

herence to principles, and he depended upon his reasoning powers which were unusually strong, to clearly, faithfully and honestly present the same to the court and jury.

In politics he was a democrat and believed in the principles of the democratic party, was a leader in its councils, and exercised a salutary influence in forming its policies in the state and shaping its platforms and procedure. He was elected to the Iowa senate, as a democrat, from the fifteenth senatorial district, composed of Marion and Monroe counties and served in the twenty-fourth and twenty-fifth General Assemblies, with credit to himself and honor to the state. He was able, clear visioned, conscientious and honest and persistent in having enacted into law those high ideals in which he believed, Many of his ideas he succeeded in having placed in the statutes of Iowa, which to this day are a blessing and benediction to the people of Iowa.

In eighteen hundred fifty-four, Mr. Perry was united in marriage with Minerva Allison of Eddyville, Iowa, who departed this life in November, eighteen hundred sixty-nine. To this union was born one son, Fernando, who died in infancy, and one daughter, Mrs. Florence Pennington, of Albia, Iowa, who survives him.

In October of eighteen hundred seventy, Mr. Perry was united in marriage with Amanda Craig, and to this union was born Eldon C. Perry, who died in early childhood; Mrs. Grace Perry Miller and Theodore B. Perry, Junior, who with the widow, survive the death of Mr. Perry and mourn his loss.

Mr. Perry was intensely interested in the pioneer history of the state of Iowa, and associated himself with all organizations in the state which have to do with the preservation of that history.

In the passing of Theodore Bolivar Perry, the state of Iowa has lost one of her most distinguished sons. His family has lost a good husband, a kind and loving parent, and his community an energetic and public member. The nation has lost a patriotic son.

JNO. R. PRICE,  
GEO. S. HARTMAN,  
C. J. FULTON.

Senator Price spoke as follows:

MR. PRESIDENT AND SENATOR:—I believe that an apology on an occasion of this kind is inexcusable, but I must say to this senate that on account of the arduous duties imposed upon us here, I have been unable to give even a moment's thought to the preparation of a eulogy on the life and character and the service of this distinguished son of Iowa. It is a pleasure and a pleasant duty to stand in the presence of the dead and refer to the beautiful parts of the life and character of those who have passed to the Great Beyond to receive the plaudits of the Divine Master. As we stand here, how fitting the words:

“Can storied urn or animated bust  
Back to its mansion call the fleeting breath?  
Can Honour's voice provoke the silent dust,  
Or Flatt'ry soothe the dull cold ear of death?”

At once the answer is "We cannot restore to life those who have passed to the Great Beyond." Neither can we say that we would do so if we could. Standing in this presence this evening, how glad we are of the opportunity to draw the mantle of charity over the frailties of our distinguished friend and brother; how delightful for us to review the lives, and in particular that grand and noble part of the lives, of those we knew when living.

What I shall say shall be wholly extemporaneous concerning the life of Theodore Perry. From the obituary you know that he was born in Cincinnati, Ohio, in 1833, ninety years ago. He came to Iowa in 1851. He was a school teacher in those days when education was rare; he was a well educated man; he was a distinguished teacher in southern Iowa, and all through his life and in all of his achievements if he doted on one thing more than any other it was the fact that he was a pioneer school teacher.

I remember Mr. Perry while I was yet a boy, and a great big part of this man was his unusual and splendid ability as a lawyer. The lawyers here well understand what I mean in what I am about to say—some of the others may understand. To listen to Theodore Perry in the argument of a legal proposition before the courts was equal to the reading of a text book on the particular subject. I shall never forget the first time I heard him argue a motion for a continuance. The one great feature of his motion was that if the motion be granted substantial justice would be done to all parties, and if the motion were not granted, there would be a miscarriage of justice; while technically wrong yet morally right, after all his motion prevailed. I thought at the time and years afterwards what a terrible loss it is, not only to the legal profession but to the state and to the nation, that we have so many case lawyers and so few who really know the principles of the law involved that they are undertaking to present to the court. They invariably say "If the court please I have a case decided by the supreme court that is on all fours with the facts in this case." I am honest when I say that I never heard Theodore Perry present a proposition to the court in that way. How clearly and distinctly would he go back to the principles that underlay everything that was involved in the point, and bring it so clearly to the attention of the court before whom he was trying the case, as to leave no doubt.

In politics he was a democrat; biased and prejudiced like all of us are in our political views, and yet charitable and kind.

It is to be regretted by southern Iowa that Theodore Perry passed out of life without having written a history of that part of the state, and particularly that history which referred to the old circuit riding lawyers of the pioneer days. He had a most vivid recollection of the things that occurred during his lifetime. He knew the history of Monroe county; not only its settlement; not only the lands, the topography; not these things alone, but the history of the early people. He knew intimately everyone who settled there; he knew intimately the families; the pioneers who passed away; the children that were born; the sons and daughters that married, and the offspring of those marriages, and no man had these so clearly in mind as Theodore Perry. And then he

knew the history of the surrounding country and particularly that part which was close to his circuit.

He was honorable; he was upright; he was just. He took great interest in the civic affairs of his community. He served on the school board of Albia for a number of years and took great interest in the progress of the district. His was an unselfish interest, and he was an untiring worker. What I say in connection with his school work was equally applicable to all of his efforts in connection with the community in its other activities.

I say, Mr. President, that it is a pleasure for me to move the adoption of these resolutions, that they be engrossed and a copy thereof sent to the widow of Mr. Perry.

The resolution was adopted unanimously.

#### WILLIAM HENRY BERRY

MR. PRESIDENT—Your committee which was appointed to report resolutions commemorating the life, character and services of the late William Henry Berry, beg leave to submit the following report and move its adoption:

William Henry Berry was the son of Benjamin Carlton and Isabelle Van Eaton Berry and was born in Cass county, Illinois, October the 23rd, 1849, and became a resident of the state of Iowa in 1867, and here commenced his studies in Simpson College from which he was graduated in 1872.

He was united in marriage to Alice M. Barker, a classmate, May 12, 1875, and is survived by his wife and the only child, Don L. Berry.

Mr. Berry was admitted to the bar in August, 1873, and commenced upon the practice of his chosen profession and continuously practiced at the bar in Warren and adjoining counties until the date of his death, which occurred March 25, 1923.

As a lawyer Senator Berry was of the type of advocate who, after having become interested in the cause, pursued a diligent prosecution of the cause until it was finally concluded, and never allowed local passion or prejudice to swerve him from his client's interest. Mr. Berry was a lawyer whose ideals were high and he always sought to maintain the highest legal ethics in connection with his practice and was noted for advocating sound, honest justice rather than being bound to some precedent which had outlived its usefulness. He was never afraid to venture out into new fields if he felt that his cause was just, and was not governed by custom or practice if the same had become obsolete. He enjoyed his profession and gave his professional service to his community and any other public activity whenever the occasion arose.

Mr. Berry was elected Senator from the Eleventh Senatorial District, comprising the counties of Warren and Clarke, in the year 1895, where he served with distinction and was regarded as one of the ablest law makers that ever sat in that body. Senator Berry was at once recognized as one of the able debaters and clear thinkers in this body, and was a member during the period when the Code of 1897 was written, and