



*W. B. Fink*

President-Elect of Pioneer Lawmakers Association of Iowa.

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## PIONEER LAWMAKERS ASSOCIATION OF IOWA

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By DAVID C. MOTT, Secretary

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The Nineteenth Session of the Pioneer Lawmakers Association of Iowa met in the Portrait Gallery of the Historical, Memorial and Art Department, Des Moines, on February 18 at 10:00 A. M. Since the last meeting, which was held in 1921, there had occurred the death of both the president, Warren Garst, and the secretary, William H. Fleming. Vice President Oley Nelson presided during the sessions, and David C. Mott served as secretary.

After the call to order invocation was made by Rev. Louis E. Watson of Wesley M. E. Church, Des Moines. Governor Hammill then delivered an eloquent address of welcome. The response was made extemporaneously but appropriately by George H. Van Houten. The president's address was delivered by Oley Nelson, who spoke interestingly and well concerning early times in Iowa, and his service in the General Assembly in 1886 and 1888.

Secretary Mott then presented an offer of Curator Harlan of the Historical, Memorial and Art Department tendering to the association the use of the ANNALS as a medium of publication of an outline of the proceedings of the meetings, and of the more formal papers and addresses, thus relieving the need of asking members for dues, and the General Assembly for an appropriation for publication expenses, which offer was accepted.

President Nelson then appointed the following committees:

Nomination of Officers—Emory H. English, O. K. Maben, L. F. Potter.

Publication—A. B. Funk, D. C. Mott, R. G. Clark.

The afternoon session convened at 2 o'clock. The formal installation in the Portrait Gallery of the Historical, Memorial and Art Department of the portraits of James W. McDill, Frank Hatton, George W. McCrary, and James B. Howell was then made, Curator Harlan presiding. On taking the chair Mr. Harlan spoke as follows:

In recent years the General Assembly has recognized the importance of the gallery of this institution and has made special appropriation for the portraits of Iowa men who have served in the Senate of the United States or in the Cabinets of its presidents. It affords me, as the executive head of the institution, a special pleasure to have the Pioneer Lawmakers participate this morning in the installation of four such portraits. You, of all the citizens of Iowa, have recollection of the service of these men and have memories of their lineaments. Your remarks concerning them apply to the narrative art as the brushes of the painters, in their way, to the permanent record of these men.

The following papers were then read or addresses delivered:

JAMES W. McDILL

By GEORGE H. VAN HOUTEN

Judge McDill was honored and respected by all who knew him, not only in official life but as a private citizen. He was born in Butler County, Ohio, March 4, 1834. His father was Rev. John McDill, who removed to Jefferson County, Indiana, and died in 1840.

James McDill returned to Ohio and attended Salem Academy, was graduated from Miami University in 1853, taught school in Kossuth County, Iowa, and later returned to Ohio and began the study of law with Galloway & Mathews. He was admitted to the bar at Akron, Ohio, September 30, 1856, and the following October came to Burlington, Iowa, and the spring of 1857 removed to Afton. In the following August he was married and made permanent home at Afton, Iowa, where he engaged in the practice of law as a member of the firm of Riggs & McDill.

In 1858 he became county judge of Union County, being the first county judge elected in that county. In 1861 Senator Grimes, chairman of the Committee on the District of Columbia, appointed Mr. McDill as clerk of that committee. He served as such until February, 1862, when he was appointed by Salmon P. Chase, who was then secretary of the United States Treasury, as clerk in the third auditor's office.

In 1865 the Judge opened an office in Washington for the prosecution of war claims, of which there were many in those days, but he continued but a short time in that work, then returned to Afton in 1866 and again entered into the practice of law, in partnership with Hon. N. W. Rowell.

In 1868 Mr. McDill was elected judge of the Circuit Court. This



court, as remembered by the present speaker, was a new court, and being a juror in this court, the first of the kind in Taylor County, personal acquaintance was had with the Judge, and during all the years of this acquaintance, to the time of his death, there was a warm personal friendship and attachment.

After serving as circuit judge for two years Judge McDill was appointed as district judge to succeed Judge Day, who had been elected as a supreme judge. He was later elected as district judge and in 1872 was elected congressman, and was re-elected in 1874, serving on important committees, such as Pacific Railroads and Public Lands, both very important committees at that time, relatively very much more important than in later times.

Judge McDill declined further service in Congress and returned to the practice of law. In 1881 President Garfield appointed Senator Kirkwood to the position of secretary of the interior, and Governor Gear appointed Mr. McDill to fill the vacancy as senator, which office he assumed March 8, 1881. The following winter the Iowa legislature elected him to fill the unexpired term in the United States Senate, which lasted until March 4, 1883.

After his term of office as senator expired Mr. McDill resumed the practice of law. On April 4, 1884, Governor Sherman appointed Mr. McDill to the office of railroad commissioner. In 1885 Mr. McDill removed to Creston, which was his home during the remainder of his life. After his term as railroad commissioner he resumed the practice of law as a member of the firm of McDill & Sullivan.

Judge McDill was a quiet, modest, unassuming man; courteous to every one, rather inclined to avoid than engage in discussions or altercations; was a good citizen and neighbor, zealous in church work, holding membership in the Presbyterian church and was ever ready to assist in religious or other work for the good of society. His many good qualities endeared him to all who knew him and his well-known integrity gave him an influence far beyond most men, and impressed his sterling integrity on all who came in contact with him. The Judge was rather deliberate and slow in forming conclusions, exercised great care in considering cases and measures, and retained the confidence of those who associated with him to a remarkable degree. His death occurred on February 28, 1894, he was mourned by all who knew him, and they hold him in grateful memory.

### JAMES W. McDILL

By GEORGE S. ALLYN

When a young man in the early '70's I first met Judge J. W. McDill at a district convention held at Creston, Iowa, when a mutual friend said, "I want you to meet Judge McDill, who is a candidate before this convention." As we approached him he turned to meet us, when my friend caught him by the shoulders and turned him around, after-

wards jokingly explaining that he wanted me to see the good side of his face first, as the other side "looked worse than h—," because of a scar. I voted for his nomination and for his election, not only that once, but ever afterward when he asked the suffrage of the people. While Judge McDill was on the bench I held the office of clerk of courts in Ringgold County, where we were closely associated in an official and social way for some years.

Judge McDill as a lawyer was a safe counselor, and at the bar he was a real lawyer, never a trickster, trying his cases on the law and evidence. As a judge he was courteous, fair, approachable, yet upholding the dignity of the court. In his official life as circuit judge and as district judge, in his service in the United States Treasury Department, in the United States House of Representatives, as state railroad commissioner, and as United States senator, he rendered distinguished service. In his social life he was a true friend and a safe advisor. Often I would ask his advice in regard to the outlook in life—as to choosing a profession, or business and associates, etc.

In those days we had the advantage of living in a new country, of social equality, and of personal freedom where the star of hope lured us on. In a new country a man must possess at least three virtues—honesty, courage, and generosity. In cultivated society, cultivation is often more important than soil. A well executed counterfeit passes more readily than a blurred genuine. In a new country character is essential. In the old, reputation is sufficient. Senator McDill belonged to the old school. The last time I saw him was at his home when he took me to see a little Presbyterian church which had just been completed, saying that he had been much interested in its erection, and that he taught a Sunday school class.

The life and influence of J. W. McDill has been a great asset to our state.

JAMES W. McDILL

BY J. H. HENDERSON

Mr. President:

I am not upon the program, but I cannot let this occasion pass without saying a few words in memory of Judge McDill. I knew him as a man, a lawyer, and public servant. He was one of the strong men in southwestern Iowa, and served with distinction as a judge, United States senator, member of the Board of Railroad Commissioners of this state, and of the Interstate Commerce Commission. While I was upon the district bench and holding court in Adair County, he appeared in the trial of some very important cases, with marked courtesy, with eminent fairness, and signal ability. He truly represented the interests of his clients as a good, true lawyer would. I speak of him as he impressed me. He was some years older than I, and at that time was ripe in his experience as a lawyer, with service in public life, and

ripened into years of maturity. It was my pleasure to have had correspondence with him covering some time, and his letters were of a high order—a discussion of current governmental affairs, and were very instructive. It is now and for some years has been of great regret to me that that correspondence was not continued. It was more my fault, but I am sure that I missed many valuable suggestions which would have been to my benefit. As a pioneer lawmaker of Iowa, he is worthy to be remembered by those of us members of this association, and I deem it a great privilege to be present on this occasion and join with others in words of commendation of his life and character, and the great service to the public in all of the official positions which he held. It is from such men that the history of this state was made, and we honor ourselves in this memorial. The future history of this commonwealth will be better if the virtues of Judge James W. McDill as a man, a lawyer, a public official and statesman are remembered and emulated.

#### FRANK HATTON

BY LAFAYETTE YOUNG

[Lafayette Young addressed the meeting upon the life of Frank Hatton. It was one of the brilliant extemporaneous speeches for which he has been distinguished for half a century. It delineated the figure of Hatton among a generation of large figures in Iowa politics and journalism. It abounded in history and philosophy. It was promised us in manuscript, but unhappily the Senator fell ill within a day of its delivery. It has awaited with other unfinished matters when it may be reached by Senator Young now that he is again at his editorial desk. It will appear in the ANNALS next after its receipt.—Editor.]

#### GEORGE W. McCRARY

BY EDWARD R. MASON

"An honest man is the noblest work of God."

George W. McCrary is an exemplification of that statement. He was born at Evansville, Indiana, August 29, 1835, and died at St. Joseph, Missouri, June 23, 1890, at the age of fifty-five.

His comparatively short life was a remarkable one viewed from any standpoint. He was of Scottish descent, his ancestors having emigrated from Scotland the early part of the eighteenth century and settled in the neighborhood of Gettysburg, Pennsylvania. From thence his great-grandfather, James McCrary, moved to North Carolina prior to the war of the Revolution and settled in what is now Iredell County. There his grandfather, John McCrary, and likewise his father, James McCrary, were born.

His great-grandfather, James, served as a captain in the Continental Army during the Revolutionary War. The maiden name of Judge McCrary's mother was Mathilda Forrest. In 1812 the family removed to



Tennessee, afterward to Indiana, and in the year 1835 they removed to McDonough County, Illinois. In 1837 they came to Van Buren County, Iowa, then a part of the territory of Wisconsin.

With a natural thirst for knowledge he acquired the rudiments of an English education and some knowledge of the higher branches of learning. At the age of nineteen he entered the office of Miller & Rankin at Keokuk, Iowa, a firm composed of Samuel F. Miller, who afterwards became distinguished as one of the justices of the Supreme Court of the United States, and John W. Rankin, one of the ablest lawyers of the Iowa bar. He was admitted to the bar at Keokuk in 1856 and entered upon the practice of the law and soon afterward formed a partnership with Mr. Rankin under the firm name of Rankin & McCrary.

In 1857 he was elected to the Iowa House of Representatives and was the youngest member of that body. In 1861 he was elected to the Iowa Senate where he served four years. During his first term he was chairman of the Military Affairs Committee, at that time one of the most important committees of that body. During the next two years of his term he served as chairman of the Judiciary Committee.

In 1868, at the age of thirty-three, he was elected and took his seat in the National House of Representatives. He was re-elected to the Forty-second, Forty-third, and Forty-fourth congresses and served with marked ability and distinction.

Having displayed great legal ability, a strong desire for justice and fair play enabled him to arise above party prejudices in the consideration of contested election cases. He took rank as one of the best lawyers in that body and an authority upon election law. He was appointed by Speaker Blaine chairman of the Elections Committee and in that capacity induced the House of Representatives, probably for the first time in its history, to consider contested election cases on their merits, irrespective of party affiliations.

Questions relating to transportation and matters connected with the subject of interstate commerce were attracting great public interest in the Forty-third Congress and he was made chairman of the Committee on Railroads and Canals to which committee all these subjects were referred and to which he gave his best thought and action. He presented a report on the constitutional power of Congress to regulate interstate commerce, which was regarded as one of the ablest and most exhaustive papers ever presented to Congress. He reported a bill on the subject, advocated it before the House with remarkable power, and after one of the most memorable debates on record it passed that body.

This seems to have been the original basis of subsequent legislation regulating interstate commerce. He was the author of and introduced the measure proposing the appointment of an Electoral Commission, the adoption of which brought about a peaceful solution of the disturbing questions which had arisen concerning the result of the presidential

election of 1876, when Hayes and Tilden were the opposing candidates, and which now, in view of the danger which it obviated, must be regarded as wise statesmanship, no matter how we may differ as to the correctness of the decision reached. He was one of the joint committee which framed the Electoral Bill, and afterwards acted as one of the Republican counsel before the commission and made one of the strongest arguments sustaining the election of President Hayes.

The country was about evenly divided in opinion as to what had been the actual result of the presidential contest. That tumult and war were imminent, no one who recollects that period will question. In this emergency he was first to step forward with the proposition referred to for the adoption of a lawful and peaceful solution of the difficulty. He always believed that under all the circumstances this was a wise measure of statesmanship which gave to the country peace instead of tumult, an amicable adjustment instead of civil war.

He was made a member of the Judiciary Committee in the House of the Forty-fourth Congress in which he served with distinction. He was author of the bill to reorganize the judiciary of the United States, which passed the House by a large majority.

In 1879 he was appointed secretary of war. In this position he began the first systematic work leading to the publication of the official records of the great Civil War. The Signal Service Bureau was improved and connected with similar institutions abroad and the authority of the department was construed by the secretary for the first time to be sufficiently broad to authorize the issuing of tents, blankets, and rations to persons rendered destitute by pestilence, the immediate occasion being the destitution in southern Mississippi resulting from an epidemic of yellow fever.

In 1879 he resigned his position in the Cabinet to accept the appointment of United States circuit judge for the Eighth Judicial Circuit and assumed his duties in January, 1880.

While I had known Judge McCrary in my early boyhood, he having resided at Vernon in Van Buren County, across the Des Moines River from Bentonsport where I lived in my early youth, at the time of his appointment to be circuit judge I was a clerk of the United States Circuit Court for the district of Iowa which comprised the whole state, it was then that commenced our intimate personal acquaintance.

Though coming fresh from the political field where lawyers are generally ruined rather than made, he brought to the bench a discipline which, under the subjection of his naturally judicial mind, enabled him to discharge the duties of his position to the entire satisfaction of the bar, made critical under the administration of his eminent predecessor, Judge Dillon. His equanimity was perpetual—nothing could ruffle or disturb it. He held the scales of justice with such an impartial hand that, though he might have formed an opinion on the facts, no one could discover it during the progress of the trial from anything in his bearing.



In 1884 he resigned the judgeship to accept the position of general counsel of the Santa Fe Railway Company. He was moved to this by the largely increased salary. There can be no doubt in my mind that in this change he made a mistake, for the reason that he undoubtedly would have succeeded to a position on the bench of the Supreme Court of the United States.

He was the author of the "American Laws of Elections" which is the standard authority on that subject. Personally he was the most amiable and modest of men. He appreciated humor and wit, and loved a good story which was humorous or witty, but not including risqué stories.

His domestic relations were exceedingly pleasant. He loved his home and his children. His domination there was the result of the love his wife and children bore him. His sympathy for the unfortunate was warm and responsive. He believed, as he constantly exemplified, in the fatherhood of God and the brotherhood of man.

In religious belief he was a Unitarian, and he stood for positive faith in God, in immortality, in worship and in personal righteousness as exemplified in the teachings of Jesus Christ.

He died poor, leaving to his descendants a legacy of incomparable worth. He left a widow, whose maiden name was Helen A. Gelatt, three daughters and two sons. One of the daughters is the wife of Henry L. McCune, a gentleman of high standing and a lawyer of rank and first-class ability, and for quite a while was one of the judges of the Circuit Court at Kansas City.

"His life was gentle, and the elements so mixed in him that nature might rise up and say to all the world, this was a man."

#### JAMES B. HOWELL

BY JOHN M. RANKIN

I deem it a great honor, indeed, to be present in behalf of Keokuk, Lee County, and the First Congressional District, and assist in installing the portrait of the Honorable James B. Howell.

James B. Howell was born July 4, 1816, near Morristown, New Jersey, and in 1819 the family removed to Licking County, Ohio. In 1837 he was graduated from Miami University and in 1839 he was admitted to the practice of law. He came to Iowa in 1841 and began the practice of law at Keosauqua.

He became active in politics and in 1845 established the *Des Moines Valley Whig*, which he published in Keosauqua until 1849, at which time he transferred it to Keokuk and later changed its name to *The Gate City*, which exists today, a monument to the genius of this great man.

It is said of him that at the time he established the *Des Moines Valley Whig* he had no intention of abandoning the law, but his paper absorbed so much of his time and feelings that at last he gave up his

practice and devoted himself exclusively to the arduous and exacting life of a political editor.

As long as the Whig party kept its organization he worked for and with it, and at its demise Mr. Howell labored zealously to unite and fuse the elements of opposition to the proslavery party which resulted in the election of James W. Grimes as the first anti-Democratic governor in Iowa, in 1854.

In 1855 and 1856 he strenuously advocated the adoption of the name Republican for the new antislavery party, and signed the call for the convention which organized the Republican party in Iowa, and as a member, took an important part in its proceedings. He was a delegate from Iowa in 1856 to the Philadelphia Convention that nominated Fremont. Mr. Howell was active and effective in each successive step from a constantly Democratic, to an overwhelmingly Republican state.

At the outbreak of the Civil War he was unable to enter the service because of a broken leg which left him a cripple for life, but he was one of the foremost in kindling a patriotism to preserve the Union. During the war his support of the cause was of inestimable value, standing steadfastly behind President Lincoln, moulding public opinion to the end that the war must be won.

His long and able service to the state was recognized in 1870 when he was elected by the legislature to be United States senator to fill the unexpired term of Hon. James W. Grimes, who, on account of ill health, had resigned. Notwithstanding his service as United States senator lasted only from January 26, 1870, to March 3, 1871, it is said that few senators under like circumstances achieved greater success than James B. Howell.

After his services in the United States Senate he was appointed one of three commissioners to examine and report upon claims for stores and supplies taken or furnished for the use of the Union Army in insurrectionary districts. His appointment was confirmed by the Senate without reference to a committee. His service on this commission was marked by the exercise of rare good judgment and stern honesty, and was invaluable to the country.

On June 17, 1880, at his home in Keokuk, James B. Howell was called, and Iowa gave up one of her greatest citizens. Universally loved and respected, he passed to the Great Beyond.

Concerning this portrait may I be permitted to say, it is fitting and proper that future generations may have the opportunity, when visiting this gallery, to look upon it and be inspired to emulate the deeds of this truly great son of Iowa.

#### ACCEPTANCE OF THE PORTRAITS

BY CURATOR E. R. HARLAN

Chief Justice Faville of our Board of Trustees whose presence we are denied because of his presiding, at this moment, over a hearing in

the Supreme Court, bids me present his regrets, express his satisfaction and that of the Board with the proceedings and with these portraits; also to comment in some respects upon the phase of our work augmented this morning by your participation.

Thomas Carlyle, it was, who reflected upon portraits of eminent men: "Often I have found a portrait superior to real instruction, to a half dozen written 'biographies' as biographies are written; or rather, let me say, I have found that the portrait is a small lighted candle by which the biographies could be for the first time read, and some human interpretation be made of them."

So eminent a writer and statesman of letters may, with profit, be heard within this room and in support of our policy of maintaining these collections regardless of the merely esthetic student of the graphic arts who observes a painting solely for skill and deftness of the painter. These are not always, of themselves, great paintings. Yet whoever knows of better portraits of these large Iowa figures owes us his aid in obtaining them. Whoever observes these that we have and knows nothing of the men they portray, knows little of the history of Iowa. He knows too little of our ideals and achievements to weigh against those who know more of these substantial public possessions and less of Raphael and Michael Angelo. These, varying in degree of artistic triumph, are facts of the faces and figures that built our state. They are often fine paintings and always faithful documents. They form a representative collection of canvases and one of the rarest galleries of American portraits.

You have advanced the facts and reasons for the installation of these portraits among those of their great compeers. The record should embrace the painters' names.

McCrary and Howell passed to their final rest without leaving portraits painted from life by eminent artists. Both left many photographs they respectively approved. Both left families and loving friends who preserved and cherished such of these photographs as they preferred. With these foundation studies of these two men Mr. Edward Timmons, one of the successful products of the Chicago Art Institute, with a singular sympathy for the selection of pertinent points of character of great men, added the living qualities which artists furnish and which cameras omit, delivered into these canvases the value which is often vainly sought even when living sitters face the artist. The classic Patrick Henry portrait—so well known—came from the brush of Thomas Sully without a sitting or indeed a picture of any kind to aid. But it was painted only from the recollections of John Marshall and other surviving friends, twenty years after Henry's death. So McCrary and Howell again live here for any who search for facts of them.

Hatton and McDill likewise left families and photographs. Young Ivan Olinsky of New York City took the photographs and the counsel of the families and with the keenest discernment of the artist and the



best criticism afforded him, produced these two striking canvases. It is indeed doubtful whether he or any one could excel his work even if done from life. Our good fortune in this is expressed in the fact that within a year following the delivery of these portraits the artist—at that time scantily supported—had commissions by scores and is today one of the most popular and best paid artists in New York.

If Judge Faville were here he would doubtless say, as I assure you it is true, that the Board of Trustees thank you for this ceremony and with satisfaction install these four canvases in our permanent collection.

President Nelson then resumed the chair and Johnson Brigham, state librarian, presented the following paper:

#### IOWA'S CONTRIBUTION TO AMERICAN STATESMANSHIP

Among the many contributions Iowa has made to American statesmanship, I am compelled by limitation of time to single out only a half dozen. Instead of giving biographical data, within easy reach of all, let me attempt a few pencil sketches.

I can draw only a shadowy picture of Iowa's first great apostle of liberty, Governor and Senator JAMES W. GRIMES, who, in 1854, two years before the birth of the Republican party, sounded the death knell of slavery, in more than one instance facing the threats of armed men along the Missouri border. In my mind's eye I see Senator Grimes, the victim of a paralytic stroke, laboriously rising from his seat to cast his deciding vote against the unseating of President Johnson—a vote which cost him the support of thousands, but which soon after his premature death was conceded to have been wise and patriotic.

I see Grimes's colleague, Senator JAMES HARLAN, a massive figure surrounded by smaller men. My most vivid recollection associates him with the last speech President Lincoln was permitted to make—on the night of April 11, 1865. After the applause which followed the President's brief speech the audience lingered. Lincoln then introduced the Senator from Iowa, his personal friend and then recent choice for secretary of the interior. I see the two standing together in the historic east window of the White House, one tall and slender, the other tall, broad-shouldered and deep-chested. The President had read from manuscript; the Senator's voice was by comparison deep-throated and strong. The burden of Harlan's extempore speech was that at the last election the American people once for all had decided that a majority of the electoral vote must control the Republic's destinies, and that no participant in an election could be permitted to neutralize the result of that election. As an eloquent supporter of Lincoln's war measures, and as the prime mover in legislation for transcontinental railways, Senator Harlan rendered invaluable service to the nation in a critical period of its history.

Let me outline an interview with ex-Senator Harlan, early in Janu-

ary, 1896. I was then editing the *Midland Monthly*, and called on the Senator, in his room at the Savery Hotel, Des Moines, to urge him to write a paper telling the story of the Iowa Soldiers' and Sailors' Monument, and incidentally to answer the censorious criticisms of the press on the Monument Commissions' selections of representative Iowa soldiers for medallions to be set into the base of the monument. He had keenly felt the injustice of certain personal attacks upon himself as chairman of the Monument Commission. After consenting to write the paper, he urged me to resume my seat, and with evident emotion said, in substance, "Mr. Brigham, can you understand the animus of these attacks upon me? Here I am, a private citizen conscientiously performing a difficult task thrust upon me—one which I would have declined had I not felt it to be my duty to accept it. I could have understood these assaults years ago, when men were conspiring to retire me to private life. But now, after many years spent in retirement, an old man well on in the seventies, having long since buried in the grave the political ambitions of my middle life, what other motive do my critics think I can have than to perform this last signal service to the state and to the brave men of Iowa who fought to preserve the Union?"

As I rose to go, he thanked me for the opportunity afforded him to tell the story of the monument and to answer his critics, "and," he added with a sad smile, "for the opportunity you have given me to free my mind."

Three years later, as president of the day, Mr. Harlan delivered a memorable address at the laying of the corner stone of the Historical Building in which we are now assembled; and a few months later he passed away—passed into history where he will ever remain an honor to our state and to the nation.

WILLIAM B. ALLISON entered Congress in 1865 and remained, most of the time in the upper house, for a period of forty-three years—an unprecedented length of public service. As chairman of the Senate Finance Committee, he was conceded to be an authority on national finance. In 1888 he would have been nominated for the presidency, had not the New York delegation broken its pledge of support. In 1890 the Senator was charged with subserviency to the railroads. He then waged the one fight of his public life and was saved from defeat by only a few votes. A very few votes would have defeated his re-election. The Senator was three times tendered a cabinet position; but he wisely preferred to remain in the Senate. Though positive in his support of or opposition to a measure, he was loath to antagonize his friends. Thus his enemies were wont to call him "velvet-footed." He had early learned to avoid needless controversy. To illustrate:

One evening over the dinner table in my home, Victor Dolliver attempted to draw out from him an opinion adverse to President Roosevelt; but the most he could get from the Senator was: "Victor, Teddy Roosevelt makes the most fortunate blunders of any man I ever knew"

—a characteristic remark. Allison was not an orator, but a convincing speaker and a ready debater. He was a charming conversationalist and was possessed of infinite patience and good nature. And yet he could say "no"—but with so much of genuine sorrow as to excite contrition in the soul of the applicant.

JAMES F. WILSON filled a greater place in legislation than the present generation is wont to accord him. He entered Congress at thirty-three with the prestige of having been the leading mind in the Iowa General Assembly and in the Iowa Constitutional Convention of 1857. He soon became a leader in debate and legislation. In 1882 he was unanimously nominated to the Senate, and, until his health gave way, he exerted great influence in that body. Few men in public life in his time could cope with Senator Wilson in debate, especially on questions of constitutional law. The Senator was a staunch prohibitionist and teetotaler. One evening at dinner with Senator Allison, General Grenville M. Dodge, observing Wilson's empty glass, turned on him and angrily exclaimed, "I say, Jim, what in hell are you fellows trying to do in Iowa? Have you got the fool notion that by prohibiting drinking you will usher in the millennium?" Then turning to the rest of us he said, "Why don't you Iowans serve notice on Jim, and Bill Larrabee, too, that the thing can't be done?" Wilson smothered his indignation and, turning to his host, with enforced calmness, remarked, "Senator, the General has evidently been out of the state too long to pass judgment upon our attempt to put the saloon out of business." The General was restrained from making an angry retort by the tactful remark of his host: "General, you were in the midst of an interesting story when you happened to see the Senator's empty glass. Finish the story and we'll take up prohibition after dinner." The General humbly begged pardon for being so rough and went on with his story.

No greater contribution has been made to the political history of Iowa than was made by SAMUEL J. KIRKWOOD, Iowa's War Governor. His greatest service as governor was when President Lincoln's call to arms found our young state hampered by debt and suffering from growing pains. Putting his own credit back of a personal loan and interesting other capitalists, he saved the credit of the state and saw to it that our troops were fed and clothed. His quaint oratory roused the state to a white heat of patriotism, and his calls on the General Assembly were promptly met. In 1875, years after retirement from office, the politicians in control of the Republican state convention found in the old War Governor the only man strong enough to defeat General James B. Weaver for governor, and he was dramatically sprung upon the convention and nominated. From the governorship he went to the United States senatorship and thence to the secretaryship of the Interior. In '86 the politicians presented him to run for Congress in the Second Iowa District—a strong Democratic district. With his defeat he permanently retired to private life—at the age of seventy-three. In



the campaign of '86 I received a call from the veteran statesman in my editorial room in Cedar Rapids. I recognized him at once, though I had never met him. "That's the penalty of public service," said he, smiling, "wherever you go you're recognized. If I wanted to do anything crooked I wouldn't dare to." Taking a chair and lighting his inevitable cigar, he became confidential, declaring that his wife had come pretty near calling him an old fool for running again, and he had agreed with her—as was his custom. Kirkwood has never been surpassed as a campaign orator—not even by Governor Shaw. Simple, direct, logical, in the main conversational, his clear and forceful reasoning, strengthened by an inexhaustible store of quaint humor, never failed to win an audience. His homely features and utter disregard of style in dress fitted his unique mental equipment.

Of necessity omitting Shaw, Cummins, Hoover and other living Iowa statesmen who have left or are leaving their impress upon the nation's history, and compelled by limitations of time and space merely to mention the names of Augustus Caesar Dodge, Generals Jones, Baker, Weaver and Drake, Justice Miller, John A. Kasson, Governor Larrabee, Colonel Henderson, James Wilson and a score of others who have passed into Iowa history, I must close this too hurried sketch with a brief tribute to that incomparable orator who, under the tutelage of Senator Allison, outgrew his tutor and became a statesman of such breadth of vision, strength of purpose, and fearless independence that he dared defy the whips and scorns of the big interests, then enthroned in power, and, in one of the most eloquent speeches ever made in Congress, delivered to Senator Aldrich and his allies a new Declaration of Independence, the echoes of which still roll from soul to soul. I refer, of course, to JONATHAN P. DOLLIVER, who, had he lived, would have been ere this the leader, not of a mere "bloc," but of a rejuvenated, reconstructed majority in Congress, a majority dedicated to patriotic public service. The story of Jonathan Prentiss Dolliver's evolution from the popular orator to the farseeing, clear thinking, courageous statesman who, at the early age of fifty-two, at the height of his greatness, was taken from us, is an inspiration to the youth of our time, and of all coming time.

February 19 the association met at 10:00 A. M. The members of the Legislative Ladies League were guests at this session. J. C. Beem, judge of Municipal Court, Waterloo, read the following paper:

#### THE DEADLOCK OF 1890

BY J. C. BEEM

At the general election of 1889 Horace Boies was chosen governor of Iowa, being the first chief executive of his political faith for thirty-five years—since the expiration of the term of Governor Hempstead in 1854. At the same election was chosen a House of Representatives of

one hundred members of whom fifty were Republicans, forty-seven Democrats, two Greenbackers or Populists, and one independent.

When the members assembled it soon became evident that the three independent votes would be cast with the Democrats, and that a deadlock as to organization was impending. Preceding the convening of the General Assembly both parties held caucuses and, recognizing the status of affairs, both appointed conference committees, the Republican committee consisting of James E. Blythe of Mason City, S. L. Steele of Mount Pleasant, and L. W. Lewis of Wayne County. The Democrats named John F. Dayton of Waukon, I. L. Woods of Webster County, and the writer. The two committees met to exchange propositions and, as both modestly claimed the speakership, no results were obtained. In fact, the Democratic conferees were treated with some sarcasm for even considering and reporting the Republican proposition.

The House met on January 13, 1890, at 2:30 p. m. A few hours before the meeting it was found that Mr. Johnson of Dubuque, a Democrat, was ill in bed at his home. He had arisen, however, and was en route to the Capitol on a belated train. The knowledge of this was spoken mostly in whispers, and the Democrats watched for Johnson much, as may be imagined, like Wellington watched for Blucher. The late James E. Dunn of Dubuque was chairman of the Democratic State Committee, and Edward H. Hunter was Democratic national committeeman for Iowa. These gentlemen boarded the train at a crossing in East Des Moines, took Mr. Johnson therefrom and hurried him to the Capitol, arriving some minutes after the House had actually assembled. Those minutes were used by the Democrats in making dilatory motions and remarks. When Mr. Johnson arrived Mr. Holbrook of Marengo arose and announced that Mr. Johnson having come, the Democrats were ready to ballot. This incident caused much comment in the press as being one of the few instances in which the Democrats of Iowa had been able to play a joke upon their opponents.

By reason of precedent the House was called to order by the senior member from Polk County, B. B. Lane. Captain J. W. Luke of Hampton nominated D. C. Kolp, who was clerk of the House in 1888, as temporary reading clerk, and he was so chosen. This was almost the only motion, except motions to adjourn, upon which both sides agreed for many days.

Ben Van Steenburg was the Republican nominee for temporary chief clerk, and Fred W. Lehmann, then of Des Moines, the Democratic nominee. The first ballot showed fifty votes for each candidate. This continued until the end of the thirteenth ballot. The fashionable ailment of la grippe appeared for the first time that winter, and some members were brought in upon cots to answer roll call. After the close of the thirteenth ballot it was agreed that members might pair with others of their opponents, so that on several succeeding ballots the number of votes cast but little exceeded a quorum.

So matters continued with few incidents of note for days. Mr. Boies, who had come to Des Moines to be inaugurated as governor, returned home, and the House settled into the routine of balloting, relieved by an occasional passage at arms between members of the opposing factions. At last, having tried all apparent means of effecting a solution and without success, on January 27 Mr. Blythe presented the agreement of the conferees, which was adopted by unanimous vote. Under this agreement Loyal D. Hotchkiss, Democrat, of Davis County, was made the temporary speaker; Albert Head, Republican, of Greene, temporary speaker pro tem; Henry S. Wilcox of Polk, temporary chief clerk, while the minor offices were divided. A number of representatives had been chosen by but slight pluralities, and there was some question, technically, as to the eligibility of others. As these were about equally divided between the parties the agreement tactily eliminated all contests, so these members retained their seats unchallenged to the end of their respective terms.

The temporary organization having been effected, the House at once plunged into deadlock over the permanent organization. John T. Hamilton of Cedar Rapids was the Democratic nominee for speaker, and Silas Wilson of Cass County, the Republican. On January 28, and for twenty-two days thereafter followed dreary roll call after dreary roll call. Plan after plan was formulated for settlement, only to result in more and fruitless balloting. About this time many members began to feel the need of the first installment of their pay. The auditor of state having refused to issue warrants for salaries, the House, by resolution, asked for the opinion of the attorney general upon the subject, and he gave it as his opinion that the temporary organization was an organization in such sense that members were entitled to their first installment and mileage. This surely filled a long felt want, but caused some to express the opinion that it would serve to prolong the struggle.

One feature of this deadlock never became known to the public, nor to the general membership of the House. An eminent Republican member, now deceased, and one of the active Democrats agreed to make such an apportionment of the offices of the House as they deemed equitable and to the public interests, and then present it to the House with the ultimatum that it be adopted, or they would solve the deadlock. The Republican was Hon. James A. Smith of Osage, than whom a more conscientious representative never sat. The Democrat is still living and has not given his consent to the revealing of his name. But before this was carried into effect, or even fully formulated, the final solution occurred. On February 18 Irving B. Richman of Muscatine offered a resolution instructing the conference committees to make an equitable division of the offices, one group of which should include the speakership, and then that lots should be cast to determine to which side the speakership should fall. This resolution evoked a storm of discussion, which was at intervals punctuated by unparliamentary applause,



but it became apparent that the deadlock could not last much longer. On the following day the air was charged with rumors of settlement. Several recesses were taken to enable further conferences to be held, and finally an evening session was held, the news of which packed House and galleries.

At 7:30 the final conference report was read by Captain Luke. By the terms of the report Mr. Hamilton was named speaker; Mr. Wilson, speaker pro tem; Mr. Wilcox, chief clerk. The Republicans were given the first choice of five committees, after which the committees were chosen alternately. The committee on elections was composed of an equal number from both parties; in all other committees there was a majority of one member awarded to the party which chose the particular committee. The other offices were equally divided. This report was adopted without division and the roll call was taken upon speaker. As the first name of a Republican (Mr. Austin) was called and he voted "Hamilton," House and galleries broke into applause. At the close of the ballot Mr. Wilson arose and presented the speaker with a handsome gavel, which proved to be a veritable olive branch, for in the main, so to speak, seldom has Iowa had a House which worked in greater harmony than did thenceforth the House of the Twenty-third General Assembly.

Mr. Boies was inaugurated in the House Chamber amidst the cheers of his supporters and the smiles of his opponents.

The rest of the session was an exceedingly busy one, all seeming to vie with each other in an early dispatch of the public business. Aside from the usual partisan encounters, which no one even tried to remember, there was general good will. Of the one hundred men who engaged in this struggle, this paper would not be complete without a mention of some of the leaders. One outstanding figure, who had the respect of all, was J. W. Luke of Hampton, the Republican floor leader. He was alert to every duty, as clear as a bell, and profound in every matter which he investigated; James E. Blythe of Mason City, who afterward was the official head of his party; Albert Head of Jefferson, of engaging personality and wide experience; "Cady" Chase of Webster City, who was perhaps the best rough-and-tumble debater on the floor; Henry Hospers of Sioux, a Dutch-American pioneer, a type of the common sense of his race; Edward Townsend of Black Hawk, a thoughtful, painstaking man; C. G. McCarthy of Story, afterwards auditor of state; W. M. McFarland of Emmet, afterwards secretary of state; and Mr. Chantry of Mills County, who had sat in a House deadlock in the Fifteenth General Assembly. Of the Democrats was John F. Dayton of Waukon, a man of sound judgment and sterling character; N. B. Holbrook of Marengo, perhaps the best equipped in many respects of any member; Irving B. Richman of Muscatine, scholarly and efficient; John T. Hamilton, speaker.

To name others of either party and not name them all would be to

disparage some deserving ones. Even at this comparatively short lapse of time one counts the names as he counts treasure, for the conflict brought forth the sterling qualities of all, and no partisans ever parted with more genuine respect for each other than did these men. All of which may exemplify what the poet meant when he said,

"Next to a friend  
Is a foe who is staunch to the end."

Following Mr. Beem's paper short talks were made of a reminiscence nature by A. B. Funk, S. T. Meservey, George W. Clarke, J. L. Kamrar, E. C. Roach, R. T. St. John, J. T. Lavender, and George H. Van Houten.

The secretary read a number of letters from members who regretted not being able to attend, among them being N. E. Kendall, A. B. Cummins, L. M. Shaw, W. I. Babb, R. G. Cousins, G. S. Robinson, John McAllister, D. J. Palmer, E. W. Weeks, A. C. Hotchkiss, G. T. Baker, J. T. Moffit, J. H. Trewin, H. K. Evans, Milton Remley, I. P. Bowdish, R. M. Wright, J. E. Craig, F. O. Ellison, F. O. Hinkson, J. O. Kasa, J. J. Crossley, M. L. Temple, J. E. Bruce, W. C. Whiting, Thomas Geneva, P. Livingston, J. L. Wilson, F. M. Mills, E. Boland, A. L. Brooks, A. J. Chantry, G. N. Haugen, W. S. Withrow, E. P. Barringer, D. W. Turner, H. L. Spaulding, Wm. Carden, W. D. Evans, H. O. Weaver, B. F. Cummings, F. L. Arthaud, T. H. Hume, G. M. Titus, W. G. Ray, Robt. Hunter, B. L. Eiker, W. C. Kimmel, J. D. Morrison, J. I. Nichols, and Wm. Groneweg.

The committee on Nomination of Officers reported the following:

President—A. B. Funk.

Vice-president—H. W. Byers.

Secretary—David C. Mott.

Executive Committee—A. B. Funk, D. C. Mott, T. A. Way, R. G. Clark, J. T. Lavender.

District vice-presidents—First, H. O. Weaver; Second, G. M. Titus; Third, J. C. Beem; Fourth, R. T. St. John; Fifth, R. G. Cousins; Sixth, Perry Engle; Seventh, Oley Nelson; Eighth, G. S. Allyn; Ninth, L. F. Potter; Tenth, J. L. Kamrar; Eleventh, E. C. Roach.

By motion, the Executive Committee was directed hereafter to

call the meetings of the association biennially, according to the rules.

Other members, than those already mentioned as taking part in the meetings, who were in attendance were T. E. Johns, W. C. McArthur, T. A. Way, George McCulloch, H. B. Haselton, C. S. Byrkit, R. J. Martin, H. T. Saberson, A. H. Davison, H. H. Willson, and Joshua Jester.

At 2:30 P. M. the members met in the Rotunda of the State House and were conducted to seats in the House Chamber where the Forty-first General Assembly was sitting in joint session and addresses were made as follows:

#### ADDRESS OF FORMER GOVERNOR CARROLL

Mr. President, Members of the General Assembly, and Fellow Citizens:

I am honored today in being permitted to bring a word of greeting from the Pioneer Lawmakers Association to the members of the Forty-first General Assembly. It is good for us to meet together once in two or four years and renew old acquaintances as well as to make new ones. It gives to us who formerly occupied the responsible positions which you are now filling, renewed interest in the affairs of the state as well as in those measures with which you now have to deal. It also shows you what you are coming to a little later on.

Things have changed quite materially since the time of our service in your honorable body. I observe upon the wall just back of us a vaudeville sign, or a switchboard, or something of that kind which you use in voting. We would not know how to operate the machine, and how you folks get along without a roll call is difficult for us to understand. We don't see how you can get acquainted with each other any more than you could get along at the races without a score card.

New faces are in front of me this morning. There is only one member of the legislature serving in this General Assembly who served with us in the Twenty-sixth and Twenty-seventh general assemblies. Senator Fred Johnson of Franklin County, a beardless youth, was one of the young members of the House of Representatives during the previous session referred to.

I presume with all of you, as with myself, that a few men and a few measures stand out more prominently than others, though the men may not have been more able, nor the measures more important than many others, but they appeared to assume a little different relationship to us. Of course, with us who were members during the session of 1897, Code revision stands out beyond and above everything else, but there are a few matters pertaining to revision which made a more lasting impression upon me than most others.

I remember quite distinctly the long hours which a subcommittee, of



which, through the kindness of the Hon. A. B. Funk, chairman of the Ways and Means Committee, I had the honor to be a member, spent upon the Revenue Bill. It so happened that the Senator and I occupied different sides of the Senate Chamber. He used to come across to my side of the Chamber occasionally and say: "I tell you that bill is putting gray hairs in my head." Now you will observe that he, as well as the rest of us, has rather more gray hairs than he had then, but time has dealt very gently with him, and through the good graces of our Governor and of you members of the Senate, he is now serving the state in a very responsible position which he is entirely capable of filling, and it is very gratifying to me, as well as to his many other friends, that the state has availed itself of his very valuable services.

I particularly remember that part of the Revenue Law pertaining to the method of valuing property for assessment purposes. Now you may think that we were making a very radical change when we provided that property should be assessed at 25 per cent of its actual value instead of 100 per cent as had previously been provided by law, but we were not making a radical change, we were simply moving the "mole hill to the mountain," instead of undertaking to move the "mountain to the mole hill."

After a most thorough investigation covering all parts of the state, we ascertained that farm lands in particular, and in general other property, was assessed at less than 25 per cent of its actual value. It was our desire in enacting a law to provide sufficient penalties that the law would be complied with. To have done this and to have required full valuation assessments would have created a furor that would not soon have subsided. Consequently we made the law to fit the custom rather than to undertake to change the custom to comply with the law, hence we provided that property should be assessed at 25 per cent of its actual value, thereby disturbing things as little as possible, and it is our deliberate judgment that this was a wise provision.

Another measure which I recall quite vividly was that known as the Manufacturers' Bill. A previous session of the General Assembly, the Twenty-fifth perhaps, had enacted what was known as the Mule Law. Prohibition was the established law of the state, but under the provisions of the Mule Law it might be suspended in the larger cities and in counties upon a petition known as a mule petition, and liquor might lawfully be sold in such cities and counties. The brewers of the state whose establishments had been closed under the Prohibitory Act, contended that so long as liquor might be sold lawfully in any part of the state, they ought to be permitted to manufacture it for sale where such sales were permitted under the statutes. There were some of us, however, who did not believe in taking any "backward steps," and hence we opposed the amendment known as the Manufacturers' Bill. It so happened that, when the lines were clearly drawn over on the Senate side, there were just twenty-five senators for the measure and twenty-

five against it. This, of course, would have meant that the amendment would fail, as it required a majority of those voting to carry it. As the time for voting approached, the temperance forces decided to hold a caucus in order to be sure that there was no break in their lines, and hence a caucus of senators opposed to the measure was held one evening in the Senate Judiciary Room.

Every one of the twenty-five members opposed to the measure with one single exception attended this caucus. It was a sort of an old-fashioned Methodist class meeting where each member stood up and gave "a reason for the hope that was within him," and to the utter surprise of all of them and much to the pleasure of their opponents, the remarks made by each one appeared verbatim on the front page of the old *Des Moines Leader* the next morning. Much speculation was indulged in as to just how it happened. One elderly senator was quite insistent that a keyhole transmitter had been used as a listening tube or instrument. Now just what a keyhole transmitter is, I never have learned, but in the absence of anything else, that sounded good.

It, however, developed a little later on that Judson C. Welliver, who now operates as a reporter down around the National Capital, was then a reporter for the *Leader*, and by the assistance of some State House employee who knew all of the labyrinthian passages in the sub-basement, found his way to the foot of the big air shaft which passes up by the Judiciary Room, and by means of a ladder ascended the shaft until he came even with the ventilator, and there like Poe's raven, "He perched and sat" and listened and wrote, and the next morning gave his readers the benefit of what he had heard. He was a good deal like the bird described in the following lines:

"The wise old bird sat on an oak,  
The more he saw the less he spoke,  
The less he spoke the more he heard,  
Why can't we all be like that bird?"

Indignation broke loose as soon as the secret had been revealed, and a number of senators were determined to expel Jud from the press gallery, and others wanted to even exclude him from the floor of the Senate, but the joke was too good, nothing dared to be done.

Another interesting incident in this connection, old Senator Lehfeldt, a German farmer who resided out in Senator Shinn's district, was then a member of the Senate. He had served through the regular session of the Twenty-sixth General Assembly, but it was not congenial to him and he wanted to resign. He was a Republican senator from a Democratic district and his constituents insisted that he must not resign, or he would be succeeded by a Democrat. It should be borne in mind that there were already seven Democratic senators in that General Assembly, and that to add another might endanger the existence of the commonwealth, so he was not permitted to resign, but he declined to

attend the session of the legislature, except that he was induced to come and be present when the vote was taken on the Manufacturers' Bill. He sat there and punished himself for eight or ten days while that chapter of the Code was being thrashed over, but scarcely had the roll call ended when he was seen with his hat and overcoat making for home, and he never showed up again during the session. In order that he may be put in a proper light, I think I ought to say that he declined to accept pay for the session.

Having stated that there were twenty-five senators opposed to the bill, you may wonder how it became a law. Without any explanation allow me to say that one of our members happened to be absent when the roll was called, so that we only had twenty-four to their twenty-five votes.

In my opinion, one of the most important measures passed by the Twenty-seventh General Assembly was the bill creating the Board of Control for our state institutions. It came out of the Twenty-sixth General Assembly, and a special recess committee, of which Thomas D. Healy was the Senate member, made its report to the Twenty-seventh General Assembly, and may I say here that Senator Healy was one of the brilliant and capable members of the Senate who, if he had not been cut off in his young manhood, would have been heard from further in connection with the affairs of the state.

We were not always a sedate and dignified body of men, but proceeded upon the theory that "All work and no play makes Jack a dull boy," or "A little nonsense now and then is relished by the best of men," so one day when Miss Jessie Wilcox, a splendid little lady, who reported for one of the Des Moines papers, got one of the senators to introduce a resolution memorializing Congress (seems to me I have heard that something of that kind occurred recently), asking that one of the new cruisers be named after the city of Des Moines, a few of us on the west side of the chamber conceived the idea of having some fun with the measure, and then of course voting for it, so we put up some opposition to its passage. Among other things we argued that Des Moines is a French name and that to start a cruiser "gallivanting" around over the open seas bearing a French name and an American flag might get us into serious trouble. About this time the late Governor Garst, who sat on the opposite side of the chamber, and so far as we knew, had no intimation as to our purpose in opposing the bill, arose in his place and joined in our opposition saying that he thought we were justified in opposing the resolution, and stating that his little home town up on the Coon River, a thriving and progressive little village, had a population about equal to that which would be necessary to man the cruiser, and moved that we strike out the word Des Moines, and substitute Coon Rapids. This was done and the resolution was adopted, memorializing Congress to name one of the cruisers Coon Rapids. Of course, this was carrying the joke further than we had ever



intended. A day or two later Miss Wilcox came around and said, "Now you folks have had your fun with my resolution, won't you please take it up and pass it the way I want it?" Of course we were all glad to do that, and did it.

If you will permit me to refer to my own administration as governor of the state, I will say to you that in my opinion the outstanding measure passed by the legislature during that time was the bill creating the State Board of Education. I had some misgivings as to the successful working of a large board of nine members with a Finance Committee of three full-time men. I was rather inclined to favor a board of five paid members who should give all of their time to the management of our educational institutions, but I told Senator Whipple, who was in charge of the bill, that if it were possible to find nine men in the state who could make the plan a success, I would undertake to find them. Not as a compliment to myself, but as to the members of the board, permit me to say I have been congratulated many times upon the personnel of the board as it was finally made up. It included one member from each of the three old boards of trustees, that is, of the State University, the State College of Agriculture and Mechanic Arts, and the State Teachers College. There were two lawyers, an editor, a farmer, an architect, a building contractor, two bankers, and the president of the Morrell Packing Company of Ottumwa, and for sixteen years no one of these original appointees has been dropped from that board or has retired from it, except by resignation or death, with a single exception where the law was so amended as to render one member ineligible, and only one change has been made in the Finance Committee, except by death.

Lest you members of the present legislature may be mistaken as to when the first efforts were made at consolidating state departments, let me say to you that away back in the Thirty-fourth General Assembly, an eccentric gentleman by the name of Charley Miller who represented Bremer County in the lower house, and who was known to some of you at least, having a natural antipathy to doctors, introduced a bill to consolidate the various health departments of the state, and some others which might well have been put under one management, and succeeded in getting the bill through the House. In the Senate it found its way into the hands of an unfriendly committee and was not reported back. Knowing that I felt friendly to the measure, he came into my office one day and asked me in language less refined than that which I shall use, if there was not some member of the Senate who had nerve enough to force his bill out of the hands of that committee. I told him that I thought I could find some one who could do that. I called to my office a stalwart, ruddy-faced, auburn-haired young senator from the north part of the state, whose identity I would not want to disclose further than to say that his name was John, and that he is now occupying one of the important offices of our state government,

and asked him if he couldn't rescue Charley's bill from the enemies into whose hands it had fallen. He said he would undertake it. Very shortly the bill appeared upon the floor, but it was a doctors' measure and apparently had been too heavily chloroformed in the committee to survive, so it "slept the sleep that knows no waking." It, however, was an effort in the direction of consolidation which has since found its way into our laws.

Allow me to refer to one other matter before concluding. Senator Joseph Mattes of Sac County, who had ably served as chairman of the Appropriations Committee in the House, was chairman of the Appropriations Committee in the Senate of the Thirty-fourth General Assembly. I asked him if, when he got his appropriation bills all together and knew what was asked for, he would not come to my office and allow me to go over them with him. He promised to do so and did so. In the meantime I had had the auditor of state and the treasurer of state make up a list of all of the appropriations which had been made by the previous session of the General Assembly, and an estimate as to the amount available for the next biennial period, and as to what an increase or decrease of one-tenth of a mill in the levy would amount to. We went carefully over the bills, determined what amount might be appropriated for various purposes without making any material increase in the levy or in the valuation of property. When we were through I said, "Now, Senator, 'stand pat' and do not allow a larger amount to be appropriated." He did so, and as a result our levy was 3.3 mills, whereas it had been 3.5 mills. That was only twelve years ago. The levy at the present time is approximately 11 mills. I have recited this incident in the hope that it may encourage you in the practice of economy at the present time.

In conclusion let me say that after fifteen or twenty years when the halo of office has passed from you to others and you have had sufficient time to reflect upon your official acts, we shall be glad to have you become members of our Ancient and Honorable Organization, the step of whose members may not be quite as firm and elastic as those of the younger generation, but whose experience reaches further back toward the primeval days and has become a part of the earlier history of our commonwealth.

#### ADDRESS OF FORMER GOVERNOR CLARKE

Mr. Chairman, Gentlemen of the General Assembly:

I find myself in an anomalous position today. I can hardly conceive of myself as having become a pioneer. I had reverently thought of the members of the very early general assemblies of Iowa as being the real and greatly to be honored pioneer lawmakers of the state. They were. The dictionary, however, gives the word a very inclusive meaning and permits to come within its distinction a very great many. The word implies and confers distinction, even though the flight of time only

may be a large element in it. The dictionary definition is, "One who goes before, who is in advance, who clears the way" for those who are to come after. I take it for those who are already on the way. So far as lapse of time is concerned we may all qualify with absolute equality of standing, since only twenty years after prior official service is requisite to membership. I therefore need not feel strange since comparatively young men may belong to this "association of pioneers."

Some nine or ten years ago I heard a distinguished speaker addressing a large audience on the State Fair Grounds say that in a few more years we should have no more pioneers, meaning, of course, that the early comers into Iowa would all be gone. He spoke truly. But we live in a forward-looking, on-moving, progressive age. The face of America is decidedly to the front. Her wealth is abundant, even excessive. Her people are tremendously energetic. No day closes upon them content with accomplishments or gains made. Constantly seething in their minds are plans for greater things, new plans for new adventures upon new purposes, always greater. America's vast extent, her resources, her place and standing among the nations, and the genius of her people beget all these things and other undeniably concomitant things which I need not enumerate, since to every serious, thoughtful mind they will instantly suggest themselves. These things, this condition, constitute both America's strength and her danger. There is comparatively no danger to America from without. Her danger is from her own people. It is from within.<sup>1</sup> The Republic is on trial and will be some centuries yet. Its perpetuity rests upon the retention in all their vigor of the fundamental virtues of human life, sustained by intelligence, and both shot through and through by a burning zeal for the common good. Upon no other foundation can a great, transcendently great, people survive. Upon no other basis can there be unanimity of purpose. By no other means can very undesirable material be kept out of the superstructure. Will someone say, indeed, will many exclaim, "All that is Utopian, emotional, visionary, ideal"? Is it such to expect men, especially men in public position, to be honest, sincere, uninfluenced by the desire or hope for office, to be not anxious as to whether this or that is "good politics," but only is it right, and will it promote the public welfare? Such and such only is the very best kind of politics. There will be, of course, different opinions as to measures, but there can be no different opinions as to motives when they are known. There is nothing real but the ideal. All that we have that is worth while was once somebody's ideal brought to realization.

In such a country as this there will always be room for the pioneer

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<sup>1</sup>Subsequent to the meeting of the Pioneer Lawmakers Association and in *The Outlook* of February 25, 1925, the author of this address read and knew of the following words of Lincoln for the first time: "At what point is the approach of danger to be expected? I answer, if it ever reach us, it must spring up amongst us; it cannot come from abroad. If destruction be our lot, we must ourselves be its author and finisher. As a nation of free men we must live through all time, or die by suicide."



and a demand for him. Those who were active in legislation with reference to railroads and all matters pertaining to them, too active, I think, in some of the restraining features of the law; those who were active in the matter of the control of corporations in general, and in the real beginning of the development and growth of our great educational institutions; those who foresaw the economic necessity for a board and the unification of management of the numerous charitable institutions, and the development of humane and healthful conditions in them, and in the penal institutions as well—all such persons who, in connection with the matters enumerated and many others that might be, endeavored to reach the desirable purposes suggested were, within the definition given, pioneer lawmakers.

As new combinations arise, as new questions develop in the complex society of an ongoing, forward-moving world, as science advances—now going so fast that nobody can keep up—earth and air and sea and sky yielding up secrets hitherto unthought of, and rudely jostling man out of his long static conditions and beliefs—new adjustments, new conditions and relations will demand new legislation, and those who formulate and enact it will be true pioneers. It is no misnomer, then, that there is a body of men called the "Pioneer Lawmakers of Iowa" and that it has in it the essence of perpetuity.

Of the three great departments of the government the legislative is the greatest in the extent of its power. Except where limitations have been imposed by the constitution, federal or state, its power is practically unlimited and absolute. By amendment to their Constitution, it has been held that the people might abolish altogether the office of governor. The legislature may confer or take away powers from the governor, unless conferred by the Constitution. The public policy of a state is determined by its statutes, and so also to a very large extent is its life. The hand of the legislature is in the pockets of the people, and it may take as much as it pleases, even to all. In view of the responsibility that rests upon the legislator, and of the great importance of legislation, as legislators of days gone by and as legislators of the present, it certainly ought not to be deemed out of place to talk over, very briefly, matters of legislative life, methods, and duty.

It is lamentable that throughout the whole country, in papers and magazines and wherever people meet and discuss public questions, there is expressed a want of confidence in legislative bodies, including the Congress, a complaint of disorganization, absence of organization, confusion of proceedings, every one going his own way and the whole getting nowhere—no competent leadership. The reason, in a large measure, I think, can be pointed out, but that cannot be discussed here and now. It is exactly here, however, in such a state of public mind that decay commences. Throughout the history of mankind, among peoples endeavoring to govern themselves and eventually failing, it has always been so. It is true that no situation so difficult in our history

has ever yet presented itself that the people did not, in time, rise to the sane, calm disposition of it. But we are very young yet and very few in numbers in comparison with what we shall be, and our resources are yet quite sufficient, and more. Great numbers of people must have time. They are very liable to become explosive, dangerous. It makes no difference what degree of education may exist among some, or what want of education and experience among others, or what numerous and diverse callings among others, or what antagonistic interests may be conceived to exist among the whole, the people so far have, in time, weathered all storms. There is absolutely no element of pessimism, however, in a feeling of some concern about the recurring situations that have arisen within the memory of most of us, or in the fact that the present posture of political affairs and methods in their very composition tend to develop just such a state of mind as now exists among the people. I know that criticism of public men is oftener than not unwarranted, that it tends sometimes to the extreme of denunciation. It, however, for the greater part grows out of a state of mind among all classes misconceiving the fundamental purpose and object of government, and of the relation and duty of the public official to the people. It is very hard to do anything with a state of mind. The members of legislative bodies, notably members of the Congress and those who would be members, have fostered and nurtured this static condition of mind. There is inherent danger in numbers unless time enough can intervene for them to reverse themselves, and when they do they sometimes do it with a bang. But in the meantime great and irremediable injury may occur. This observation as to numbers has relation not only to the people as a whole but also to their representative bodies. On this subject as to legislative bodies Alexander Hamilton, at once and everywhere conceded to have been the clearest political thinker and most far-seeing statesman of modern times, said in "The Federalist": "The number ought at most to be kept within a certain limit, in order to avoid the confusion and intemperance of a multitude, and to secure the benefits of free consultation and discussion, and to guard against too easy a combination for improper purposes." "In all very numerous assemblies," he said, "of whatever characters composed, passion never fails to wrest the scepter from reason. Had every Athenian citizen been a Socrates, every Athenian assembly would still have been a mob." We are far away from Athens in her glory, it is true, but we still retain the human nature of the Athenians of that time, though perhaps not surrounded by the incitements to public passion they were.

I have long been of the settled conviction that the members of legislative assemblies, state and national, are too numerous. This comes from observation and actual experience in eight general assemblies. This implies no criticism of any individual member—none whatever. It is simply the incompetency and inability which arises from the crowd mind. I think I should be entirely ready to say that if the numbers



were reduced by half we should have a resultant superior in legislative ability, soundness and worth whileness, and the work would certainly be much more expeditious. If the number were constitutionally reduced, the state redistricted accordingly, we should have a condition tending to invite the ablest men, men fitted by training and attainments, to consider matters demanding legislation, men selected by the people, real representative men, and not men selected by themselves. Great corporations equip and manage enormous businesses, employing enormous capital and sometimes thousands of employees, with business reaching into all parts of the world, with thousands of interested stockholders, and yet the management and complete direction are by a very small board of directors, when compared with the immensity of the business and the multitude of stockholders. It is quite safe to say that if the management were entrusted to several hundred of the stockholders, selected at random, the business would most probably speedily go into the hands of a receiver. Any corporate industry, or bank, or manufacturing concern, could hardly survive management by stockholders in general. Nobody would purchase stock in such an institution. I know the comparison is not exactly analogous, but in a large measure it is. At any rate the conclusion I would draw is obvious.

A legislature should be of only such numbers as could, without passion or prejudice or jealousy, dismissing purely personal interests—and not of such numbers as to arouse all of these—consider fairly and justly the state as a whole and not some small district of it only, consulting expert assistance when deemed necessary (which, perhaps, the state ought to provide), arrive at a conclusion felt by all to be wholly in the interest of the common good, so far as it is possible for the combined intelligence of average, conscientious legislators to determine.

Again, quoting Hamilton who said, "No man can be a competent legislator who does not add to an upright intention and a sound judgment a certain degree of knowledge of the subjects on which he is to legislate."

Among all the forty-eight states of the Union there is not one that stands out as distinguished above all others for the ability and prestige of its legislature. They are all on about the same level of distinction. If the number of legislators in any one of a number of states one might mention were reduced by half, I think that state would rise to legislative pre-eminence. Higher rank is not demanded of members by their constituents. A legislature reflects with amazing accuracy the political ideals and estimate of the importance and value by its constituency of a high order of legislative public service. A legislator seldom rises above the constituency responsible for him. When, as in many states there are, perhaps, 150 and often more, small representative and senatorial districts, the single one is not regarded of much consequence in making up the aggregate, and the whole matter of representation just drifts. Perhaps the people vote, perhaps they don't. It is certain that they do not in any real sense select a man. If the number was largely



reduced, the districts considerably enlarged, the situation would at once spring into importance and automatically command attention and serious interest commensurate with the importance of the matter involved. Enlarged legislative ideals and demands would at once spring up among the people. Otherwise mediocrity of representation would become too conspicuous and humiliation the portion of the district.

The legislator, as a rule, I think, minimizes the importance of his office. He regards himself as representing his county or district only. He represents much more than that. He represents the people of the state, all of them. Chosen from a small section, it is true, but for the purpose of communicating to the legislature as a whole the needs, the situation, the views or demands, if it may be, of his district or section that it may understand fully the collective mind of the whole. Its desires should harmonize with the common good or be denied. This view enlarges the scope of the legislator's duty, magnifies his office, increases his responsibilities, and thus adds to his value as a man and a representative. All this is true, also, with reference to membership in the Congress. He is a member of the Congress of the United States, representing the United States, with his duties and relation to the people of his particular state, exactly the same as the legislator is to his district.

Edmund Burke, the great British statesman who served twenty-eight successive years in the Parliament, one time, 250 years ago, speaking to the electors of Bristol by whose suffrages he held the office said, "It ought to be the happiness and glory of a representative to live in the strictest union, the closest correspondence and the most unreserved communication with his constituents. Their wishes ought to have great weight with him, their opinions high respect, but his own unbiased opinion, his mature judgment, his enlightened conscience he ought not to sacrifice to you, to any man or to any set of men living. These he does not derive from your pleasure. Your representative owes you not his industry only, but his judgment, and he betrays instead of serves you, if he sacrifices it to your opinion. Parliament is not a congress of ambassadors from different and hostile interests, which interests each must maintain as an agent and advocate against other agents and advocates; but Parliament is a deliberative assembly of one nation, with one interest, that of the whole—where not local purposes, not local prejudices ought to guide, but the general good resulting from the general reason of the whole. You choose a member, indeed, but when he is chosen he is not a member of Bristol, but a member of Parliament." One can hardly imagine a member of Congress speaking thus face to face with his constituents. This, indeed, magnifies and dignifies the office as the legislator should conceive of and magnify and dignify his. With this view of the office, logrolling and trading and dickering and "pork" for constituents are not conceivable.

The newspapers and magazines of the country are very insistent and persistent in urging, indeed in demanding, that the president and gover-

nors should assume leadership. They are creating, have already created, a demand for it among the people. This is far beyond anything known in former years and, I think, to an extent beyond the contemplation of constitutions. But however that may be, or however much of it may be due to the loss of confidence among the people in Congress and legislatures and to loss of leadership, the president and governors are to some extent being forced into the role. That there must be forceful and able leadership somewhere goes without saying. Happy would be the situation if it were always found in both places. Unusual ability and masterful personality are not often combined. Can the president or governors aggressively assume leadership, as is demanded, without arousing antagonisms, thus defeating most desirable ends? We have had illustrations of collisions arising. It would require natural aptitude and the most consummate skill and tact. They are expected to initiate a program of legislation. How can the governor, for instance, outline a policy or program of major legislation and as demanded, "push it through"? Not by even in the most remote way, by word or act, suggesting dictatorship. There must be harmony as far as possible, there must be a plan, a program, co-operation, organization. Without these there can be nothing but fudging around. If a charge of powder is poured down on the sidewalk and a match touched to it, it explodes with a little puff of smoke. Its power is dissipated, lost. Confine it, concentrate its power behind a bullet, discharge it, it shows tremendous effects, results. Concentration of purpose, combination of effort! How may they be attained?

Since the Constitution provides that "each house shall determine its rules of proceedings," might it not be provided that a standing committee be created consisting of the chairmen of the three leading committees of each house, of which committee the speaker of the House, the president of the Senate and the governor shall be members *ex officio* and that the governor shall be chairman; that the committee shall meet upon the written call of the chairman, or of any three members, for the purpose of conference, or for any other reason deemed important; that its duties shall be to determine upon and outline a program of legislation of major importance and that such program shall at any time take precedence of consideration upon the floor of either house; and that a majority of the committee shall constitute a quorum? This committee might, indeed, meet prior to the assembling of the legislature for the purposes suggested, since it would be known certainly who would be the governor and lieutenant-governor, and it would be somewhat unusual if three of the chairmanships would not be known, presuming that they had been formerly and would be certainly in the future again appointed, not solely on the ground of seniority (which of itself is no reason at all), but because of experience, ability, training, and general fitness.

This arrangement, with that under the rules already in vogue, would give the legislature a real organization, would provide for a real man-

aging head and leadership. It would give the right of way to a real program with hope of realization. The real situation and tendencies in each house could be known and discussed in this committee. The governor would not be in the dark about anything. He would know and be known. There is nothing in the world so good as talking things over, heart to heart talks. It prevents misunderstandings, allays suspicions, develops the very attitude most needed on the part of all, assists in arriving at wise conclusions. It combines, concentrates, and prevents dissipation of effort. This committee would prevent the charge of meddlesomeness on the part of the governor. It would give him spokesmen in the legislature. It would furnish him a smooth, paved road to both houses. His program would be their program. They had been participants through their best representation in formulating it. There would be no element of dictatorship or bossism in this. Having a budget the appropriations would not be rushed through in the last days of the session—always a bad thing. It would tend to making a responsible government. It would tend to restore legislative bodies to the pride and confidence of the people.

It seemed to me that in a meeting of legislators of the past, with a legislature of the present in actual session, it could not be out of place in a casual, general way to discuss legislative work and legislative methods. If I have been inappropriate to the occasion it may be charged to a want of a proper sense of discernment.

#### ADDRESS BY SENATOR A. J. SHINN

The Great Creator has seen fit to endow our state with that soil which makes it the most fertile and productive of any state in the Union. Yet, for centuries after that creation, it lay here in its natural state, inhabited only by the red men, who passed their time chasing the buffalo and hunting the deer. But, as years rolled by, the white man, looking for the Land of Promise, crossed the mighty Mississippi, and settled in this land of plenty.

As he lived here in those years, harassed by the Indians, he knew that its future development could only be obtained by the enactment of those laws which, by their enforcement, would give safety to his family and protection to his property.

This assembly of Pioneer Lawmakers is one of the happy privileges that come to those who serve the state of Iowa in the capacity of legislators. It behooves us to stop and well consider the most intricate formation of the foundation of our great state—a foundation so constructed as to make us all loyal citizens of the state.

It took men with integrity and firm intent, men with true character and unexcelled ability to formulate those laws upon which we have been able to build additional laws to care for the progress of the state. You men had no precedents to follow—only the desire for equality and justice for all. Justice led you to establish that foundation which we now, as legislators, and citizens, revere. It should be with a feeling



of humility that we presume to fill your places, and with an unimpaired courage that we strive to build for the welfare of the state on the foundation so grandly laid.

We are glad to welcome you, pioneer lawmakers, to this assembly once more, and we feel privileged to stop the wheels of legislation to pay you our profound esteem and respect. The event is an unusual one and the effect upon the entire state will be one to arouse patriotism and a higher regard for the law. We reminisce the hardships undergone by those tenacious statesmen, and today as we assemble here, are prompted to express our sincere thanks to you for your establishment of a just code of laws. We sincerely hope that those which we add will in no way detract from the inspiration you have left with all succeeding generations, true Americanism and loyalty to the state of Iowa.

Now, in conclusion, I wish to say that the development of Iowa, through the ideas of you pioneer lawmakers, moulded in the form of constructive legislation, has given to us the Iowa of today. And the theory of Lincoln that a nation with a government as given by you, that "Government of the people, by the people, and for the people," will be and shall be everlasting.

#### ADDRESS BY REPRESENTATIVE J. M. RANKIN

Mr. President, Pioneer Lawmakers, Senators and Gentlemen of the House:

It is a fitting and inspiring moment when the machinery of legislation pauses and we hear legislative voices of a generation gone. It is a challenge to the present—this challenge of the past.

We may the more confirm our good opinion of our visitors by scanning their legislative course of twenty years ago and the period of twenty years preceding that. Their journals show they wrought among momentous tasks for Iowa. These tasks of caring for our unfortunates, regulating public carriers, equalizing our burdens and the distributing privileges, of systematizing and guarding the franchise, controlling and suppressing the evils of their time—they had stupendous problems, which were assailed and handled well.

The valiant legislators of that time, all with us in the spirit through our statutes, and in the flesh through our guests today, are part and parcel of our public heritage. The laws our benefactions, our guests our benefactors.

This hour inspires the Forty-first General Assembly. Those laws are patterns, as our guests intend them, rather than models. Through their amendment and improvement, through strengthened support and liberal endowment, through added statutes and balanced government, we, in our service, have contended for and in some part achieved; we of the later and of the present sessions have endeavored to attain the confidence and respect of our commonwealth, which we have for these noble men of past sessions. Let us, past and present, continue steadfastly striving for the honor of Iowa's future.

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