall possess jurisdiction, and sovereignty co-extensive with the boundaries declared in the

preceding section; and shall have concurrent jurisdiction, in civil and criminal cases, with the State of Kentucky on the Ohio River, and with the State of Illinois on the Wabash River, so far as said rivers form the common boundary between this State and said States respectively.

## ARTICLE XV

### MISCELLANEOUS

SECTION 1. All officers whose appointment is not otherwise provided for in this Constitution, shall be chosen in such manner as now is, or hereafter may be, prescribed by law.

SEC. 2. When the duration of any office is not provided for by this Constitution, it may be declared by law; and if not so declared, such office shall be held during the pleasure of the authority making the appointment. But the General Assembly shall not create any office, the tenure of which shall be longer than four years.

SEC. 3. Whenever it is provided in this Constitution, or in any law which may be hereafter passed, that any officer, other than a member of the General Assembly, shall hold his office for any given term, the same shall be construed to mean that such officer shall hold his office for such term, and until his successor shall have been elected and qualified.

SEC. 4. Every person elected or appointed to any office under this Constitution shall, before entering on the duties thereof, take an oath or affirmation to support the Constitution of this State and of the United States, and also an oath of office.

SEC. 5. There shall be a seal of the State, kept by the Governor for official purposes, which shall be called the Seal of the State of Indiana.

SEC. 6. All commissions shall issue in the name of the State, shall be signed by the Governor, sealed by the State Seal, and attested by the Secretary of State.

SEC. 7. No county shall be reduced to an area less than four hundred square miles; nor shall any county under that area be further reduced.

SEC. 8. No lottery shall be authorized, nor shall the sale of lottery tickets be allowed.

SEC. 9. The following grounds owned by the State in Indianapolis, namely: the State House Square, the Governor's Circle, and so much of out-lot numbered one hundred and forty-seven as lies north of the arm of the Central Canal, shall not be sold or leased.

SEC. 10. It shall be the duty of the General Assembly to provide for the permanent enclosure and preservation of the Tippecanoe Battle Ground.

## ARTICLE XVI

### AMENDMENTS

SECTION 1. Any amendment or amendments to this Constitution may be proposed in either branch of the General Assembly; and if the same shall be agreed to by a majority of the members elected to each of the two houses, such proposed amendment or amendments shall, with the yeas and nays thereon, be entered on their journals and referred to the General Assembly to be chosen at the next general election; and, if in the General Assembly so next chosen, such proposed amendment or amendments shall be agreed to by a majority of all the members elected to each house, then it shall be the duty of the General Assembly to submit such amendment or amendments to the electors of the State, and if a majority of said electors shall ratify the same, such amendment or amendments shall become a part of this Constitution.

SEC. 2. If two or more amendments shall be submitted at the same time, they shall be submitted in such manner that the electors shall vote for or against each of such amendments separately; and while such an amendment or amendments which shall have been agreed upon by one General Assembly shall be awaiting the action of the succeeding General Assembly, or of the electors, no additional amendment or amendments shall be proposed.

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