

# PROCEEDINGS

OF THE

# Pioneer Lawmakers' Association OF IOWA.

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REUNION OF 1896.

Held at Des Moines on the 12th and 13th of February.

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5<sup>th</sup> meeting

PERMANENT ORGANIZATION MADE IN 1892.

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*PRINTED BY AUTHORITY OF THE STATE.*

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DES MOINES:  
F. R. CONAWAY, STATE PRINTER.  
1897.

No. 4653  
Recd April 23, 1907.

### EXPLANATORY NOTE.

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The long delay in publishing the proceedings of the last meeting of the Pioneer Lawmakers' Association has arisen from the failure of the general assembly to make an appropriation, at its regular session, to defray the expense. The new Code enacted by the extra session makes permanent provision for the publication of our proceedings hereafter.



## ARTICLES OF ASSOCIATION.

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On the 28th of February, 1892, the following articles of association were adopted by the persons in attendance at the third reunion of the pioneer lawmakers of Iowa:

*Name.*—The name of this association shall be PIONEER LAWMAKERS' ASSOCIATION OF IOWA.

*Who Eligible to Membership.*—Its members shall consist of all former state officers, including members and officers of territorial and state legislatures, senators and representatives in congress, members of the cabinet from Iowa, United States supreme, circuit and district judges, members and officers of constitutional conventions and state boards of education, judges and district attorneys—who served twenty-five years prior to each biennial reunion.

*Time of Meeting.*—The reunions shall be held at the capital of the state, beginning on the second Wednesday of February of the years in which the general assembly holds its regular sessions, unless otherwise called by the executive committee.

*Officers.*—The officers shall consist of a president, and one vice-president from each congressional district of the state, a secretary and two assistants, and an executive committee composed of three members.

*Election of Officers.*—The officers shall be elected on the second day of each biennial meeting and hold their offices two years, or until their successors are chosen.

*Inaugural Address.*—The address of the president shall be delivered at the opening of each biennial reunion.

*Committee on Publication.*—On the morning of the first day of each reunion the president shall appoint a committee on publication, whose duty it shall be to take charge of all papers read or received at the various sessions, including resolutions and letters from absent members, and preserve all records of such meetings. This committee shall, with the assistance of the secretary, prepare the proceedings of each session for publication, and supervise the printing and distribution of the same, and mail a copy of the proceedings to each member.

*Enrollment of Members.*—At the opening of each session the president shall invite all members present to enroll their names, giving their terms of official service, place of birth, number of years in Iowa, and present post-office address. These statistics shall be published with the proceedings.

*Standing Committees.*—The president shall at each session appoint a committee on statistics, consisting of one from each congressional district,

whose duty it shall be to prepare a biographical sketch of such members as may die during the two years intervening between the time of their appointment and the next reunion. It shall be the duty of each member of this committee to prepare biographical sketches of such members as may die in the district in which he resides, all of which shall be reported to the next succeeding reunion for publication.

The following additional committees shall be appointed before the adjournment of the forenoon session of the first day of each reunion:

*First.*—On nominations for officers, five members.

*Second.*—On resolutions, five members.

*Third.*—To visit the governor and convey to him an invitation to attend the sessions of the reunion, two members.

*Fourth.*—To visit each house of the general assembly and extend to them an invitation to meet with the Old Lawmakers, four members, two for each house.

*Executive Committee.*—It shall be the duty of the executive committee to make all necessary arrangements for each successive reunion, and to fill all vacancies in offices.

All officers of this association shall perform the duties ordinarily devolving upon such officers.

## FIFTH REUNION OF THE PIONEER LAWMAKERS.

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The association assembled at the auditorium of the Y. M. C. A. building, in Des Moines, on the 12th of February, 1896, at 10 A. M., and was called to order by Maj. Hoyt Sherman, chairman of the executive committee.

On motion, Col. John Scott was called to the chair, Hon. C. S. Wilson acting as secretary.

Colonel Scott upon taking the chair delivered a short address.

The choir, consisting of J. W. Muffly, Mrs. Cheek, Miss Laird and Mr. Guiberson, sang "America."

Mayor Hillis made an address of welcome to the old law-makers in which he complimented the members of the association on their youthful appearance, considering that they had sat in Iowa's earliest legislatures. His honor said:

No one can rightly overestimate the value of such a meeting as this here assembled, for though the social aspect with its renewal of old-time friendships, its wealth of interesting reminiscences, is delightful and entertaining, yet its chief value is a verifier of history, an educator of youth and a stimulant to the state pride, loyalty, and love of our citizens for peerless Iowa.

Alluding to the growth of Des Moines since those early days, thirty-nine years ago, when the city was incorporated, and which was about the time when the first general assembly sat here, Mr. Hillis gave statistics as to public improvements, including forty-three miles of paved streets and eighty-two miles of water mains, and said:

When the first assembly met in Des Moines the number of inhabitants was less than 3,000 and the total of both real and personal property in the whole of Polk county was in round numbers only \$4,500,000. To-day the assessed valuation of Des Moines alone is nearly four times as much, or about \$17,000,000. Judge P. M. Casady, who is here to-day, was our first post-master, and will testify that he carried all the mail coming to this office in

his hat; or, if he is too modest to speak, I refer you to page 23 of Turrill's History of Des Moines. To-day it requires 100 men to manage our postoffice, which does a business of nearly \$250,000 each year. We have unquestionably one of the healthiest cities of its size in the United States, our mortality being only 8.6 per cent per thousand.

His honor closed by extending a cordial welcome to the city.

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### THE PRESIDENT'S ANNUAL ADDRESS.

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Hon. John Scott, the president of the association, then delivered the annual address. He said:

**PIONEER LAWMAKERS**—My presence on this platform, standing beside a chair which none of us could reasonably hope to fill, serves to most strongly remind us of our loss. And while the occasion calls first for friendly greetings and congratulations that we are permitted under a kind providence to assemble in a fifth reunion of our association, ten years from the date of its organization, the greatness of our loss is shown in the absence of the most genial, kindly, loving and beloved face of our late president, the peerless man and distinguished pioneer lawmaker, we must make the present something of a memorial occasion. That it should not be entirely so is perhaps due to his example and teachings. Who so loving as he? Who so gentle and so tender as he? Yet when the mailed hand of the destroyer struck blows unto the death, who in weak submission to the inevitable so brave, so strong as he? From his teachings and example we learn that the steeper the hill we are to climb the stouter the heart we must bring to the task.

When your executive committee notified me that I was expected to wield this gavel in the opening of this session, the sense of our loss and of the responsibility suggested seemed more than I could bear. The contemplation of his noble qualities and his example gave new courage. I therefore claim your forbearance, patience and aid in the discharge of the duties and business that may come to us to-day.

And while our association will take formal memorial action in recognition of the great loss we have sustained, it would not be consistent with the long time kindly social relations with Judge Wright which it was my privilege to enjoy, were I to fail on this occasion to add a handful of earth to the mound which all the people raise in his honor.

The state is greater and better because he lived therein, and was not only a pioneer in her undertakings, and in laying broad, deep and with solidity her foundations, but also because in the full powers of manhood in a not uneventful time he gave of his wisdom and goodness to assist in erecting and beautifying the structure that has been so happily reared thereon. He was long and at all times the wise, faithful, conscientious and valuable servant of the public. His influence was always for the right, and was eminently helpful of the right. His was an influence ever potent for good.

And withal, though he shone in hall judicial and legislative, and his merit was recognized in the nation as well as in the state he supremely loved, his crowning excellencies were only seen in his social life; in the friendships he formed and in the hearts he bound to himself in his going out and in his coming in as he trod the paths of every-day life, and in the privacy of his own family. This rare man—companion, friend, when shall we look upon his equal? When shall we again bask in the brightness of such a loving smile, a smile that like the sun was brightness of itself, and the cause of brightness in the faces on which it shone? Peerless man! Pure, rare, steadfast and true, ever kind, genial, forgiving and loving: Hail! and on earth farewell!

Pioneer lawmakers, life is accounted a blessing. Even the pagan and the savage so regard it, and cling to it as to nothing else. And where the sun shines, the flowers give their perfume, the birds sing among the trees, and all nature in her varied seasons gladdens the senses of man, it is something for gratitude that one has lived at all. But to have lived in the progress of this century, to have seen its advances in civilization, and especially that of the last half of it, to have seen and been a part of such a growth of empire in the midst of this continent as the world had never before witnessed, in all time, is to have been favored beyond that which has been given to peoples of other times and other lands. Yet more, to have had one's lines cast in a land with seven years of plenty, followed by seventy times seven years of still greater abundance given to the hand of the diligent, and though varied by sunshine and storm, never failing to fill the horn of plenty, is a condition not known to even the famed opulence of the valley of the Nile.

To you, pioneers, it has been given to not only enter upon and enjoy this rich inheritance, but you have been blessed in the labors, the responsibilities, and even the hardships imposed by your position. You have marked the road that others may follow without fear or danger. You have laid broad and deep the foundations upon which a prosperous people do build. Already millions of intelligent and virtuous citizens possess happy homes, and enjoy an enviable prosperity made possible by the labors and foresight of yourselves and those whom you represented. Well are you entitled, as the shadows lengthen, to the applause of those to whom this service was done, including all the people, and to the approval of your own consciences.

The years of half a century of statehood have rolled away, preceded by years of territorial infancy and growth, and yet men still live, and are of us to-day, who have seen and been a part of the magnificent development we see around us. There are now with us those who personally remember the occupancy of this fair land by savages; who personally knew the great Black Hawk, and his compeers, Keokuk and Poweshiek, and Wapello, and Winneshiek, and have dined with them about their rude campfires from the kettles of game and herbs prepared by the Indian women. They saw the first cabins of white men erected in a locality that was known only by its geographical position, as "the mouth of the Raccoon fork of the Des Moines river." May the added years sit lightly on them; and long may they live to add dignity and interest to our successive conventions!

We have with us to-day some who have not met with us before. We can not express with what gladness we give them especial welcome. Their presence comes to us as a benediction. We can only wish that they may

have a full share of the joys given us by their greeting! May they often come again!

This meeting is in the thoughts and hearts of many who from various causes can not be here. Some of them are on beds of pain. Some of them, through the loss or impairment of faculties, can not safely travel, and would no longer enjoy the social pleasures of our meetings. If we can, it is our duty to minister to these.

Many of those who have been with us heretofore, or who are of us by right of service, have passed away since our last meeting. Of these perhaps the most widely known, because of his long time and eminent services in counsels and labors, in war and in peace, as well as from his admirable personal qualities, was the late Gen. Ed Wright, a member of the executive committee. Our secretary will present the names of others, and with the assistance of the proper committees suitable action may be taken by the association.

If it should be your pleasure to provide that our association should take part in some suitable commemoration of the fiftieth anniversary of Iowa's statehood, that occasion would seem to offer the pleasures of a meeting not provided for in our constitution. I offer the suggestion, but make no recommendation.

And now, in the language of one whose memory we delight to honor, "we meet, as heretofore, and as I hope will often hereafter, glad that so many can assemble, to talk of the past of which we are not ashamed, of the present in which we have great confidence, and plan somewhat for the future, of which we are not afraid."

#### MEMBERS PRESENT.

Alvin Saunders, G. L. Godfrey, J. P. Teter, Isaac Brandt, James D. Wright, C. C. Cole, Alonzo Abernethy, L. Hollingsworth, Theodore S. Parvin, Charles Aldrich, Reuben Noble, Lewis Todhunter, J. M. Browne, Frank T. Campbell, Thomas B. Knapp, Edward Campbell, Jr., E. M. Stedman, P. P. Henderson, J. H. Powers, John Scott, F. M. Mills, John M. Davis, A. C. Fulton, P. M. Casady, J. B. Elliott, S. A. Moore, P. G. C. Merrill, S. P. Yeomans, R. S. Finkbine, Warren S. Dungan, L. L. Ainsworth, C. J. A. Ericson, C. S. Wilson, John A. Kasson, Cole Nole, William Bremner, B. F. Gue, J. F. Hopkins, J. W. Muffly, George Schramm, Owen Bromley, John Meyer, R. C. Webb, Hoyt Sherman, W. J. Moir, W. P. Guiberson, Edward Lindly, Edmund Jaeger.

JUDGE COLE'S ADDRESS.

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MR. PRESIDENT—The pleasurable though most difficult duty has been assigned me, of making a response to the excellent, valuable and instructive address to which we have just listened. I am sure its sentiments, whether in memoriam of our honored but now departed officers and members, or in congratulation to our present and living members, respecting the work they have accomplished, have met a most cordial response and approval with every hearer. I have sometimes doubted the legitimacy of my membership in a lawmakers' association, since my part in the service of the state has been almost exclusively in expounding the law which others have enacted. But when I remember that the most efficient and beneficent of the very extended work of our so recently deceased president, whose place by succession you fill, was in the same field, and part of it side by side with me, I am emboldened to claim a legitimate right to associate and have a membership with pioneer "makers of the law." The labors of our deceased president upon the bench, and in laying the foundations of our jurisprudence, and rearing its symmetrical superstructure, constitute a material part of the body of our law as it exists to-day. Indeed have you, legislators, reflected how very essential and necessary it was, in order to the success of your labors in the enactment of statutes, that you should have a concurrent and co-existent bench, wise to know the purposes of your legislation, and honest and sagacious to interpret and enforce, with judicial wisdom and statesmen-like, broad and comprehensive judgment, the work which, by statute, you inaugurated? We sometimes hear the term of "judge-made law" used in other than a creditable sense. I do not refer to that law which may be properly classed as "judge-made law;" but I refer to the interpretation and construction of the statutes which the several legislatures have enacted. It does not infrequently happen that such construction or interpretation is placed upon the language of a statute as that the very purpose in the minds of the legislators in enacting it is greatly perverted, if not wholly overturned. I refer to this subject in this connection for the purpose of emphasizing the importance and value of the labors of our recently deceased and most highly loved and respected president. His experience as a legislator in the enactment of statutes gave him added wisdom for the just and wise interpretation and application of statutes. I have recently and in other surroundings affirmed without fear of contradiction, that our deceased president was the master workman, whoever may have been his associates, in the work of constructing our acceptable and approved Iowa jurisprudence.

With many thanks to our present presiding officer for the excellence of his history, the value of his statements and the interest of his reminiscences,

I desire to invite your attention for a short time to the philosophy bearing upon your conduct as Pioneer Lawmakers, and the present exalted position of Iowa among her sister republics of the nation. We all of us rejoice in the fact that we are citizens of Iowa; that we have been connected with its history, some of us from the first. We rejoice in the great fertility of Iowa's soil; in the universality of that fertility, since Iowa has no waste lands; in the character of its products, pertaining as they all do, to the necessities of life in both food and raiment. We rejoice in the excellency of our climate, as being conducive to health and happiness, as well as the luxuriance of its productions. We rejoice in the great growth of Iowa's population, and in the wonderful increase of its products. We rejoice that Iowa, as a state, is substantially free from debt, and is unembarrassed by demands from without, for any of her taxation. We rejoice in the excellence of our schools, and in the multiplicity of our high schools and colleges, and as a result from them, in the fact that we excel each and every one of our sister states in freedom from illiteracy. We rejoice in the multiplicity and excellence of our benevolent and reformatory institutions, and in the fact that Iowa stands in the front rank of all the states in its provisions for its unfortunates. We rejoice in the wisdom and sagacity which characterize the entire series of our statutes, and in the recognition and approval, both at home and abroad, of our Iowa jurisprudence. Without further extending the just occasions for our exultation and joy, I inquire why it is that we are thus enabled to rejoice and multiply our rejoicings? Is it because our Pioneer Lawmakers peered into the future and were endowed with a spirit of prophecy to divine the wants of generations then to follow and to govern their conduct by such anticipated or foreseen conditions? Not at all! Not at all! It was because our Pioneer Lawmakers knew the immediate wants of those whom they represented and faithfully and honestly applied themselves to the duty of supplying the laws which would meet the then current want. Each Pioneer Lawmaker was impressed with the maxim, "act well your part there all the honor lies," and obeyed it. Sometimes "they builded better than they knew;" but generally they builded according to their knowledge. Every enactment was framed with a view to benefit the then conditions and people, and such enactments always make clear the path for those who come after. Thus, session after session of the legislature provided for the then conditions, and opened the door and pointed the way by legislation to the improvement of those conditions. Thus we have grown to our present exalted stature and rejoice in the wonderful development that has resulted from each being faithful "to his day and generation."

I do not claim that the Pioneer Lawmakers made no mistakes in legislation; this would be to deny our humanity. On the contrary, a retrospect of the enactments as found in the session laws for the last fifty years will show multiplied errors and mistakes. But the occasion for rejoicing is that such errors and mistakes were soon discovered and very promptly rectified.

It is one of the privileges of this association to recur to the past, to discuss it and discover alike the demerits as well as the merits of each historical fact. Such a review is not for magnifying ourselves, but rather for the purpose of enabling those upon the present stage of action to guard against and avoid the errors we have made and to profit by the instances of wisdom we may have manifested. It is our privilege and duty in these meet-

ings to commemorate the wisdom and greatness of those who have accomplished so much for Iowa, and for us to rejoice that we were permitted by a kind Providence to participate with them in such actions. Each successive legislature and each successive judge or bench must discharge its and his duty with reference to the surroundings, and such duty being faithfully and wisely done will necessarily bring its rich fruitage to the future. We cannot say nor do too much to magnify the acts and elevate and embalm the names and memories of those who have so well acted their respective parts. It is due to them, and it is honoring to us.

My philosophy, then, bearing upon our past and our present conditions, is simply this: that every man shall discharge his present duty with reference to his surroundings, considerately, faithfully and honestly, and as wisely as God has endowed him, and the richest fruition will surely follow.

The president appointed the following committees:

To wait upon the governor and invite him to meet with us: Judge P. M. Casady and Hon. R. S. Finkbine.

To wait upon the senate: Gov. W. S. Dungan and Hon. John Russell.

To wait upon the house of representatives: Maj. R. D. Kellogg and Col. G. L. Godfrey.

Hon. T. S. Parvin then offered the following resolutions:

WHEREAS, The Pioneer Lawmakers' association was the first to take initiatory steps toward the erection and establishment of the historical department, which it did by the adoption of the following resolution; and

WHEREAS, By reason of long neglect and indifference on the part of our authorities and our citizens, many valuable records, pamphlets and other documents have either been destroyed, lost or gathered into public libraries abroad; therefore, be it

*Resolved*, That it is the sense of the Pioneer Lawmakers of Iowa, in session, that the general assembly be earnestly invited and urged to take immediate steps to collect and preserve all documents, written or printed, pertaining to the history of the territory and the state of Iowa; and later in the session by the appointment of a committee, consisting of Professor Parvin and Governor Gue, to present the matter to the consideration of the general assembly; and

WHEREAS, the general assembly wisely acceded to the suggestion and created the historical department, with a fair endowment for its success; therefore, be it

*Resolved, by the Association*, That we heartily approve of that act of wisdom on the part of the general assembly, and take pleasure in recording the fact that through the efforts of the general assembly and the officers of the department, Hon. Charles Aldrich, curator, the state of Iowa has been able to secure a large and most valuable collection of historical documents and other matters relating to the history of Iowa; and

WHEREAS, The old soldiers of Iowa have united in the expression of an earnest desire that the state shall erect a memorial building in which shall be collected and deposited everything relating to the part that Iowa took in the late rebellion, and a depository for the large historical collection already and that will be made in the future; therefore, be it

*Resolved*, That this association most heartily approve and indorse the recommendation made to the general assembly in the annual message of Governor Jackson and in the inaugural address of Governor Drake urging upon the assembly the erection of such a memorial building in which shall be deposited everything relating to the natural, civil and military history of Iowa.

On motion of Major Sherman they were referred to the committee on resolutions.

The president then announced the following committees:

On nominations for officers: Judge P. M. Casady, Hon. F. M. Knoll, Col. A. Abernethy, Col. P. P. Henderson, Gov. W. S. Dungan.

On resolutions: Judge Reuben Noble, Col. S. A. Moore and Hon. T. B. Knapp.

Executive committee: Hon. Isaac Brandt, Major R. D. Kellogg and Hon. R. S. Finkbine.

Publication committee: Hon. Charles Aldrich, Hon. John Davis and Hon. Lafe Young.

On statistics:

First district, Dr. J. M. Shaffer.

Second district, Hon. H. W. Lathrop.

Third district, Hon. Peter Melendy.

Fourth district, Hon. Reuben Noble.

Fifth district, Hon. T. S. Parvin.

Sixth district, Col. S. A. Moore.

Seventh district, Hon. Lewis Todhunter.

Eighth district, Hon. R. D. Kellogg.

Ninth district, Hon. Charles Linderman.

Tenth district, Hon. John Y. Stone.

Eleventh district, Hon. C. C. Carpenter.

Short addresses were made by Colonel Abernethy, Judge Noble, Major Sherman and Hon. S. H. Powers, but as no stenographer was present we are unable to report them.

The association then adjourned until 2 P. M.

FEBRUARY 12, 1896, 2 O'CLOCK P. M.

President Scott called the association to order and asked for reports of committees.

GOVERNOR DUNGAN: The committee you appointed to visit the senate has performed its duty and the committee understands that the senate took some action in the matter.

JUDGE CASADY: The committee appointed to wait upon his excellency, Governor Drake, has performed that duty, and the

governor very cheerfully consented to be present with us this afternoon. He is here with us.

MAJOR KELLOGG: The committee appointed to visit the house of representatives has performed that duty, and while the committee was still in the house the speaker informed the house of the information and stated that they would respond.

MAJOR SHERMAN: Mr. President, the executive committee has only one more announcement to make. The discussion this morning ended in the conclusion that we would employ someone to take reports of these meetings. I wish to announce to you and through you officially to the members present that "there's a chiel amang ye takin' notes, and faith he'll prent 'em."

PRESIDENT SCOTT: I have no doubt but that the committee has acted in the very best of faith and with the very greatest kindness and charity to all of us, still I think it may be well enough to make the suggestion to some of those present that they had better be very kind to the reporter or he will probably take his revenge on them by printing exactly what they say.

Music: "The Flag so Good and so True," by the choir.

President Scott said:

The next order of business that I find has been provided for us by the executive committee is a short address of welcome by the president. That duty having been assigned to me as the incumbent of the chair, otherwise so sorrowfully vacant, I think I can certainly perform it to your satisfaction in regard to one phase of it, and that is the briefness of it. I have no language that could even by my dwelling upon the subject, express more in many words than I could by saying: Invited guests of the Pioneer Lawmakers of Iowa, you are welcome; we invite you to come here and take seats with us; we invite you to take part in our deliberations, and we hope to hear from you as it may be your pleasure to permit us to hear from you. You have many more things to say to us, doubtless, than we have to say to you, and yet there are members of our association who may say such things to you as may recur to them from the older times. I think I may say that whatever words they say to you will be words of encouragement and cheer to you in the discharge of the duties that will come to you from time to time, and they can give you the encouragement of expecting that as time goes on you will be of us and will take our places and will occupy the very high plane which is now occupied by the Pioneer Lawmakers of Iowa. In the serene skies and upon the high plane in which we live we congratulate ourselves very heartily. We do not wait for you to congratulate us. We enjoy its atmosphere of quiet. We enjoy, too, I think, the pleasures that come, so far as the discharge of our duty is concerned, from consciences void of offense. We doubt not that in that respect, as well as in many other respects, in which you shall show your superiority to us, that you will go on and succeed us and will in the future form this association. You will be

the members of this association. We shall have gone and you will have brought it to a higher plane than it is now. There are reasons why you should do this. You have the light of the years of experience, the light of the years of experience of the past twenty-five years is before you for your guidance in the discharge of your present duties. I need not recur to what that advancement in civilization and in knowledge is, what those advantages are I need not recur to them. They suggest themselves to you. It has been said that in the years long gone we made mistakes. We did make mistakes. No one is more conscious of the fact that we made mistakes in those early years than we are ourselves, but it was said for us that we hastened to remedy them. I presume there are quite a number of gentlemen here who remember the very great haste with which we undertook to repeal the dog law in the early days. (Laughter.) I believe we repealed it. I think everybody voted to repeal it. Whether the making of the law or the repealing of it was the mistake, I don't know whether that has been decided or not, but if not it will finally be decided and it will be decided right. Notwithstanding the advantages you have, however, in the advancement and civilization of the last quarter of a century over us, I notice, gentlemen, lawgivers of the present time and invited guests of the Pioneer Lawmakers' association, I notice as the years go on that there are about as many persons who stand at the wrong end of the gun that is supposed not to be loaded as there was in those days when we made laws for you long ago; there are about as many people blown up now by gasoline as there were in those days by gunpowder. So I commend to you when you speak to us and chide us with our faults of the days gone by, that you do not forget the peculiar idiosyncrasies of the present time and your associations. I will not detain you. I thank you gentlemen, invited guests, I thank you all for your presence here to-day. I thank you that you have shown us the honor to meet with us and assist us in our deliberations, and on behalf of this association and personally I most cordially and sincerely welcome you to a seat amongst us and to assist us in our deliberations. (Applause.)

**PRESIDENT SCOTT:** The next feature on our program is an address by Governor Drake.

Governor Drake said:

**GENTLEMEN OF THE PIONEER LAWMAKERS' ASSOCIATION:** I want to say to begin with that I never was a lawmaker. I never made a law in my life, but I have tried to be an observer of the law. I have been a creature of observation ever since lawmaking commenced in the state of Iowa, and I have great reverence for the lawmakers as I have seen them in the state of Iowa. I have a high respect for the lawmakers who made the laws in early days in Iowa. And when I look back at the lawmakers in Iowa and in the nation I often wonder, have we advanced? When I look at the kind of men that composed the general assembly of the state of Iowa in early days, and I recognize such statesmen who lived in Iowa and were lawmakers, and when I look at our lawmakers in our nation who filled our congress in those same days when our men were making laws here in Iowa, I feel as the general assembly to-day, we have customs set before us that we ought always to be ready to follow. Those pioneer days were days when people at least were honest. They were composed of men of sincerity as well as talent. They

were perhaps not as highly cultured or as finely educated as men of the present time, but they were wise men, they were sages, and we have learned to respect them. I thank you, Mr. President, for the invited guests here to-day, for your kindness in inviting us to be with you and to sit with you on this occasion. One thing I am admonished of that makes me feel sad, and that is to see this draped chair. I knew the man that used to occupy that chair. I knew him before he ever became a member of the council of the state of Iowa. I remember an instance when he was first a candidate, living in Van Buren county, at the time I lived in Davis county in a small village now known as Drakeville. He was campaigning in the three counties, Van Buren, Davis and Appanoose, as a candidate, and he stopped at my father's house. He said he felt sure he could carry Van Buren county; he doubted whether he would be able to carry Davis county, and he was on his way to Appanoose, and he would report when he returned. Returning, he stayed all night with us. He said, "I have the promise of every vote in Appanoose county." I think there were about twenty-one votes in Appanoose county at that time. After the election was over he had carried Van Buren county and he had been beaten in Davis county, but he felt sure the returns from Appanoose county would elect him. When he got the returns from Appanoose county he had just one vote. He wrote immediately to the chairman of the election board, who still lives in Appanoose county, and said, "William, who was it that cast that vote? I want to send a dress to his wife." And there were just sixteen men who claimed to have cast that vote. Less than four months ago I was talking with Judge Wright about it and I asked him if he had ever found the man who cast the vote for him and he said he never had. He had never been able to give that woman a dress, and he was still hunting for the man. Judge Wright was one of the noblest men that ever lived in Iowa, or anywhere else. A man of great ability, a man of great sincerity, a man with the most loving heart of perhaps any man we can remember. He was always here, he was always in his place everywhere. He never missed an appointment. I missed him last night at the Loyal Legion. I miss him everywhere. Since my election as executive of this great state I have missed him more than any other man. We all revere him. He was one of the first lawmakers of the state of Iowa. Iowa has grown beyond measure, it seems to me, since I have been a citizen of the state. While I know that it has grown in intelligence, while I know that it has grown in prosperity, I don't know that I could be able to say that it has grown in wisdom. I don't believe that we can measure up to-day with the men who were the pioneer lawmakers of the state of Iowa. They were men recognized everywhere in the state. They were men as representatives of the state, recognized everywhere in the nation, and I say let us revere them, my fellow citizens, revere them for what they were, revere them for what they did for this great state of Iowa, and revere them for what they have done for us. I did not come here with any preparation at all to talk, as I doubted whether I would be able to come at all or not, and I have only a few minutes to spare to visit you. I wish that it were possible that I could enjoy being with you all the afternoon and during your entire session, but there are duties requiring me to be elsewhere, so that I cannot be with you. But I wanted to make this brief expression of my own personal feeling and also, as I know, in behalf of the visitors who attend with me on this occasion. I thank you. (Applause.)

PRESIDENT SCOTT: Because of the informality of our association and the fact that we are transacting business without the usual officers of deliberative bodies, we may have visitors unawares, and I am inclined to think that possibly we have. It was intimated to me that there would be committees present from the house and senate this afternoon, as well as invited members of the assembly who have responded to our invitation. If there are any committees from the general assembly present we will break in on the order of program for the purpose of hearing from such committees if they have any communication to make to us.

REPRESENTATIVE REED: Mr. President, I have the honor and the pleasure of conveying to you and through you to this body of Pioneer Lawmakers of Iowa, an invitation upon the part of the house of representatives of the Twenty-sixth General Assembly to meet with us to-morrow at eleven o'clock, and I trust that you all will find it convenient to come over, and that this association by again coming and looking upon the scenes of some of your former days and achievements, that pleasant memories may be revived and pleasant associations may come up in your minds. We trust that your meeting with us will be such a meeting as will unite us, the present house, with the lawmakers of the past.

On motion the invitation to visit the house of representatives was accepted.

CHAIRMAN: I want to say before Mr. Reed leaves that he is the representative from my own county. He was born after I had done some service to the state in the general assembly, and I think you will agree with me that the state is making some progress. I am very proud to be represented by Mr. Reed. And I trust he will reciprocate and give me a little taffy when the occasion presents itself to him, and say that he is proud of his constituent.

On motion the business part of the program for to-morrow morning was postponed for the other part of the program.

JUDGE NOBLE: I would now move, Mr. President, if there be no objection, that Hon. T. S. Parvin be designated and requested to prepare a memorial essay and biographical sketch upon the character, life and services of the lamented George G. Wright, our deceased president, and that the same be printed with our resolutions as a part of our proceedings.

Motion seconded and carried.

CHAIRMAN: The next feature of our program is a historical paper by Hon. John A. Kasson. An account of the legislative struggle over the erection of the new capitol.

Mr. Kasson said:

The early inhabitants of our state, distant from commercial centers, with slow mail wagons and infrequent postoffices, had few occasions which excited general interest, or united large numbers of men in common and sympathetic action. The excitements most familiar to the rural counties of early Iowa, aside from the political elections, were the animated struggles over the location of county seats and the erection of county buildings, location of a state capitol, the choice of sites for public institutions, or the erection of expensive public buildings. In several such struggles I participated as lawyer or legislator. Of the most important of those, involving the largest appropriations ever made in this state for a single object, I have been asked by your committee to tell the story.

At the time of which we speak our young state—only twenty-two years old—had very few public buildings of imposing size, and none at all laying claim to architectural beauty or grandeur. Our people were too generally educated and intelligent not to desire something worthy of admiration, something expressing the dignity and higher aspirations of the state. This sentiment was finding expression in improved schoolhouses, court-houses and churches in many parts of the state. These, being home institutions and within view of the people who paid the charges, were more easily obtained. But upon the question of a costly building for the state at large, which the majority of the people would seldom if ever see, it became far more difficult to win the popular suffrage. An appeal for united action becomes difficult in proportion to the area of territory and of people appealed to. The splendid architecture of the Greeks was decreed by people occupying a much smaller territory than Iowa. If the Macedonians and Thracians had also been called on to vote a great building in Athens by the aid of their taxes it would have been voted down.

The famous contest for the erection of our present state capitol began in 1868, in the Twelfth General Assembly, and continued through the Thirteenth and Fourteenth Assemblies, covering a period of five years.

The Fifth General Assembly had authorized a commission to select a site for the permanent capitol within a radius of two miles from the junction of the Des Moines and Raccoon rivers; and, according to the unjust practice of the time, they were to receive from private persons gifts and grants to the state in consideration of such location. A few of the land owners of Des Moines granted something over twenty acres of valuable land and lots, most of it on an elevated site overlooking the two beautiful rivers which here unite their waters. They were further required by the act to erect at their own cost, for the legislature, a temporary state house, and until this should be done without charge to the state the capitol was to remain at Iowa City. This house was built as cheaply as possible and in haste, and the Twelfth Assembly was the first to occupy it, in 1868. The usual disappointment to local investors followed. They had expected to recoup themselves by a rapid advance in prices of land and lots around the new capitol. But these prices did not advance as expected. The finan

cial crisis of 1857 also intervened. The town was still distant from railroads, whose progress had been suspended by embarrassments in the finances of the country. Town lots, which had been almost as good as legal tender, were abundant and unsaleable. Money was scarce, and the times depressing. Nearly all the donors to the state were ruined in purse and credit. The legislature, session after session, assembled in the hastily erected building which they had received from a few citizens as a sort of forced loan, and took no steps toward a new building.

As years went by and the civil war was ended and money became plenty, and yet no appropriations were expended by the state to utilize or improve the donated property, while the city and county were perpetually deprived of even the right to subject it to taxes, the people grew impatient and resolved to call on the state government to execute their part of the obligation, which was to improve the property which had been ceded to it on that implied condition. There was also among our people some apprehension that if the legislature should continue too long in the small, inconvenient and decaying building put up by the efforts of men now bankrupt, dissatisfaction would open the way for reviewing the whole question of the permanent location of the capitol. There was an interest along the line of the North-Western railroad quite ready for a campaign having that object. Such was the condition when the Twelfth General Assembly met at Des Moines. Jonathan Cattell was then Polk county's senator, in the second half of his term. At the time of the fall election in 1867 I was far away seeking rest and recreation after several years of hard public labors, when notice came to me that I had been elected to the house of the Twelfth General Assembly, with J. H. Hatch for my colleague. On my return they told me of the special object of Polk county sending me to that legislature.

John Russell, of Jones county, was elected speaker. The hastily erected structure in which the assembly was convened had already suffered from the ravages of time and weather, and had become really insecure as well as inadequate to the wants of the state. The senate promptly passed a concurrent resolution and sent it to the house proposing a joint committee to examine the building and report on its sufficiency for the ceremonies of the inauguration, which usually attracted to it a large crowd of people. But this committee reported it safe for all who could be accommodated within its limited area. We had the good fortune to secure a friendly committee on public buildings, of which my colleague, Mr. Hatch, was chairman, with that most excellent and intelligent member, Burnett, of Muscatine, for his second.

On the 1st of February that committee reported "an act to provide for the erection of a state house," limiting the cost to \$1,500,000. When the bill was taken up on March 3rd, Dudley, of Wapello, offered a dilatory substitute which was antagonized by all the friends of the bill. An amendment was offered by Ordway limiting the cost to \$1,000,000, and authorizing the census board to obtain plans and specifications to be reported to the Thirteenth General Assembly. Ordway's amendment was defeated by a vote of sixty-five to twenty-nine, and Dudley's substitute was rejected by a vote of sixty to thirty-three. This vote was very encouraging to the friends of the measure. But the next day the fight was renewed by another effort to limit the cost to \$1,000,000, and again to \$600,000. On the smaller amount

the yeas were only seventeen, and the nays seventy-three. But on the question of a \$1,000,000 limit our canvass indicated to us the expediency of compromising on that sum for the present, and it was carried by a vote of sixty-two yeas to twenty-six nays. On March 5th the fire of amendments continued all along the line, and some which were embarrassing were adopted, but none which defeated the main object of the bill, which was to actually begin the work and engage the state for its prosecution.

After many amendments of denial, including a remarkable and purely selfish one from Clinton county, that no contract for stone or lime should be made until a reasonably direct railroad transportation could be had between the North-Western railroad and Des Moines, the bill was ordered to be engrossed and read a third time the next day. On March 7th, after the bill had been engrossed, an effort was made by Stuart, of Jackson, to kill the bill by its indefinite postponement, which was defeated. It was read a third time and passed the house on that day by a vote of fifty-five to thirty-six.

In the senate the auspices changed. A few memorials had been presented there against the commencement of the work, notably from Buchanan and Webster counties. The house bill reached the senate on the day of its passage by the house, and went to the proper senate committee, of which Griffith of Warren was chairman. It was favorably reported back on March 14th and made a special order for March 19th. A substitute for the bill was offered by Meyer, of Jasper, but defeated. Walden moved to table it, and failed by a vote of 25 to 20. The senator from Buchanan tried to have it indefinitely postponed, and lacked only two votes (22 to 23) of success. Then began a running fire of amendments, one of which prevailed, striking out the building committees of the two houses from the board of commissioners on plans. With this encouragement its enemies rushed other amendments forward, and some of them endangering the fate of the bill were adopted. The opponents of the bill soon found themselves on top in the fight. They pressed their advantages like good soldiers until Cattell could only rally votes enough to postpone its further consideration to March 25th, and print the bill which had been much cut up by the various changes introduced. The bill and its friends in the senate were alike demoralized. It was almost a rout. On March 26th an amendment in the nature of a substitute, to merely authorize an advertisement for plans for a new capitol and providing for the repair of the old state house, was offered by Senator Bennett, and adopted by a vote of 27 to 20. Then under the leadership of Senator Tuttle this amendment was reconsidered by a vote of 26 to 22, and the bill and amendments were referred back to the committee on public buildings. All this indicated a lack of organization on either side. The committee reported on March 30th a substitute on the lines of Bennett's amendment calling for plans instead of authorizing the work, and appropriating for repairs of the old state house. This was so amended as to call also for a plan of a building to cost \$2,000,000. The substitute as then amended was adopted on April 3d by a vote of 39 to 7. It seemed the only thing then to be accomplished in the senate. The bill came back to the house in its new form at so late a day that the only course open to the friends of the capitol was to accept it. It was passed there on the same day by a vote of 59 to 6.

At the end of the Twelfth General Assembly the new capitol, instead of being really born, was only authorized to be born in case the next general assembly should permit it. We had lost our first position, had fallen back on our second line, and waited and hoped for a reinforcement in the future report of the commissioners on building plans to be adopted. We foresaw a greater fight to come. We had perhaps gained some advantage in having aroused the attention of the state to the question.

To the next general assembly Polk county sent B. F. Allen to the senate. He was then a prosperous and influential banker, widely known in the state, and an old settler. He was no speaker, but perhaps on that account better adapted to conciliate the senate by his pleasant manners and practical good sense. His effective work there fully justified our confidence in him. To the house the county sent George W. Jones, who, like Senator Allen, was not a speaker, but was supposed to be a good worker among his associates on the floor. They also returned me for the second time to the house.

Of our old and irreconcilable enemies, Traer of Benton, Dudley of Wapello, Brown of Van Buren, were all back again, and were now strongly reinforced by a new and able leader, Cutts of Mahaska, who loved opposition and a fight for its own sake and for the fun of it. He was argumentative, sarcastic, bold in statement and persistent, refusing all concessions, and proof against conviction. He far more loved to attack than to defend any cause. On our side many old friends of the measure were returned, and notably among them John P. Irish of Johnson, who was ready, eloquent and strong in debate. My good friend, Pat Gibbons of Keokuk, was also there to aid us with his lips sparkling with Irish humor. Many other strong friends of ours were content to be silent voters.

The members of a popular legislature may always be divided into two classes. On one side are the members who vote one way or the other on a question according to their personal convictions of right and expediency; on the other are the members whose vote is dictated by the fear that it may be used against them by political or personal enemies among their constituents. Especially if new expenditures are provided for in a bill, their timidity leads them to vote in the negative to be on the safe side. The vote of these latter members is dictated, not by a responsible judgment, but by fear only, which is as corrupting to conscientious legislation as the hope of a reward. When the constituency has a settled judgment upon a particular measure it is quite right and natural that their representative should obey it. But in general it is to be remembered that the fundamental principle of our American republic is government by the people indirectly, not directly. They intrust their own power of judgment upon most measures of legislation to their elected agents in whose capacity as representatives they have confidence. This American principle the fathers of our modern constitutions deliberately adopted in contradiction to the old Greek democracies. These voted directly on public measures, and had no representative bodies. Our fathers knew and discussed the histories of these ancient democracies, and found that they degenerated into a changeable and contradictory government by a mob, led by corruptible demagogues, or mobocrats, who (as the antetypes of Tammany) themselves received bribes for their popular leadership. Even the great Demosthenes himself accepted such a bribe.

The ripened result of Anglo-Saxon and even of Latin civilization is government by elected representatives of the people, whose judgment on measures shall be conscientiously converted into the law of the land.

But in the consideration of the capitol bill these principles were abandoned by nearly one-fourth of the members of the house, whose votes were guided by their fears and not by their deliberate judgment, as the result will show. We knew by personal conversation that the honest convictions of a large majority of the members were favorable to beginning then this important public work.

There was also another interest adverse to us. Our state institutions were widely scattered over the state. Every representative of a county where one of these was situated was eager for a large appropriation for his particular institution and feared that an annual appropriation for a new capitol would reduce the amount of state funds on which he could draw. The combination of these local interests was a powerful one, and very threatening, and it was employed for its full effect. This element of opposition was also reinforced by the customary appeals to outside jealousy of the capitol.

Such was the condition in the house when the new bill was taken up for discussion. A. R. Cotton of Clinton was speaker, and Murdock of Clayton was chairman of the building committee.

In the Twelfth Assembly we had introduced the capitol bill first in the house, passed it by a good majority and sent it to the senate, where it was sadly mutilated and then slaughtered. In the Thirteenth we reversed this process and had the bill first acted on in the senate, where Griffith of Warren was again chairman of the building committee. This committee, having now before them the plans and specifications authorized by the previous assembly, reported the new bill on January 28th, and the senate made it a special order for February 4th. It was then taken up, slightly amended, and on the same day engrossed by a vote of 25 to 21. On the next day it was read the third time and passed by a vote of 27 to 18, having a majority of two-thirds in the senate. Donnan, its opponent at the previous session, now supported it, and Fairall of Johnson admirably controlled its parliamentary management.

Thus strongly approved by the senate it came over to the house. But the house seemed to have changed after two years as well as the senate, only in the reverse way. Not changed, I think, in its real opinion, but in the courage of its convictions. The opposition was now much more effectively organized under the aggressive and much more effective leadership of Cutts, whose special province it was to terrorize the representatives from rural counties by predictions of excessive taxation and poverty as a consequence of the building of the new capitol. Traer of Benton and Ball of Jefferson pushed the equally indefensible argument that it was a mere local enterprise for the benefit of Des Moines. The final result was in doubt from the beginning of the session to the end of the contest. Every day was a day of anxiety to its friends. It was destined to be the longest continued and the toughest parliamentary battle I ever fought in either capitol, at Des Moines or at Washington.

The bill was received from the senate on February 7th, and upon the customary motion to refer it to the regular house committee, the fight began.

Traer, who was our opponent from the beginning, jumped to his feet to oppose even the usual reference to a committee. Cutts wanted at once to indefinitely postpone it, while Dudley wanted it to come up speedily to be killed. Mills of Dubuque and others beside myself demanded the usual fair treatment for the bill. On my motion to refer, its enemies further resisted by the demand, unusual on such occasions, for the yeas and nays, but the reference was carried by a vote of 53 to 39. Several of these votes were of the timid class and could not be counted on for its final passage. As a preliminary skirmish the showing of votes was a discouragement to us. But I seized upon the expressed desire of its enemies for early action to secure the adoption of a motion making it the special order for an early day after the impending recess. When the day arrived the committee had not reported. Its chairman was absent, and we were compelled to ask a postponement of the special order to March. Again Dudley and Cutts fought the proposition, even as a courtesy, and demanded yeas and nays on the motion. This time they were badly beaten by a vote of 62 to 18. But this incident proved to us that the fight was to be a desperate one to the end, and all along the line without quarter.

On the 8th of March, after a preliminary skirmish over an amendment, the most exciting debate of all the sessions came on. Applegate of Scott opened on our side with a short and very sensible speech, giving his reasons for supporting the bill. Traer and Ball competed for the floor to open for the opposition, and the speaker assigned it to Mr. Traer. He moved the indefinite postponement of the bill. His points were that the finances of the state were in a bad condition and would not permit this additional expenditure, that it could not be granted without increasing the rate of taxation, and that the charitable institutions needed all the support that the revenues of the state would permit. It was a temperate speech, though his figures were carelessly assembled. Gibbons, the genial member from Lee, followed him with some humorous and some sensible remarks in favor of the capitol. Ball of Jefferson then made a rambling talk about everything except the bill itself, and aroused much laughter by his talk, and declared his unalterable opposition to the bill. Next came our friend John P. Irish with a manly and strong speech in advocacy of the measure, replying to both Mr. Traer and Mr. Ball. The latter in the course of Irish's speech admitted that if he were left free to vote he would vote for this appropriation—a candid admission which truly represented the real inclination of the majority. After Irish came Cutts, the Ajax of the opposition. He made a long speech of mingled wit, vaporing and argument, and dealt especially with the amount of taxes delinquent in different counties as evidence of the poverty of the treasury and people. He displayed this poverty in picturesque language, and portrayed "little children running round with their little knees protruding through their pants, their coats all ragged and tattered and torn, their little caps with the fore-pieces off and all torn, their father has gone to the county seat to pay out the last half dime which is to go into that magnificent state house." He also rehearsed that oft repeated picture of English taxation where everything is taxed from the cradle to the grave, and even added some embellishments to that. He appealed to every element which might create timidity in the members, excite their prejudices and turn them by both these influences against the bill. He aroused the

apprehension of the members from the institutional counties lest money should be lacking for their home wants. It would be difficult indeed to surpass that speech in its artful adaptation to intimidate fearful members and to prejudice the doubtful against the entire proposition. It is always easier to combat a host of reasonable arguments than a single squad of fearful prejudices.

Still, it remained for me to take up the debate in support of the bill.

I honestly believed that the character and reputation of my state was depreciated by its mean and narrow housing of its governing bodies. A grand building, displaying the noble lines and proportions of elegant architecture, is an object lesson and source of instruction for all the people. Like a superb monument to a national hero, it awakens noble sentiments, and is an inspiration to a loftier plane of thought and of life. A state like an individual must present a decent exterior to the world. A man may indeed clothe himself in ragged garments and yet be a virtuous citizen; but among men generally he will have a discredited reputation, and invites neglect and contumely. So it is with a state. Her outer garments are her capitol, her public institutions, her schoolhouses, her churches, and the men whom she honors with her suffrage. If these win admiration and praise, her place is exalted among her sisters of the republic. But in my speech I dared not trust much to sentimental arguments. It was necessary to keep our feet on solid ground. The following principal propositions were presented by me:

1. That the temporary state house donated to the state was wholly insufficient for the accommodation of the legislature and state officers, had become wholly unsafe for state archives, and was liable to quick destruction by fire and even by storm, owing to the sinking and separation of its walls. These allegations were proved by the absence of all committee rooms, by the fact that committee papers were carried about in the pockets or hats of committeemen, and by their own personal observation of defects in the walls, by the fact of previous fires and by the report of a professional architect.
2. That the figures presented by Messrs. Traer and Cutts of the poverty of the state and of its treasury shamefully discredited our financial condition, and were grossly incorrect, and that the appropriation demanded could be paid out of existing resources without increase of taxation, and without harm to other state institutions. This was proved by official statistics from the auditor and from the treasurer of state.
3. That the old building would become absolutely untenable by the time the new capitol could be finished if begun now.
4. That the implied obligation of the state to build a new capitol in consideration of the valuable grants of land and pecuniary sacrifices made by the people of this country should be fulfilled. The speech in support of these propositions, being much interrupted by a rattling fire of questions and remarks, occupied the remainder of March 8th and part of the ensuing forenoon. At its conclusion Cutts again rallied all his ingenuity to discredit the official financial statements which I had produced—apparently somewhat to his surprise—and Irish interposed also, in reply to him.

But the speeches were not all made up of mathematics by any means. Sarcastic hits, wit and humor were interspersed. My old farmer friend from Jefferson, Representative Ball, was much given to remarks tending to

excite hilarity, the fun being sometimes intentional and sometimes accidental, and Irish often drew him out. Once he got in a good point and the laugh on me. During this debate the public interest was so aroused that all strangers in the city and all residents who could crowd into the small chamber had packed the galleries to suffocation. The ladies were conspicuous and in great numbers. Ball and Cutts regarded this demonstration as an attempt by Des Moines to influence members to vote for the bill. In answer to my description of the dangerous condition of the old building, the sharp old farmer from Jefferson said, "Don't you see, they have sent all these ladies and gentlemen to prove that there is danger here. They sit here, I have no doubt, in danger and fear. I must say that I am pretty nearly—not quite, though—concluded or satisfied to vote for the bill." The house saw the point and laughed with him. I answered my old friend that: "His modesty prevents him from seeing that the ladies of Des Moines are not here to give an example of their courage, but on account of the attractions of the gentleman from Jefferson." Thereupon, the record says, there was "loud and continued laughter." Still undaunted, Brother Ball came back with the remark, "I have always had an excellent opinion of myself, and it is now demonstrated to my satisfaction." To this I responded, "I take back what I said about the gentleman's modesty," and both remarks aroused good-natured laughter.

After the second speeches of Cutts and Irish I took the floor for a final and measured reply to all its opponents, and an appeal to members to vote according to their honest convictions; and then demanded the previous question in order to get a vote before the adjournment on that day. Cutts and all the enemies of the bill voted against the previous question, but it was carried by the small majority of 47 to 45, and on the main question of engrossment it carried by only 49 votes to 48. It was uncomfortably close, and indicated the necessity of more time to canvass the members for the two additional votes necessary to its adoption. We did not dare at that time to take the final vote on its passage. I promptly made the motion for the adjournment of the house and felt greatly relieved when it was adopted. The next day the committee reported it duly engrossed; but for four weeks we did not dare to call it up for a third reading, for we could not assure to our side the 51 votes necessary to pass it. The intimidating tactics of our leading enemies had been too effective. We knew by our canvass that the honest judgment of a decided majority was with us. Yet they were afraid to vote their convictions. It was an anxious month of waiting for the friends of the new capitol.

In the meantime both sides were vigilant and active. The enemies of the measure created some further intimidation by throwing out intimations of attempted bribery. Its friends denounced and ridiculed them, and challenged the proof. There were also some hostile remonstrances and some favorable petitions; and other home influences over members were specially provided in the meantime, and forwarded to the capitol. At last it was certified to us that if we would admit a couple of riders on the third reading we could secure the additional votes required. The situation was so very critical that we accepted, though with great reluctance on my part, the proposed amendments. Both sides rallied all their forces for the final trial, and we on our side resolved to call up the bill for its third reading on the

morning of April 8th, which was four weeks after its engrossment. As I left my house on the morning of that day for the capitol, I stopped at the hotel to see that no dilatory friend of the bill should be lingering there. At that moment a citizen hastened to tell me that —, of — county, whose vote we counted on, had just been seen going into a drinking saloon near by. I sent him to look for this member, and received the report that he had slipped out the back door. I knew he loved the bottle and I suspected mischief. I learned that he had been beset by some anti-capitol members the night before who had drugged him with whisky, put him in his room and locked his door, thinking he would not awake in time for the vote. I dispatched a wagon instantly for my good friend, Father Brazil, whose influence over this member I knew, with an urgent request to follow him and bring him to the state house as soon as possible. I then proceeded to the state house with increased anxiety, not knowing whether that one absent vote might not defeat our bill at the very crisis of its fate. A short time before the voting began, however, I discovered the absentee entering the house, followed closely to his seat by the good priest who took post behind his chair, and did not let him out of his sight until the voting was over. He found the absent member on the lonely bank of 'Coon river, sitting solitary on a log, like a man either in manly shame of himself, or having a racking over-night headache. But when Father Brazil said, "Come with me," he went. The two rider amendments were adopted without a division, and the roll call began. Every member was present except three. Hall and galleries were crowded to overflowing, as they had been throughout the debate. Many members had roll calls in their hand keeping count as the call proceeded, myself among them. The silence was intense—not a sound was heard save the clerk's monotonous call of names and the answer aye or no. The phonographic report of that session prints the figures "20" after my name on the roll call. This will remind some of you of a laughable incident that occurred at the time. If we had fifty-one ayes (no matter about the nays) the bill became a law, and I was therefore only counting the ayes. At the moment the clerk called my name I was writing the number of the nays, and inadvertently answered the call by shouting "twenty," at the top of my voice. It broke the silent tension of feeling, and for nearly two minutes the roll-call ceased, while the whole house and audience were convulsed with laughter. I do not know that the mistake made any votes for us, but it certainly put our opponents into a more amiable humor. The official count gave us one solitary vote to spare, 52 to 46, with only two absentees. The immense audience shook the frail walls of the old building with their applause. There was the usual motion to reconsider and to lay that on the table, upon which 66 members voted with our friends, and only 31 voted against them. Two-thirds of the house, indirectly befriended the measure. This vote probably represented the real judgment of the house, certainly much more than the vote on its passage.

The senate promptly concurred in the amendments, and the new capitol was finally authorized by law. Of course there was joy in the capital city of Des Moines. The people of Polk county expressed their satisfaction by a procession headed by music and bearing to my door a gold-headed cane, which I have handed over to Mr. Aldrich as a souvenir of the event, to be deposited in that capitol museum which does so much honor to its founder and to the state.

The selection of the commissioners of the building was not left, as it should have been, to the responsibility of the governor, nor even to the earnest friends of the new capitol. Two of them, selected at large, were forced into the bill by the rider on its third reading, as an alleged condition for votes. Six others were nominated by congressional districts, and elected in joint legislative convention. My earnest request for a non-partisan board was not granted. The commission was too large, and the choice in most instances was dictated by partisan and personal considerations. We feared the result; and the result was bad. Under their direction the foundation was laid, but the work and materials were so defective that public rumor indicated the probability of another legislative fight in the next assembly over the whole question of the capitol. It might even endanger the entire project. The appropriation had been granted for only one term. It was required for the successful progress of the work that there should be a continuous annual appropriation. It was determined to make a fight for this in connection with the new bill, which seemed to have become necessary. In aid of this purpose, Polk county sent me back for the third time—to the Fourteenth General Assembly—with General Tuttle for my colleague, Mr. Allen being happily still in the senate.

The senate was unusually strong in its membership. It embraced Larrabee, Beardsley, Fairall, Lowery, Dysart, McNutt, Bemis, J. H. Merrill, Richards, Vail, Willett and other good and able men. The house also included many strong men and good debaters. Among them may be mentioned Ainsworth, Duncombe, Hall, Gear, Kohls, Irish, Mills of Dubuque, Newbold, O'Donnell, Pratt and Williams.

A political assembly likes nothing better than an investigation for fraud or other misconduct. The senate had now some reason for its fears, and started early on this line to discover whatever was wrong in the suspected foundation and suspicious contracts for materials. They passed a concurrent resolution for the appointment of a joint committee of investigation, and also appointed a special committee of their own body on the new capitol, in addition to their own standing committee on public buildings. The house agreed to the joint investigating committee. Their report condemned the foundation and the quality of the stone. In the meantime a new bill was reported in both house and senate. That of the senate was not acted upon and was indefinitely postponed after the house bill reached the senate.

The third and last important contest over the erection of the new capitol was now inaugurated upon the report of the house committee on public buildings, of which — was chairman. The amendatory act was reported on February 27, 1872, and its consideration was postponed from time to time until April 2d, because of delay in the report of the investigating committee. On that date it was taken up and I moved that the names of John G. Foote of Burlington, Maturin L. Fisher of Clayton county, Robert S. Finkbine and Peter A. Dey, of Johnson county, two republicans and two democrats, all of whom bore the highest character, should be inserted in the bill as commissioners in charge of the building. The governor was *ex-officio* chairman of the board. The old board was summarily abolished. After a hard struggle with the representatives of the institutional counties, a permanent annual appropriation of \$125,000 was secured, thus enabling

the commission to proceed with necessary contracts for future delivery, and leaving to future legislatures only the question of additional grants of money to hasten the work of construction, as the condition of the treasury might allow. Many amendments were offered to limit the total cost of the capitol. Ainsworth, a formidable antagonist, who partially undertook the former role of Cutts, moved a limit of cost to \$750,000. This was defeated by 69 votes to 14. A proposition for a limit of \$1,000,000 was also defeated. Duncombe moved a limit of \$1,000,000 which was lost by a vote of 55 to 31. Another member proposed an absolute limit of \$1,500,000, which was also lost by 50 votes to 27. Nevertheless the judgment of the house seemed to concentrate, rather indefinitely, upon a cost of about one and one-half millions, for when an amendment was offered that the commission should change the plan if they found that the cost would exceed that sum, it was barely defeated by a vote of 42 to 41. Another similar amendment was lost by 44 to 40. Finally, an amendment in effect instructing the commission to keep in view a cost of \$1,500,000, which was offered by Hall of Burlington, was carried by a vote of 53 to 31, our friends accepting it. A provision offered by Ainsworth like that of 1870, giving preference to all other appropriations over this for the capitol, which cunningly appealed to the self interest of the institutional counties, was adopted, our friends believing that it would be eliminated in the senate. It was a provision wholly impracticable in administration. The bill was then engrossed and passed by the large vote of 63 to 24.

The bill reached the senate the next day and was promptly taken up on motion of Senator Fairall, on April 5th. The second section was amended as we hoped, by striking out the obnoxious provision which postponed this appropriation till all others were satisfied. The bill was then engrossed and passed immediately by 34 votes to 9 in the senate.

On the following day the senate amendment, which was now the only point of difference between the two houses, was called up, and on my motion to concur there were 49 votes in its favor to 40 against it. Again we lacked two votes to meet the constitutional requirement. We were very near the end for which we had so long toiled and fought, and yet the constitutional clause requiring 51 affirmative votes to every law stood between us and final victory. We actively busied ourselves among the members and obtained a reconsideration of the vote. The same afternoon the repeated vote upon the question of concurrence with the senate was raised to 53 to 38; and so, at last, the act became the law of the state. Under this act the work went on smoothly to completion.

The long fight for a capitol worthy of the state, protracted through three general assemblies and covering a period of five years, was now finished. The question whether we should have a fitting and dignified home for our state sovereignty, legislative, executive and judicial, and a safe depository for our state archives was at last settled in the affirmative. The new commissioners began with the foundation, replacing the bad material with good. (The condition of Mr. Fisher's health debarred him from active participation in the work.) The names of the eight old commissioners on the corner stone, which would have perpetuated their failure with their names, disappeared from view. From this time onward the three active commissioners manifested the greatest care and a most wise discretion in every detail of the work. Never was a corrupt or misspent dollar

charged to their account. That prime principle of honesty in the expenditure of public money which requires a dollar's worth for every dollar spent was their constant guide. Thanks to their unusual fidelity to this obligation, and to their wise tact in procedure, the senators and representatives trusted them session after session with amounts largely in excess of the original estimates until the cost of the finished structure has amounted to \$2,871,632.05. Instead of grumbling and dissatisfaction on the part of the people over the cost there was universal pride in the noble building. When I had the honor to deliver the inaugural address by invitation of the Twentieth General Assembly in 1884, there was both legislative and popular satisfaction with the great enterprise. Every farmer and mechanic, every merchant and patriotic citizen of Iowa, as he views the grandeur of its proportions, the massive, time-defying walls, the splendid legislative chambers, the beautiful library, the fire proof vaults, the large and convenient executive offices, the ample committee rooms, and its general adaptation to the wants of an intelligent and advancing state, feels and expresses satisfaction over this home of his state government. It is his constant boast that there is not a dishonest dollar from the base course to the crown of the dome. Even now, twelve years from its inauguration, the wants of the state have so grown as to occupy all its vast accommodations.

The names of John G. Foote, Peter A. Dey and Robert S. Finkbine should be long remembered among us as names of men who executed their duties faithfully and well, and who were above the sordid temptation to make private profit out of a public trust, under which so many men elsewhere have fallen.

This, gentlemen, is the story of the building of Iowa's capitol which your committee invited me to relate. Some of its opponents at the first session, like Senators Donnan and Bennett, changed at the second to its support. None of its friends suffered because of their advocacy of it. None of its enemies seemed to have gained popularity by their hostility to it. Indeed, I was appealed to soon after the act was passed to go into the district of its leading opponent in the Thirteenth Assembly to help him in his struggle as a candidate for congress. None of its supporters, so far as I have heard, suffered reproach for their honest votes. I may safely affirm that there is not to-day a patriotic Iowan between the two great rivers—not one in all this beautiful Mesopotamia of ours—who either condemns or regrets the execution of this grand undertaking.

*Pioneer Lawmakers:* We may safely write down in our records this permanent and capital truth for the guidance of public men in this proud state of ours. The people of Iowa do not like moral cowardice, nor the arts of the demagogue. They love an honest and brave man who tells them no lies, who gives sincere reasons for his faith and who has the courage of his convictions. Such a man may be always sure of their respect and confidence, and will never find shame even in defeat.

*Colleagues of former days:* The greatest service that this generation can render to the next in the interests of the state is to impress these truths upon the young. If our great republic is to maintain its noble career it must be ever training two generations of citizens in personal integrity and pure politics—this generation and the coming one. It is not enough that we have a staunch and more able republic to-day. We must secure it for

to-morrow, and again for the day after, to the end of time. This noble monument of the integrity of its builders, and its associated monument to the memory of Iowa soldiers, will remind future generations that honesty, patriotism and courage were the cherished virtues of their fathers in the twentieth century. May the twentieth century inherit, develop and strengthen them.

The chairman said: I am advised that we have present with us a committee from the Iowa Senate with a message for this association. We will now hear from the senate committee.

SENATOR HARRIMAN: *Mr. Chairman and Gentlemen of the Pioneer Lawmakers' Association of Iowa:* We come here and appear before you as a committee sent from the senate to extend to you a cordial invitation to visit us during your stay in the city. Trusting and hoping that we may be honored with your presence, we await a suggestion as to the time that will best suit your convenience.

MR. PARVIN: I move that the association accept with pleasure the invitation of the senate, and that we visit the senate immediately after we have visited the house to-morrow morning at 11 o'clock.

Motion seconded and carried.

JUDGE NOBLE: I move that when we adjourn it be to meet at 9 o'clock to-morrow morning.

Motion seconded and carried.

Music: "When They Ring the Golden Bells," by the choir.

CHAIRMAN: The next number on our program is an address by the Hon. H. Clay Caldwell, a member of the house of the Eighth General Assembly, but as he is not present we will pass that and go to the next in order, which is a historical paper by Hon. Elijah Sells. Mr. Sells' paper is here and will be read to you by Colonel Godfrey.

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#### HON. ELIJAH SELLS' ADDRESS.

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*To the Executive Committee of the Pioneer Lawmakers' Association:*

GENTLEMEN—Please accept my most sincere thanks for your invitation to be present, or, to write something to be read at your biennial meeting on February 12, 1896, with the suggestion that my recollection of the first constitutional convention, in 1844, be the important subject.

It is nearly fifty-two years since the convention referred to held its session. I did not preserve a copy of the journal of that convention, and it is about thirty years since I left Iowa.

My work, during this time, has been upon subjects not closely connected with Iowa's history.

From 1844 to 1867 my association with Iowans and my connection with Iowa's growth and history form the most interesting and pleasant portion of my life. I sometimes think it is a great mistake to separate from early and true friends.

I adopt the sentiment of one of Iowa's early prominent citizens, who said: "Iowa is a bright particular star in the firmament of states, and he has not lived in vain who has lived under its benign light. Some of us have sought other states and other climes, not that we loved Iowa less, but we deemed it magnanimous on our part to make room for other generations who would crave the privilege of residence in a state so fortunate and famed."

What I shall write will be wholly from memory. The fair state of Iowa was a portion of the French province of Louisiana, purchased by the United States in 1803. From 1804 to 1821 it was a portion of Missouri territory, afterwards a part of Michigan territory, and recognized as Iowa county, and later belonged to Wisconsin territory, and finally in 1838 was organized as a separate territory of Iowa, and as the name indicates, "Here we rest."

The first effort to assume statehood was in 1844, when the constitutional convention christened the new state house at Iowa City. The floor of the convention hall, afterwards the hall of the house of representatives, was profusely carpeted with saw dust. The delegation from Muscatine county was Ralph P. Lowe, whig, General Fletcher, democrat, and E. Sells, whig. Hon. Shepard Leffler, president, made a good presiding office.

Ralph P. Lowe was in his palmy days when representing Muscatine county in the first constitutional convention, and was one of the strongest and most ready debaters in the convention; was an active worker and an influential member.

James Grant of Scott county was a host, his quick and active spirit made him one of the strong and able members. His legal mind was always ready upon questions relating to the organization of the judiciary, as well as upon the general principles involved in the formation of a fundamental law.

Van Buren, Lee and Des Moines were strongly represented. Dr. Bailey, Elisha Cutler and Mr. Montague, with the other members from Van Buren county, were a formidable force in the convention. The venerable Governor Lucas, representing Johnson county, was a prominent figure, and was deeply interested in education. He adhered to his old-time pronunciation with great tenacity, and would always pronounce education—education. He proved to be a valuable member. My seat was next to his, and I often sought advice from him, which he readily and cheerfully gave.

The first legislature was held in the new capitol at Iowa City. The speaker of the house, of which I was a member, was the noted and distinguished General Brown, representing Lee county.

Governor Briggs, from Jackson county, was our first governor. I had the honor as a member of the committee to notify him that the two houses were ready to receive him, and of presenting him as Iowa's first governor when he delivered his inaugural address.

My memory of names fails me; I can only recall a small number. I shall never forget the member from Keokuk, Mr. King, accompanied by his wife

Samantha, both of whom attracted much attention. King was elected as a whig. Keokuk county was largely democratic, so large that the whigs had not organized. There were two parties of democrats, and the candidate of each branch was in the field. Just before election the whigs quietly decided to vote for King, and secretly had their tickets printed, and sent a safe messenger to each polling place with them, and also to arrange with whigs to vote for King. The wings of the two democratic candidates fought hard, and paid but little attention to the whig movement for King, and when the returns came in he had a plurality of votes and was elected. I said to King, "How did it happen that you were elected as a whig in a strong democratic county?" He replied, "By golly, Sells, I beat two of them!" King made a fair record as a member of the legislature. He afterward abandoned politics and lawmaking, gave up his saloon business and went to preaching to make converts for the upper kingdom.

The old-time members—Mr. Shelledy, Stewart Goodrell and a host of other names will be remembered by the early lawmakers. The legislature appointed a committee, consisting of the Hon. Charles Mason, Governor Hempstead and Judge Woodward, to codify the laws, which codification was wholly adopted by the subsequent legislature. The law in the code to prohibit the sale of ardent spirits had a two years' trial, and pretty effectually broke up all places where liquor was sold by the drink.

If the law had remained upon the statute book, it would, in my judgment, have been a happy and effectual solution of the evil influence of modern saloons; but through the influence of the ultra fanatical temperance men and the saloon men combined, the law was repealed at the next session, and Iowa has had a bitter war on that question ever since. If any one desires to learn the provisions of the law, I refer him to the Code of 1850.

The session of 1852 was an exciting one, and in the legislature were some of our best and strongest men. The great question of this session was over memorials to congress for the right of way for railroads. The contest was on the places to be named as terminal or starting points, the line to cross the state from east to west, from the Mississippi to the Missouri river.

Judge Grant of Scott county was elected speaker of the house, and in the appointment of the committees Dr. P. Gad Bryan, who had just been admitted to practice law, was made chairman of the judiciary committee, and on the list was E. Sells, and after that, Mr. Gill Folsom, an eccentric and noted lawyer, was named.

The next day Mr. Folsom declined to serve, on the ground that he was the only lawyer on the committee, and that the speaker had insulted him by placing him on the judiciary committee with a doctor as chairman and a justice of the peace (E. Sells) and he, Mr. Folsom, at the tail end. Folsom was very abusive and on every opportunity would denounce the speaker, who would call some one to the chair—usually E. Sells—and would reply to Folsom in very severe terms.

One one occasion, fearing they would come to blows, the speaker *pro tem* ordered the sergeant-at-arms to separate them.

Dubuque was strongly represented, and among the able and active members from that county was the distinguished leader of his party, the Hon. Dennis Mahony, who for many years edited the Dubuque Herald. As a legislator he was active, able and efficient, constantly on the lookout for the

interest of his side of politics. At that session I became very much interested in Mr. Mahony, and the friendship grew stronger while I remained in the state. After each election, when I was a successful candidate, the first congratulation would be a letter from Mr. Mahony, saying, "I could not vote for you because you are not a member of my party; but I know that in the discharge of your official duties you will be just; that no partiality will be shown. You are one of the public officers who realize that you are not an officer of a party, but of the people at large, and I admire you for your fairness."

An eccentric but conscientious member from Lee county attracted a great deal of notice. I think he belonged to that class of the clergy who believed that as Christ chose fishermen for his disciples, education was not an essential qualification for a preacher. He had been a democrat; but at this session Father Clifton, as he was called, was elected by a combination known as the "Possum" party, made up of whigs and disaffected democrats. On party issues Father Clifton voted with the whigs. He said he was indebted to them for his election, and during his membership he felt that it was his religious duty to vote with the party that had elected him.

No argument or influence from his old democratic associates could induce him to act with them on any party issue. When addressing the chair he would not say "Mr. Speaker," but would say "Now, General Brown," etc.

A bill had been introduced to repeal the law on capital punishment and enacting, instead, that of life imprisonment. Father Clifton was very anxious to make a scriptural argument in favor of capital punishment, and notice was given out that Father Clifton would speak at the afternoon session. He had his bible on his desk with the passages marked that he intended to read. During the noon recess some one, with fun intent, had changed his marks to passages that had no application, but referred to subjects that created great mirth. When well started in his speech he became very earnest, picked up his bible and handed it to Frank Porter, one of the clerks, and said, "Now, Frank, read those marked passages." Frank turned to the first passage and commenced reading about Solomon, his wives and his concubines, when Father Clifton called out, "Stop, Frank. O, s---ucks! As sure as gun is iron that is not the passage; read the other." The clerk was very much embarrassed and commenced reading from another equally inappropriate. The house was convulsed, and the honest representative from Lee, known as the "Possum" member, lost his opportunity to give his scriptural argument in favor of capital punishment. Father Clifton was one of God's noblemen—an honest man.

One of the active working members in the senate of that session was Hadley D. Johnson, who represented what was originally known as Kane township, including most of what is now thirty or more counties. It was regarded as a part of the great desert when the western boundary of the new state was defined by congress. This boundary was submitted to a vote of the people and rejected. The counties composing Senator Johnson's old district have become a very rich and productive portion of the state.

Mr Johnson has resided in Salt Lake City about thirty years; is an octogenarian, still strong in his political preferences, and writes occasion-

ally a good article for publication. His health is not good; his life is a very quiet one; he is living up to his honest convictions.

Mr. Edwards, original proprietor and editor of the *Hawkeye*, and his estimable wife were regular boarders at the "Crummy House" during the sessions of the conventions, and each session of the legislature, up to and including the third, in 1852 and 1853. They were active in influencing wise and beneficent legislation, always using their influence to harmonize discordant elements. Mrs. Edwards was a remarkable woman, strong intellectually, with a clear brain, and never on the wrong side of any important question. She always accompanied her husband when from their home, and during the inclement season much of her time was spent in looking after the poor and the needy.

James W. Grimes, a member of the Third Legislature, was, in my judgment, the ablest man upon the floor. He was an exceedingly interesting speaker, and when he stopped talking every one felt as though he wanted to hear more. I am sure that I will be pardoned if I give my personal knowledge of this very dear and warm friend—one of Iowa's early patriots, who served his state and the nation with zeal and great efficiency. I was one of his active supporters for governor, and afterward took charge of his canvass for United States senator.

I was secretary of state during a portion of his administration as governor, and our relations were intimate and confidential. I knew his inner characteristics well, and I do not believe I ever knew a truer and better man. He had some very bitter enemies; what public man has not had them? Much of the enmity grew out of jealousy.

When he was a candidate for the United States senate the first time, and while the legislature was in session, there were many bitter things said about him, coming from his opponent for the nomination. Mr. Grimes came to my office early in the morning and said, "I came to tell you that I am thinking of giving up the contest and going home." My reply was, "Why are you discouraged?" He said he could fight his political enemies; he could fight hard for a friend and for a client, but when prominent members of his own political family sought to ruin his character and reputation, by detraction and falsehood, he felt that it was more than he could bear. He said he had not slept or eaten anything for forty-eight hours, and that he had just received a letter from a friend which had induced him to think he had better withdraw from the contest.

I had carefully polled the republican members, and I showed him how the vote would stand in the nominating caucus on the first ballot. I told him it would be unjust to his friends for him to weaken now, when the work had all been done, and when his nomination was assured. I insisted upon his going to my private room and taking a sleep, dismissing all his fears. He consented, and when noon arrived I called him and we dined together. Before going to my private room he said he wanted to read me the letter from his friend, to which he had referred.

I thought it one of the best letters I had ever heard. The writer insisted that a senatorship was not worth the slightest improper act; that true manhood was above any price, and that if there were any sacrifices to be made, to give it up and let the dignity and honor of right action control. When he got through I said, "Your wife writes a good letter, and you can live up

to her advice and still be senator." "Why do you say this letter is from my wife?" "Because," said I, "I know none but a true and noble wife would write such a letter." He became reconciled, and was elected senator without any sacrifice of honor.

He told me later that the same person who had been so active in traducing his character during his senatorial fight, had sent him a bill for \$500 for money expended for him during his campaign for governor. The senator said he replied, asking for the items. The answer was, that the writer did not expect a favorable reply, but thought he would test the senator's justice and generosity.

Senator Grimes showed the correspondence to his wife. The noble woman got his check book and told him to write a check for \$500 and send it. He had so much confidence in her clear judgment that he complied, believing at the same time that the party had not spent one penny in his interest. He and I were in close correspondence during his first term, and at its expiration he requested me to go home and look after his interests. I complied, found but little opposition, and he was re-elected.

I went to Washington in 1864, to take charge of one of the auditorships of the treasury. I had frequent interviews with Senator Grimes on various subjects and when the impeachment of President Andrew Johnson was before the senate he told me that he had decided to vote against impeachment. Several republican senators were in accord with him. I told him that I knew his sensitive nature better than he did himself. His people at home would not be reconciled to his vote against impeachment, and the storm of indignation would kill him.

I asked him the reasons for his decision. In reply he said, "Let one reason suffice. We cannot take from Andy Johnson more than four months of his term. Ben Wade will be his successor. A change of president means a change in every department of the government in detail. I know Ben Wade better than you do. The present incumbents, who are here for greed and spoils, are pretty well satiated, and if a change is made, the whole appointive force from cabinet ministers and diplomats down will be changed, producing almost a revolution. The hungry fellows are here waiting for the result, and if it takes place a greedy set of cormorants are in waiting and they could not hope for more than four months, and robbery would be their motto. I cannot be a party to any such scheme."

All remember the hasty and inconsiderate indignation of his home people.

He immediately resigned his senatorship and went abroad and tried to rise above his terrible agony. It was no use; he could not recover; it killed him. He had the good fortune to get home to be buried. Peace to his ashes.

Kind greetings to all the members of the Pioneer Lawmakers' Association. May God's choicest blessings be theirs.

MAJOR KELLOGG: I move that the thanks and congratulations of the association be sent to Hon. Elijah Sells by the secretary for his able paper just read in our presence.

Motion seconded and carried.

**MAJOR KELLOGG:** I also move that the thanks of this association be extended to our worthy member, Hon John A. Kason, for his able paper read to us this afternoon.

Motion seconded and carried.

Hon. T. S. Parvin presented the following paper:

Two years ago I addressed a letter to the president after the adjournment of the association, which he deemed of sufficient interest to warrant its publication with the proceedings, which he did under the title of "Interesting Statistics."

My attention was later called to its interest and value by several members, wherefore I feel encouraged to present a similar paper this year, but now to the session rather than to the president as a private paper after its adjournment.

No one has had the opportunity or enjoyed the personal acquaintance of all the prominent persons connected with the territorial government that has fallen to my lot. It will be fifty years this fall since the territorial government of Iowa ceased to exist, and during this half century all, save a very few, have passed over the dark river; the few remaining are, almost without exception (probably I am the single exception) octogenarians, so that another report or two will cease the enumeration of this class of officials.

#### TERRITORIAL GOVERNMENT OF IOWA 1838-1846—SURVIVORS.

##### EXECUTIVE DEPARTMENT.

T. S. Parvin, private secretary to Governor Lucas, 1838-39, and first territorial librarian, 1839, appointed by Governor Lucas, alone survives of the territorial governors, secretaries, treasurers, auditors, etc., etc.

##### JUDICIAL DEPARTMENT.

Here again T. S. Parvin alone survives as the district attorney of the middle district of Iowa, 1839-40.

The judges, clerks of court, reporters, prosecuting attorneys, marshals and practicing attorneys, save the writer, who was admitted at the first term of the supreme court, have all deceased.

##### OTHER UNITED STATES OFFICERS.

Delegates to congress, receivers, registers of the land office and surveyor generals have all deceased save Gen. George W. Jones, who was surveyor general of Iowa, 1840.

##### LEGISLATIVE DEPARTMENT.

*First Legislative Assembly, November, 1838.*—Council of 13 and house of representatives 26 members.

Dr. Gideon S. Bailey, Van Buren county (Vernon), house of representatives.

*Second, 1839.*—Dr. Bailey again.

*Third, 1840.*—Dr. Bailey again, this time a member of the council.

Judge Francis Springer, Louisa county, a member of the council (Albuquerque, N. M., present residence).

Alfred Hebard, Des Moines county, house of representatives (Red Oak, Iowa).

*Fourth, 1841.*—Dr. Bailey for the fourth time, and second time member of the council.

Alfred Hebard, again member of the house.

Gen. Caleb H. Booth, Dubuque county, house of representatives (Dubuque, Iowa).

*Fifth, 1842.*—Judge Springer, member of council.

Err Thornton, Muscatine county (Andalusia, Ill.).

*Sixth, 1843.*—Judge Springer, again of the council.

Alfred Hebard, of the house.

Robert Smythe, Linn county, house of representatives (Mt. Vernon, Iowa).

Col. William Thompson, Henry county, house of representatives (Tacoma, Wash.).

*Seventh, 1844.*—Judge Samuel Murdoch, Clayton county, house of representatives (Eikader, Iowa).

Fred Hancock, Van Buren county, house of representatives (Bentonsport, Iowa).

*Eighth, 1845.*—Judge Murdoch and Mr. Hancock, again members of the house.

Of the officers of these eight legislative assemblies: T. S. Parvin, secretary of the council, 1840, from Muscatine (Cedar Rapids, Iowa); Judge John F. Kinney, secretary council, 1845, Ft. Madison (San Diego, Cal.); Col. William Thompson, chief clerk house of representatives, 1845, Mt. Pleasant (Tacoma, Wash.).

#### FIRST CONSTITUTIONAL CONVENTION, 1844 (72 members).

The following are the survivors (2):

Dr. Gideon S. Bailey, Van Buren county (Vernon, Iowa).

Elijah Sells, Muscatine county (Salt Lake City, Utah).

#### SECOND CONSTITUTIONAL CONVENTION, 1846 (32 members).

The following are the survivors (5):

Hon. Alvin Saunders, Henry county (Omaha, Neb.).

Judge J. Scott Richman, Muscatine county (Muscatine, Iowa).

Dr. Sylvester G. Matson, Jones county (Viola, Iowa).

Dr. John J. Selman, Davis county (Bloomfield, Iowa).

Col. William Thompson, secretary, Henry county (Tacoma, Wash.).

Associated with these survivors and named in the report two years ago were three members who have since died:

Third Legislative Assembly, 1840, Hon. Daniel F. Miller, Lee county, died December 9, 1895, at Omaha, Neb.

First Constitutional Convention, 1844, Richard B. Wyckoff, Jackson county, died January 25, 1896, at Lyons, Iowa.

Thomas J. McKean, reported as living in 1894 had deceased a year earlier.

J. C. Blankinship, Davis county, died at Bloomfield, Iowa, the postmaster writes me, in 1893. I did not include him in the list of survivors in my letter to Judge Wright, but he inserted the name, writing me at the

time that he was quite sure he was living; in this either he was mistaken or the postmaster at Bloomfield.

If living two years hence we will report any changes that may take place in the intervening time in this list.

And we would respectfully suggest that Hon. B. F. Gue, ex-lieutenant-governor and secretary of the historical department, at Des Moines, be appointed and requested to act in a similar capacity for the general assemblies for the first and sixth inclusive, 1846-57, and also of the constitutional convention of 1857.

In connection with this report we present the following additional items of interest as to a starting point for our friend Gue:

#### STATE GOVERNMENT OF IOWA, 1846.

Of the state officers elected in 1846, including the executive and judicial departments, one of each survive:

Hon. James Harlan, Mt. Pleasant, superintendent public instruction, 1847.

Hon. John F. Kinney, Ft. Madison, judge of the supreme court, 1847, now of San Diego, Cal.

*Members of the Senate (19).*—Hon. John J. Selman, M. D., Davis county (Bloomfield, Iowa).

Judge Francis Springer, Louisa county (Albuquerque, N. M.).

*House Representatives (40).*—Hon. Alfred Hebard, Des Moines county (Red Oak, Iowa).

Elijah Sells, Muscatine county (Salt Lake, Utah).

Robert Smythe, Linn county (Mt. Vernon, Iowa).

Anderson McPherrin, Van Buren county (Mt. Zion, Iowa).

Dr. Sylvester G. Matson, Jones county (Viola, Iowa).

#### MEMBERS OF CONGRESS (2).

Both deceased.

#### UNITED STATES DISTRICT COURT.

The judge (Hon. John J. Dyer) deceased.

United States marshal, Dr. Bailey, aforesaid, and T. S. Parvin, one marshal and the other clerk, among the living.

#### THIRD CONSTITUTIONAL CONVENTION, 1857 (THIRTY-SIX MEMBERS).

The following survive (9):

President, Judge Francis Springer, Louisa county (Albuquerque, N. M.).

Rufus L. B. Clarke, Henry county, and William Penn Clarke, Johnston county (both residing at Washington, D. C.).

Aylett R. Cotton, Clinton county (San Francisco, Cal.).

James C. Traer, Benton county (Vinton, Iowa).

Lewis Todhunter, Warren county (Indianola, Iowa).

Daniel H. Solomon, Mills county (St. Louis, Mo.).

Harvey J. Skiff, Jasper county (Newton, Iowa).

Thomas Seeley, Guthrie county (Guthrie, Oklahoma).

Thomas J. Saunders, secretary, Scott county.

Executive and judicial departments of the state, two; legislative department, nine; constitutional convention, 1857, nine. Total, twenty.

T. S. PARVIN.

Cedar Rapids, Iowa, February 5, 1896.

MR. PARVIN: I move that Hon. B. F. Gue be requested to make a report at the next session of this association of the surviving members of the state government, and of the legislature of Iowa during the period under the old constitution, the years of 1846 to 1857 inclusive.

Motion seconded and carried.

COLONEL GODFREY: I move that C. S. Wilson and Isaac Brandt be appointed a committee to go before the legislature and secure proper legislation for the payment by the state of the expense of printing the proceedings of this our fifth biennial meeting.

Motion seconded and carried.

Association adjourned to 9 A. M., February 13, 1896.

THURSDAY, FEBRUARY 13, 1896, 9 O'CLOCK A. M.

CHAIRMAN: The hour has arrived for the opening of the second day's session.

Music: "Tenting on the Old Camp Ground," by the choir.

CHAIRMAN: The first number on our program this morning will be the historical address by Gov. Alvin Saunders, about the convention that formed the constitution under which the state was admitted into the union.

Governor Saunders said:

*Mr. President and Members of the Pioneer Lawmakers' Association of Iowa:*

The committee on invitations requested me to attend this meeting and asked that I make some remarks or present in writing some of my recollections of the constitutional convention which formed the constitution under which Iowa was admitted into the union as a state. Up to within a few days of my leaving for this meeting I expected to be absent and had so stated in a letter prepared for the committee. Consequently I had no time in which to post myself up or to think of what might be interesting to the members of the association, and must, therefore, of necessity be very brief in what I shall have to say.

It must be remembered, gentlemen, that almost fifty years have passed over us since that convention was held; it will therefore take one with a better memory than I have to call up very accurately many of the incidents attending it, notwithstanding it was one of the shortest conventions I have known of being held for such a work. The whole business of that convention was completed in less than three weeks' time.

It may not be at all interesting for any of you to know how it was that I became a member of that convention, but as that was my first effort at political or public work, I think I will venture to tax your patience long enough for me to state how it was that without any particular effort or thought on my part I was drawn off from other business to enter the political field; for be it known that up to that time I had not so much as given any thought to politics.

My entrance to the territory now comprising the state of Iowa was in the spring of 1836, and while it was yet Michigan territory, but Michigan was admitted as a state in July of that year and then the territory of Wisconsin was organized, and that covered all this part of the country for two years. I had located at Mount Pleasant, then in Des Moines county, but now in Henry county. There was no postoffice there and none nearer than thirty miles, at Burlington; so when an application was made for the location of a postoffice we were informed by the postoffice department at Washington that there was already one office in Wisconsin territory by the name of Mount Pleasant. Our people hardly knew what to do, for they did not like to give up the name of their town. The other Mount Pleasant was on the east side of the Mississippi river, and, as our people felt pretty confident that there was room for two territories within the bounds of Wisconsin and a division was probable before many years, they asked that their office be called West Mount Pleasant, which was done, and for two years that was its name. After the division took place the name of the office was changed by dropping the prefix of West, and we then took the original name. I have no map at hand to show the lines of what was called the "Black Hawk purchase." This land must have covered the most of Scott, Muscatine, Louisa, Des Moines, Henry, Lee and Van Buren counties, for I know that the west line ran between Mount Pleasant and Fairfield. That part of the state was better known for many years by the name of the Black Hawk purchase than it was by any of the territorial names. It was composed, as I have said, of a large strip of country and was taken from the Indians to partially pay the expenses of the Black Hawk war. At the time of my first settlement in what is now Henry county there were but two counties in what now makes our state—Dubuque and Des Moines—Dubuque City and Burlington being the respective county seats. At that time there were probably not more than 15,000, or at most 20,000, people in all the territory composing the state, for four years later, in 1840, when the general government had the census taken, we had but about 41,000, and most of them came in from 1838 to 1840.

In those days all the leaders of the Sac and Fox tribes of Indians lived in the northeastern part of the territory. Keokuk had his home in or near to where the city of Keokuk was built, and Black Hawk spent his time in that vicinity and sometimes nearer to Ft Madison. Wapello, with his band, stayed for some time on Skunk river, fifteen or eighteen miles northwest of Mt Pleasant. But some of these Indians afterward stopped in and about a place called the Agency, now in Wapello county. At present the few of them that are left are in the Indian territory. But I have wandered from my subject, for I was asked to talk about the constitutional convention of which I was a member in 1846.

In 1844 the first constitutional convention was held and formed a constitution which was submitted to the voters of the state, but for many reasons failed to receive the sanction of the people. Some objected to it on account of conditions it contained in the banking clause, others were not satisfied with the article on incorporations, but the principal objection made by many of my neighbors and myself, was to the proposed western boundary line of the new state.

The line as proposed would run with the divide of the waters flowing into the Mississippi river, and the waters flowing to the Missouri, which

would have made the western boundary of the state a little west of Des Moines, and would have passed out at about Creston. Personally I felt so anxious to defeat that measure, for I had long before contended for making the Missouri river our western line, or, I may say, making the lines as they now stand, that I spent much of my time in urging the people to come out and help defeat the constitution. It was defeated by a small majority, but sufficiently large to forever settle that question.

The work I did toward defeating that constitution did more, perhaps, than all other things added together to cause me to enter the political field, and thus to change my whole business course in life, for, when the time came for selecting candidates for delegates to the second convention, a number of my friends said I must be a candidate, urging as a reason the fact of the effort I had made to defeat the former constitution, and now I should go and help make a constitution which would be agreeable to them and to me.

Human nature was very much the same in those days as it is in the present, and I yielded to the solicitations, and here, as I have before said, was laid the foundation for a change in my whole business life. I hope I will be pardoned for dwelling so long on matters personal to myself, but I felt it due to myself to make the explanation, and due to many others of you who have in days past so kindly aided me by bidding me God speed in my endeavors to serve my people, both in this state and in my later adopted state.

The convention to which I have alluded prepared the way, or laid the foundation, for bringing to the front not only a well formed map, but one of the most progressive states in the union.

Although that was fifty years ago, there were many men in that convention who were capable of being compared favorably with any convention or legislature held in the state at any time since. Among them were such men as Enos Lowe, president of the convention, who afterward was honored with appointment as officer in one of the most important land offices in the state. Colonel Thompson, the secretary, was a member of congress and filled an honorable position in the late war of the rebellion. Hon. James Grant served as one of the honored judges of the district court, as well as holding other important offices. Shepard Leffler, who was a member of congress. Stewart Goodrell, who filled several highly honorable positions. J. Scott Richman, who not only became a leading attorney at law, but for a long time was honored as one of the district judges of the state. Stephen B. Shelledy, who was honored with many leading positions after he left the convention. William G. Coop, who served his state in several leading offices. Curtis Bates, who was for many years a leading politician. Indeed, a large portion of the members of that convention were afterwards honored by high positions by their constituents, showing that they were men who were capable of doing well the work they were called to perform. But oh, how short is the time allowed to man to perform his work; only fifty years ago this work was performed and done by men then in their full vigor of manhood, and to-day only four of that number are left to tell the tale, the rest have all passed the river and gone to their reward.

Inasmuch as for several years after Iowa became a state I was a member of the state senate, it would not be inappropriate here, to give some account of my stewardship in that work, but as you have many left who served dur-

ing those days, many of whom are more capable of doing the subject justice than I am, I will leave that part of the work to them.

Iowa has now taken rank among the most progressive states of the union, and a great future awaits her and her citizens who have done so much in pushing her to the front. As most of you know, circumstances not necessary to relate here caused me to adopt another state as my home, and a most promising state it is; but I have never for a moment lost my interest in the welfare of Iowa, whose citizens did so much to give me a fair start in the world, and whose memory shall be cherished and honored while memory lasts.

I have said nothing in this paper about the political complexion of the convention. The convention was composed of thirty-two members. All were democrats except seven. The seven belonged to the whig party. Up to the time of the organization of the republican party, the democrats had all the time controlled the politics of both the territory and the state.

Hoping that this is not the last opportunity I shall have of meeting with the pioneer lawmakers, I shall close this with my best wishes for all its members and for the prosperity of this great state.

Music: "Washington's Song of a Thousand Years," by Captain Muffly and Mrs. Cheek.

Dr. Yeomans read a very interesting paper, but no copy could be found for publication.

MR. BRANT: I move that we now adjourn until 2 o'clock this afternoon for our business session, and that we now proceed to visit the house of representatives and senate.

Motion seconded and carried.

HOUSE OF REPRESENTATIVES—THURSDAY, FEBRUARY 13, 1896,  
11 O'CLOCK A. M.

MR. GRIFFITH: Mr. Speaker, I have the honor of introducing to you, and through you to the members of this house of representatives, the Pioneer Lawmakers' Association of Iowa.

Representative Temple said:

*Mr. Speaker, Mr. President of the Pioneer Lawmakers' Association and Gentlemen of the Association:*

I have been delegated by this house to welcome you. I desire to say upon behalf of the house of the Twenty-sixth General Assembly that this welcome is no empty formality but that it comes from the heart. You do not appear before us as a matter of form, but you come as it were clothed with authority. You have been the pioneers in the work of law making. We understand among your representatives are those who have participated in the very earliest efforts of state building, in the matter of building this great commonwealth. There is among you one who held a responsible position under the first territorial governor of Iowa. There are among you members of the earliest general assemblies of this state. I realize that your work was the work of pioneers and that your work was well done. You labored practically in untried fields, unaided, and I might say unfettered, by

the mass of precedent which to-day surrounds us. Your work was grand and noble. The foundations you laid have enabled us to move on to the greatest and grandest prosperity. This generation and all future generations owe to you and those associates who labored with you but have passed into the great beyond, a debt of inexplicable gratitude for the prudence, the depth and the liberty with which you have planned the system of legal jurisprudence of the state of Iowa. And gentlemen of this association, we are pleased to see so many of you present at this your annual meeting. We hope that many and many more such meetings will be held and many, many more such visits will be had by your body to those who succeed us. Gentlemen, we thank you. The hall is yours to-day. As a house of representatives we tender you the freedom of the house again.

Colonel Scott said:

*Mr. Speaker and Members of the House:* Your kindly greeting and your pleasant, I might say, almost your magnificent surroundings, to which we as pioneer lawmakers were not accustomed, because in our times we spent our days of labor for the commonwealth, as one of the oldest of our members, and one, I believe, who has a record of the longest service in the different houses, who was near me on the steps as I came up, referring to the marble steps on which we walked this morning as we ascended to your hall, said, "This is not much like the climb we used to take to get to our place in the old red shanty on the hill." The worst of the climb was not after we got to the old red shanty on the hill and the narrow stairway where only one could climb at a time; if he had as much of a bay window as one gentleman of us who is with us this morning and who has been on the great American desert for the last thirty years, there would be no room for another. The worst of our climb was not there. The worst of our climb was rather in climbing or wading and scrambling through the mud of Des Moines to reach the steps of the old red shanty on the hill. As I said, the surroundings, the pleasant greeting of the gentlemen that have extended us welcome here, the pleasant invitation of your committee who came to us on yesterday, who invited us to call upon you this morning, all these things tend to embarrass that class of which I think I may lay claim to be a representative, the old granger lawmakers of the early days. On behalf of the pioneer lawmakers, Mr. Speaker, I thank you. I thank the house; I thank the gentleman who has represented you this morning in extending us these kind words. I thank him for all the good wishes. I thank him for his wish of a later day. We ourselves are contemplating the past without regret. We are full of energy and hope for the present and of the future we are not afraid. Mr. Speaker, I will ask on behalf of the pioneer lawmakers who were members of this popular branch of the general assembly, I will ask Judge Noble, who presided over the deliberations of one of the very earliest lawmaking assemblies of this state, to respond for us.

Judge Noble said:

*Gentlemen of the House of Representatives:* I suppose of course it is not expected that I shall make a speech to you. I can say on my part and in behalf of the old lawmakers' association, so-called, that we are glad to be here. We feel that we are appreciated as old settlers of our state, that we

are respected as men who never did violence to the trusts that were reposed in us. We are thankful that the history of Iowa when it shall have been fully written will never place any "deals" at the door of the early pioneers of Iowa, the members of the Pioneer Lawmakers' Association of Iowa. We were all poor in those days. We were all pioneers to a certain extent in those days and we met in our simple way and disposed of the business that came before us, and usually were permitted to adjourn without any very serious friction, and if it was friction at all it was that kind of pleasant, wholesome friction which comes from an honest and sincere differing in opinion. I will never forget a little incident that occurred very soon after I had the honor to be elected speaker of your house, the house of representatives in 1854. The session commenced on the 1st day of December, 1854; we met and organized very soon without much friction. The next business to come before us was the election of a United States senator and three judges of the supreme court of Iowa, for at that time we elected judges by the legislature. Parties in Iowa had been somewhat broken up. The great Kansas-Nebraska excitement had somewhat demoralized both our great parties and we came together as new men to a great extent, a part of us in a new organization, if it could be called organization. Old associations were broken up. For my own part I had been rather in the school of the old whig party, a party that I had followed from my early infancy. But the time had come when we had to sunder the party obligations imposed by that name, and I will say right here that I do not know the facts certainly but I believe it to be a fact that the county of Clayton, in which I lived so long, was the first county in the United States to bury the whig party. It was the first county in the United States that called a convention and ignored the old beloved party, as we supposed at that time the day of its usefulness had passed. While we were whigs we thought the day had come when the usefulness of the party had gone, and we organized, not as a distinct party but based upon the great principles of free soil and of free men and of free commerce; we went forth among the people asking and seeking a new organization in which we could unite, and the result was the success of the new movement sometimes called national, sometimes called free soiler, and sometimes called barn-burners, and other designations which had attached to our friends away down east.

I went to the legislature and for the first time in my life I saw what was called the capitol at Iowa City, and for the first time I entered the portals of the legislature. The result was I was elected speaker. A few days afterwards we were called upon to meet a crisis. In those old days the senate was still democratic. The house was national, barn-burner, free-soiler or whatever you call it, but we were not whigs and we were not democrats. Very soon by the concurrent action of the senate and house we organized a joint caucus for the election of senator and for the election of judges. There were some among us who were old whigs; "old hunkers" we called them. They would not unite with us, the progressive fellows as we called ourselves and thought ourselves to be, and they were holding off, eight or ten of them, they would not unite with us in any organization. But when we were united we had a majority of the whole legislature, and while we were at work in the house to select our candidates for senators and for judges, the senate was at work to defeat the expression of the house for unity. At one of our

caucuses that we entered into we finally agreed to go together against the democrats. The result was contrary to our intentions, and the secret got out that when the day came, to-morrow at 10 o'clock was the announcement, we would have sufficient strength to elect James Harlan to the United States senate and Gen. George G. Wright chief justice of the supreme court of Iowa. We thought it was a secret, we thought nobody in the senate would know anything about it. The next morning at 9 or 10 o'clock the senate met and they had got onto the joke and concluded they would beat us anyhow. So they adjourned the senate until the next day, expecting to break up our joint caucus at 10 o'clock. I happened to be in that caucus, and that was not exactly in the program. When the hour of 10 o'clock came it was announced the senate had adjourned. But our friends in the senate had all come in and taken seats with us in the house, and together we were about ten majority of the whole legislature. I then announced, as speaker of the house, that it was not in the power of the senate to break up that joint caucus, that we were appointed to meet there at 10 o'clock and the joint caucus was now in session and ready for business. The result was we elected James Harlan to the senate; we elected Judge Wright and the others as judges, and we felt good. James Harlan had to meet a United States senate that was democratic and he had to come back for re-election, but Judge Wright served the term out and acceptably to the people. That was the kind of legislation in those days. The motto then was such as Lord Mansfield gave a young man who was seeking for light and knowledge in regard to his duty, in another country, who was appointed judge. He said to Judge Mansfield, "I am inexperienced, I don't know as I know the law sufficiently to be a judge, but I have got to act, I have got to perform my duty." Lord Mansfield replied, "Young man, the law is nothing but the logical deductions of the human mind as applied to the business and the social relations of men. Now, when you know what the law is, follow it, but when you don't know just what the rule of law is, do what is right and you will hit the law nine times out of ten." We acted on that principle, do what was right and we would satisfy the ends of law. Not knowing what the law was we thought we were doing about right, and the result justified our efforts in that direction.

I have only one word more to say and then I am done. I sympathize with this legislature. I think I know something about legislation and I know about the relation of the legislature to the people of the state. This legislature has a very important work to do. It has charge of the adoption or rejection of the code prepared at a considerable expense to our state and prepared by five of our eminent lawyers, with ample time to do their work well, with ample time to consider very thoroughly their duty, and they have prepared a code. I regret that I have not had the opportunity of investigating to see what my own opinion would be in regard to all of it, but you have to pass upon that code and it is a very important work, gentlemen, a work you will not forget when you have retired to private life. It is a work of great responsibility and I sincerely hope that it will be properly appreciated by every member of the legislature. This thing of making a code for the great state of Iowa is a very important matter. All I have to say is that I hope, and I may be pardoned, I presume, for expressing the hope, that the legislature will do its complete work one way or the other.

either reject it or adopt it. I do not believe the people of our state will be satisfied to have an additional expense in the form of a special session of the legislature for the consideration of it. I hope I will be pardoned as I have no interest in it whatever except I am guided by a sincere desire to promote the interests of the people. I wish to say that I hope this legislature will do the whole work. It will be responsible. I cannot advise—no man can advise—what is best to do, and I would not undertake to do it. But all I have to say is I hope it will be determined. The people expect it to be done, I think, and I hope it will be disposed of one way or another. And then while we may differ, if that disposition takes place in regard to the wisdom of the action, yet we will know that the legislature has conscientiously done its duty to the best of its understanding and ability. I thank you, gentlemen, for your kind attention.

Colonel Scott said:

*Mr. Speaker and Gentlemen:* We find ourselves somewhat embarrassed in regard to time, having other appointments in advance of us, but I feel as if I cannot and ought not to fail to present to you a workman as one who is a member of our association, the pioneer lawmakers, and I may say to you in introducing him to you this morning, that something more than twelve months ago some distinguished gentlemen from other states passed through this building and inspected it in all its various appointments, and one of these gentlemen, Mr. Speaker, was a man known to all of you, at least by reputation, Mr. Robert Bonner of New York. Some explanations were made to him as he passed through this building and he said: "This is a revelation to me. We have expended so many millions upon our capitol in New York and much of it has gone to waste, into the corruption fund. You tell me the proud story that no dollar expended by Iowa in the erection of this magnificent building was misappropriated." Mr. Speaker, he under whose direction this was done is known as the Hon. R. S. Finkbine, the long-time confidential friend, adviser and comrade of the old war governor of this state; the friend, adviser and comrade of so many of us. I desire to introduce to you the one who carried out the balance of the architect's plans in this building in a manner which Mr. Bonner was pleased to say was to him in his observation and experience in such matters, a revelation. If I was to call him as Hon. R. S. Finkbine I don't know as he would understand me. Bob!

Mr. Finkbine said:

Speaking is not my stronghold; I never make any speeches. I will call on Colonel Scott to speak for me.

Colonel Scott said:

I knew something of the modesty of the gentleman as well as his merit, and I knew also the further fact that he complained that in some little paralysis he had a few years ago there was some failure of speech from which he had not recovered, and, as Moses, the great lawgiver of the olden days, complained to the Lord that he was a man slow of speech, and the Lord appointed his brother to speak for him, I beg to introduce as a substitute for this man, one who was a leader in the house and in the general assembly in carrying out the legislation for this grand capitol building, Hon. John A. Kasson.

Mr. Kasson said:

*Mr. Speaker and Gentlemen of the House:* Nothing in the memory of past years is so gratifying to me as to come back after a prolonged absence to find a warm place in the hearts of the people of Iowa, not only my neighbors, but, if I am permitted to judge from the manner in which you have received me to-day, I feel there is at least a warm place in the hearts of the people from outside of my own county and my own district. I have been touched by the manifest kindness extended to me at all times, but never more than by the cordiality with which you have received me here. I hold it a great honor to be permitted to address you, legislators of Iowa. I feel that you are my comrades. We come to you from the old days when we met in the little chamber of a building which could entirely be placed within this hall, and there the pioneer lawmakers legislated for the interests of the people of Iowa and for the erection of this building. I am glad we are with you this morning because it seems to me to illustrate a great truth; that is, that the development of the state is a historical development, like the great house that begins slowly beneath the earth and works upward until the imposing structure is ready for the use of man. So it is with the state, the past and present must be connected. We want not the sudden introduction of new ideas, but the steady growth and development from the past through the present into the future. This is the policy that makes great states, and it is the policy which seems to me to be represented in the assembly here, and in view of the fact that once in two years those who have been legislators in the past meet with you, they understand more or less the different phases in respect to the legislation that belongs to the present.

It is indeed coming home to me to see the faces of the democrats and republicans of former years; patriotic citizens working together for the development of a great state, and who laid the foundations for the government of over 2,000,000 population in our state to-day. I congratulate you that you are to take part in this great enterprise and that you are pursuing those traditional methods of legislation which they established.

What more shall I say? My heart is full of things connected not only with the past but the present of Iowa. There is no time for me to speak further than to acknowledge the cordiality of your welcome and to heartily second all that has been said by our excellent president, Colonel Scott.

Speaker Byers said:

I will call upon Representative Merrill, of Clinton county, for a few remarks:

Representative Merrill said:

*Mr. President, and Gentlemen of the Old Time and the Present Time:* I will say to you that the honor of addressing this body is quite inspiring and I hardly know what to say to you. I have had the pleasure of knowing something of the legislators in the state in years past. I was in the legislature during all those years to which reference has been made in the building and completion of the capitol, and I know that no word or breath of scandal was raised as to the appropriation of the money for its erection. It

was a clean job and no money was improperly applied. I see around me many of my old friends of years gone by and am glad to see them. It is a most fortunate thing that we have all got together and are having this season of visiting, if you please. It is a grand good thing for old friends to get together. I don't know what I can say more, gentlemen, my heart is full.

SENATE CHAMBER.

Sergeant-at-Arms Griffith said:

*Mr. President:* I have the honor of introducing to you, and through you to the members of this senate, the Pioneer Lawmakers' Association of Iowa.

President Parrott gave them hearty welcome in the following words:

Under our rules every ex-member of previous general assemblies has the freedom of the floor, but we esteem it a privilege and an honor to give you, the pioneer lawmakers of Iowa, a heartier and a broader welcome than a mere acknowledgement of your rights under the rules.

We greet and recognize you as having had an important part in the upbuilding of our state, in aiding in transforming it from pioneer conditions into one of the great and prosperous commonwealths of our nation. We acknowledge our indebtedness to the early lawmakers for the wisdom displayed in the enactment of wise and beneficent laws which brought to us an intelligent, prosperous and constantly increasing population. We commend the broad policy inaugurated by your membership in laying the foundation of our grand system of state institutions, a system scarcely equaled and certainly not excelled by any in our sister states. You are entitled to grateful recognition for these timely and wise enactments.

And now, full of years, your membership is engaged in another and a still grander work—that of collecting and preserving for future generations the valuable history of the early times, of which you were a part, and which might be entirely lost or greatly lessened in value without the seal of authenticity you are able to give it.

So we bid you a hearty welcome, and express the hope that you may have many more pleasant and profitable reunions and fully complete the laudable work in which you are engaged.

President Parrott then yielded the gavel to the president of the association, Col. John Scott, and conducted him to the president's chair.

Senator Blanchard continued the welcome to the association in the following:

*To the Pioneer Lawmakers of Iowa:* The pleasant, though somewhat embarrassing duty has been assigned me of extending to you a hearty welcome to the senate chamber—pleasant because I am in full accord with the sympathetic and patriotic impulse that pervades every heart in this chamber to extend to you the greeting which is due the venerable lawmakers of our state—embarrassing because I realize that others could clothe the sentiment in more fitting words.

Our work as legislators is to modify existing laws and adapt them to the continuing changes of a still rapidly growing commonwealth, as well as to provide for new conditions resulting from the evolution of the wonderful age in which we live. It was yours to organize and build. You performed the rugged duties of pioneer life, and by the enactment of wise, just and equitable laws laid the foundations broad and deep for a great state.

You builded wiser than you knew. The mutations wrought by the intervening years have been marvelous, and can but be surprising to even you who have witnessed them.

Some of you enacted laws in the old capitol at Iowa City when the center of population of the state was but a few miles west of the Mississippi; others of you performed your legislative duties in the old building situated just across the way, upon the site of which your patriotic countrymen have since erected a noble monument to commemorate the heroism and valor of 80,000 soldiers who fought for the flag. It was there that in addition to general laws enacted for the state, you wisely provided for the erection of this stately capitol building, now the pride of all our people.

You return to this fair capital city, which now contains a population of more than 60,000 souls, and in this noble edifice you behold a legislature engaged in enacting laws for the government of more than 2,000,000 people.

The changed conditions are not only manifest in the great increase in wealth and population, but also in the greater variety of subjects which require legislation. We must now provide for nearly twenty state institutions, as well as for the government of a vast number of corporations, railroads, express companies, etc., which have made their advent into the state since the pioneer lawmakers created the first code of Iowa.

Venerable sirs, we feel honored by this visit, and extend to you a kindly greeting. We are profoundly grateful for the patriotic services you rendered to our state. May your stay among us be pleasant and profitable; may you return to contented and happy homes. And now we say fervently, God be with you till we meet again.

Colonel Scott said:

*Mr. President and Senators:* The kindly greeting which we met at the other end of the capitol has given us some embarrassment with regard to time. I would like just simply to express in one word that we appreciate and we thank you, Mr. President and Senator Blanchard, for your kindly words of welcome. If we do not respond at length thereto it is not because of a lack of feeling or tender sentiment and regard and thankfulness for the honors which you have bestowed upon us and I dare not trust myself to any expression that would do justice to the old men, the senate of nearly forty years ago. The time does not permit, much as I would like to recall some of the incidents which have been mentioned by Judge Blanchard in his pleasant address of welcome to us this morning. Instead, therefore, of occupying your time I will ask one of our boys who also was familiar with these old halls, to respond for us, I mean Col. S. A. Moore.

Colonel Moore said:

*Mr. President and Senators:* A few minutes only are left us before we take our departure from this meeting with you to-day in this grand hall

and I want simply to say that we are thankful to you for this expression of kindness. Standing as I do to-day in this magnificent hall and going back in memory to the old, old days, there come rushing through the minds of the old men, the senators of those days, a thousand things that happened in those old times. We were young in hopes, in aspirations, in all that tended to make up the grand future of man. There are old senators here to-day, the representatives before you with whitened heads, who came to Iowa in the early times, who held the places of responsibility and trust in every department of the young state. It is indeed refreshing to look around on these old men and find them here—men who have climbed up this long inclined plane until to-day they are standing on the summit looking far away, having obtained every position of trust and honor, men who have lived their days honoring their state. These men are meeting together every two years. There is a thought comes to many of us when we meet together and when we part, that it will be but a little while, standing on the margin of the river reaching out our hands, until we whisper, "Old comrade, good bye." Mr. President and senators, we do not forget that, while we are old friends, whether the work of our hands has been done well or ill, time will determine. We still have an abiding interest in the young men of to-day who will carry forward the affairs of this great state until the name of Iowa shall be grand and glorious in the galaxy of stars when we shall have passed away.

Colonel Scott said:

*Mr. President and Senators:* I will now call upon one of the youngest of our men, I don't know really how young he is, but he is very young to be of us. I think his experience in senatorial labors did not begin more than forty years ago, and I will ask him to say a kind word for us, a word of greeting—Senator Ainsworth.

Senator Ainsworth said:

*Mr. President and Senators:* From what I have heard and seen since I have been in Des Moines I have become satisfied of two things. One is that we are the memorable men who have come down to you from the former generation. The second is, that wisdom will die with us. There is another thing that I learned when I was a boy, and that was that it was utterly futile for anybody to attempt to interest a very hungry or very tired man by anything he might say, and consequently I shall make my remarks as brief as possible.

It was thirty-six years ago last winter that I first entered the senate of the state of Iowa as a boy legislator, and when I entered your senate to day and saw the different surroundings I saw the advancement which the state of Iowa has made. That advancement could not be appreciated by anyone traveling over the state of Iowa and seeing how its cities have grown and how the state of Iowa has grown. If you want to know what the state of Iowa is, go to her capitol, go to her state institutions, look at the improvements there as made and they will tell you that Iowa must have rich, fertile, highly cultivated fields; she must have successful business men; she must have intelligence, integrity and moral backing in taking the high stand which Iowa takes. If you want to know the true size of the United States.

of America, of our own government, do not go traveling over it to find out, but go to Washington and look at the machinery it takes to carry on its business, and then you can get an idea what the United States must be. As I said, when I came into this senate in 1860 the surroundings were different from what they are now, but when I look around here I reflect that that senate of 1860 possessed men who have in subsequent years given to this state its character. Now, senators, let me say one word to you who stand in the position of being successors in having upon your shoulders the carrying out of those things which have been undertaken by some of the ablest men that were ever in the United States. When I came into this senate there were James F. Wilson, General Bussey, and others of that class, who were helping in the revision of the laws from the old code of 1851. These men have passed away. From the senate of 1860 and 1862, in which I served, four men became president of the senate and occupied the position which your own lieutenant-governor now so ably fills. He is a fit and able successor to them, but who will say that Scott, Gue, Dysart and Dungan were not a credit to the state of Iowa. Then afterwards, there was my friend Campbell, who went from the senate to become also lieutenant-governor. But let me give you a little advice: while you are right in the line of succession, don't neglect your duties for the sake of getting cabinet positions in either Allison's or Boles' cabinet.

Colonel Scott said:

I supposed that we had perhaps, as fully as time would admit, expressed our thanks for your kindness to us to-day, but a request has been handed to me by a senator who says that the senate would ask the favor of being allowed to greet our able and distinguished pioneer lawmaker, John A. Kasson.

Mr. Kasson said:

*Mr. President and Senators:* My duty really, I think, was performed on the part of the pioneer lawmakers at the other end of the capitol, for there I felt especially at home, and there were old memories and there I saw the old faces occupying the seats, but the honor of speaking in this senate, while so different from anything that I have had an opportunity to do in former years, is an honor which I did not expect and which I do not deserve. It is certainly due from me to express my gratitude for your kind reception and the request that I say a few words to you. It is difficult to say in three minutes anything worth your attention and your memory, yet I hope something may be said that you may remember with pleasure. We all remember the old times in Iowa that brought us so close together, mind to mind and heart to heart. I find it difficult to remember among my old friends to which party they belonged. There was something in the early life of the state, when it was rare to have daily newspapers which amounted to anything, and rare to have any excitement which drove men into parties, that got us very close together in those old times, and it is difficult for me to remember who among my old friends was then a democrat or a republican. The Iowa people, as a people, are patriotic and devoted to the great interests of the United States. I came back, gentlemen, to see the old friends dear to me, and my heart has been touched by your reception. I would like to extend a

hand to every one present. Iowa has been and is my home, the home of my heart, and I turn back in thought and memory to the dear old times when we worked together in this great state for the public good. I thank you.

Lieutenant-Governor Parrott said:

I will call upon Senator Eaton to make a few remarks.

Senator Eaton said:

*Gentlemen, Venerable Sirs of the Pioneer Lawmakers' Association of Iowa:* To me comes the pleasant and the difficult duty of saying in behalf of the senate of the Twenty-sixth General Assembly of Iowa and of the citizens of the state, one word to you of welcome. Standing here as we do to-day in the very beginning of this good year of 1896, with our backs just turned upon the years that have been, we recognize in you the venerable and connecting link that carries us back through the days of the past to the very beginning of our existence and statehood. Sirs, when the first aurora of the birth of our state life was dawning through the mist and the fog that dimmed the prospects of the future, many of you were there. Every line of the history of our state, written or unwritten, is a line and record of the heroism, of the wisdom, of the sacrifice, of the devotion, of the patriotism of those of whom you were a part and the representatives in the days ago. In the early days of that life, when the morning sun of that day had but swung clear of the clouds, and as the crisis of the war came, you were here and it was your patriotism, your broad, your wise legislation that furnished the men and furnished the supplies which made it possible for the name of Iowa to glow in the proudest place, in the smoke of the hardest and grandest battles of the war; made it possible to plant the flag above the clouds, and gave to the Iowa soldiers and to the citizens of the state the proud position that they occupy. When Johnny came marching home from the war, and we had to face the difficulties that crowded upon us at that time, and legislation was needed along that line, you, venerable sirs, were there, and by your wise course and conservative legislation made it possible for us to go forward and upward to the position that we occupy to-day. May God speed you.

FEBRUARY 13, 1896, 2 O'CLOCK P. M.

CHAIRMAN: We will first listen to the paper by Hon. Washington Galland, which he has prepared for this occasion and which is now in the hands of Mr. Brandt to be submitted to this association.

Mr. Galland wrote:

*Mr. President:* I would indeed be less than human were I not impressed with a degree of solemnity that imposes a sadness and depression of heart and feeling I can but feebly describe.

Two years ago I presented and read before this association an address prepared by a distinguished member, also member of the Twenty-fifth General Assembly, and a long-time personal friend, who was suffering from sickness and infirmities, and unable personally to be present. A few months ago this distinguished pioneer of Iowa and member, Daniel F. Miller, Sr.,

migrated to that "undiscovered country" whence, it is said, "no traveler returns."

A couple of months ago I was notified and invited to give an address before this association at our present biennial assembly, and informed that our then president, Judge Wright, my long-time personal and valued friend, had selected a subject or theme upon which I was expected to speak; since then, he too has been called from his earthly life labor and honors to a higher life and more exalted honors, while we are left in regretful sadness and mourning for his loss to us. Therefore I pray that you will pardon my violation of a rule in rhetoric, as I introduce my subject with this brief eulogy, instead of an exordium.

"All the world's a stage, and all the men and women players," said the great dramatic poet. "They have their exits and their entrances. And one man in his time plays many parts, his acts being seven ages." Now, did Shakespeare live and write in our day and country, he would undoubtedly interpose another act or age in this drama of life, for in this favored country and government of ours, where every citizen is a sovereign, he has not rounded up his life perfectly unless he has in some degree performed in the act of politician, statesman and lawmaker, and to become such he need not necessarily be in congress, the general assembly, nor hold office. Statecraft and lawmaking are discussed on the streets, in the stores, offices, factories, and in the primaries.

It is said of General Grant that when he was in command of the armies he often called his officers in consultation, solicited their views as to movements of the troops, then adopted the course that his judgment approved; so, while he was president, he often was seen sitting on a dry-goods box on Pennsylvania avenue, whittling a stick and discussing state affairs with some citizen.

By a process of evolution and development every citizen becomes a politician, a statesman, a lawmaker. He learns that good, beneficent laws are necessary, bad laws unnecessary, injudicious and injurious to the common weal, and to the individual citizen. He learns that the nature of politics and statesmanship in its higher sense does not consist only in winning elections and distributing offices, but in rendering harmonious the various conflicting interests in society and in the state; the interests of the farmer, of the manufacturer, of the importer, of capital and labor, and railroads—in short, of all classes and persons. Then it becomes the true intent of a dignified politics and statesmanship to discover what laws are necessary and to induce the people (who are the sovereigns) to have them made.

Among those present who were members of the Tenth General Assembly, some, doubtless, have a recollection of the delegation of representatives from Lee. Of McCrary and Hesser in the senate, I need not speak; in the house were Merriam, Weisner and Galland, all serving their first and only term. Of these, so far as I am informed, I am the only survivor. What I did in the Tenth General Assembly can be told in very few words; what I did not do could be extended into volumes of recital. I introduced but few bills: A bill providing for a house of refuge or reform school failed of passage, but was subsequently enacted into law; a bill providing a penalty for throwing dead animals or offal into the waters of the state, and a bill allowing railroad corporations to issue and dispose of bonds of the denomination of \$10 and more, became laws.

We had for consideration in the Tenth General Assembly no such subjects as the soldiers' monument, the taking of soldiers' pensions by the state, or the centralizing at Des Moines of all the public institutions of the state; nor had the suppression of intemperance, nor the regulation of the liquor traffic become an important factor in state politics, as it has since; nor had the enfranchisement of women as a political subject assumed the importance or commanded the attention it has since attained.

We had for consideration the disposition of the lands given by the government for the improvement of navigation on the Des Moines river. As that great work had been abandoned as impracticable, a bill was introduced to apply these lands, under certain conditions, to aid in the construction and equipment of railroads, which, after many amendments, indefatigable lobbying, and many days of discussion, was enacted into a law. If we made no serious mistakes, history will accord to us a credit for what we did not do, as well as for what we did do.

The process of individual, political, social and educational evolution and development goes on. Our barbaric ancestors conceded no rights to women that men were bound to respect. We are evolving out of that condition. The barrier of race and color, so long existing among civilized and free nations of the world, is removed. In some of the states of this great republic the partition wall of sex has been removed, and women admitted to rights and privileges heretofore denied them by the dominant male sex. One more turn of the wheel of evolution, when in all national and state affairs, liberty, fraternity and equality, will be proclaimed and established as to all citizens of every sex, race or color. Justice demands it; the interests of society demand it; the innate chivalry of manly manhood concedes the right of it—while there only remain prejudice, custom, precedent and the barest sophistry in argument to oppose it.

Women are not only the mothers, but they are the educators of our race; queenly and sovereign in this, she is superior to ordinary citizenship, and from this exalted position no amount of rhetoric can have the effect to dethrone her—for "Disguise our bondage as we will, 'tis woman—woman, rules us still."

In conclusion, this is the only peroration I deem it necessary or proper to declare: Let us, brother pioneer lawmakers, let us, all fellow citizens, and you, noble women of this grand and yet youthful commonwealth, while we live, patriotically act in the closing scenes of our drama of life the principles of the legend inscribed on the coat of arms of Iowa—"Our liberties we prize and our rights we will maintain." In so living and acting upon these principles, we will surely never deny to others any of those natural rights and privileges we so confidently claim for ourselves.

Song by the choir: "The Little Red Schoolhouse."

JUDGE NOBLE: I move that we reconsider the vote taken yesterday forenoon changing the limitation of time of service which makes persons eligible to membership in this association from twenty-five to twenty years.

Motion seconded and carried, and vote reconsidered.

Moved and seconded that the question before the house be postponed for consideration until our next meeting. Motion carried.

SENATOR DUNGAN: I move that the thanks of the association be extended to the choir for the excellent music which they have furnished during our meetings.

Motion seconded and unanimously carried.

Committee on nominations submitted their report on officers as follows:

*President.*—Col. John Scott, Nevada.

*Secretary.*—Hon. B. F. Gue.

*Assistant Secretaries.*—J. M. Davis, Frank A. Sherman.

#### VICE-PRESIDENTS BY DISTRICTS.

*First.*—Gideon S. Bailey, Vernon.

*Second.*—Samuel McNutt, Muscatine.

*Third.*—F. M. Knoll, Dubuque.

*Fourth.*—Reuben Noble, McGregor.

*Fifth.*—T. S. Parvin, Cedar Rapids.

*Sixth.*—Dan Anderson, Albia.

*Seventh.*—Lewis Todhunter, Indianola.

*Eighth.*—W. S. Dungan, Chariton.

*Ninth.*—L. W. Ross, Council Bluffs.

*Tenth.*—Walter C. Wilson, Webster City.

*Eleventh.*—Rodney A. Smith, Spirit Lake.

Major Sherman was called to the chair, and a motion being made that the report of the committee on nominations be adopted, the motion was seconded and the committee's report as read was adopted.

COLONEL SCOTT: I may say very briefly again what I think perhaps I referred to before, that the action of your executive committee in asking me to take the chair made vacant by the death of Judge Wright was exceedingly embarrassing to me, and I confess that I entered upon it from a sense of duty and a determination to do what I could for the interests of this association. I was not insensible, also, to the compliment implied by the action of the executive committee in asking me to assume this position; and now again, I do not wish to be understood as not being fully sensible to the compliment that is implied by your endorsement of the report of this committee at the present moment.

Committee on resolutions reported resolution in regard to memorial hall.

Moved, seconded and carried that the words "Both those opposed and favorable to the erection of the soldiers' monument" be stricken out.

Moved and seconded that the preamble as amended and resolution be adopted. Motion carried.

Chairman Scott here announced that it was impossible for him to remain longer at this session and called Judge Noble to the chair.

MAJOR SHERMAN: I move that the memorial services be commenced by the reading by the secretary of the resolutions prepared by the committee.

There being no objections the memorial resolutions were read, as follows:

*Resolved*, That it is with profound sorrow that we place upon our records our sense of the irreparable loss this association has sustained in the death of the Hon. George G. Wright, president of our association, and one of its founders.

*Resolved*, That in his long career of the most distinguished usefulness as legislator and jurist, and for half a century one of the brightest ornaments of the social life of our state — as a pure and noble personality —

"thro' all this tract of years, wearing the white flower of a blameless life,"

a leader in every good cause, with unsurpassed power to influence men and control the springs of popular action, ever an example to all around him, and ever ready with kind words and open hand to cheer and aid the unfortunate — we recognize the true philanthropist and ideal christian statesman, one of the highest and grandest types of manhood, a symmetrical development of lofty character rarely equalled.

*Resolved*, That in the death of Gen. Ed Wright this association mourns the loss of one of its founders and most eminent and beloved members, who was greatly distinguished through forty well-spent years in Iowa, as a heroic volunteer soldier, who carried to his grave the scars of many battles, a conscientious and influential legislator, who left his impress on the laws of our state, a state officer of rare efficiency, whose name was a synonym for integrity, and a pure and upright man of whom, in life and death, only good could be spoken.

*Resolved*, That in the death of ex-United States senator, the Hon. James F. Wilson, Iowa mourns the loss of one of her most brilliant statesmen, one whose name was made illustrious by the "points of history" established through his efforts

*Resolved* That, in our judgment, his services in the Iowa constitutional convention of 1857, in fashioning the legislation based upon it, in the congress of the United States during the stormy period of reconstruction, and in his after career in the United States senate, alike demonstrate that he was one of the first publicists of his time, a leader of leaders in originating wise and enduring laws; while his enlightened aid to libraries and other educational and ennobling instrumentalities at home, left a permanent influence upon his surroundings.

**Judge Casady said:**

There has been a good deal said in relation to Judge Wright and I wish to say a word or two, and only a word or two. I will state that I made his acquaintance soon after he passed his twenty-sixth birthday in the town of Keosauqua. He was the second man I became acquainted with in the territory at that time. Afterwards he was elected, in 1848, to the state senate from Van Buren county, and I met him in the state senate and served there two sessions with him. The Second General Assembly had nothing of very great importance to transact except trying to save the Des Moines river lands, and those men of the general assembly living on the Des Moines or near the Des Moines took an interest in the matter, but the northern members did not.

In the Third General Assembly the code of 1851 occupied the attention of the members, commencing early in the session and lasting sixty-five days, occupying fifteen days after the fifty-day limit expired. Judge Wright was placed upon the joint committee of the code. It remained in session, I think, nearly every night, generally until about midnight, with the joint committee of the house, Judge Wright being chairman. If I was asked who made the code of 1851, I would say Judge Mason and Judge Wright. Judge Wright had practiced law with Judge Mason for years, and they two consulted and talked together more than any other two members. And I have always thought Chairman Lowe appointed Judge Wright chairman at the suggestion of Judge Mason, because Judge Mason and Judge Wright were very particular friends. Day and night he spent his time working upon that code, and when it was whispered at one time that we would have to have an extra session Judge Wright was one who took the floor and said, "I will never consent or vote to adjourn until the code is passed," and then there was not another word said upon the subject. There were a good many obstacles in the way. Judge Wright was the principal man in the passing of the homestead law, and I have heard eminent authorities say there was not a homestead law in the United States equal to the Iowa law passed in 1851. He was opposed by very strong, active, wide awake men who were sincere about the matter and thought it would be a great disadvantage to the state of Iowa to enact such a law. I remember one senator said to me, "Under pressure I have concluded to vote for this act, but I believe it will have to be repealed at the next session; I don't believe the people of the state of Iowa will favor a law of that kind." It has not been repealed yet; it still stands. The services of Judge Wright in his younger days—in 1851 he was barely thirty years of age—and the part he took in making its laws was of great worth to the state of Iowa. Two years ago Judge Wright, Captain Griffith and myself were the only members present out of the Second General Assembly of the state, but the Captain and I are here to-day and Judge Wright is gone. I have read all of these resolutions passed by the various organizations in reference to Judge Wright and I have not seen anything that I have disagreed with from the first to the last. I knew him as a citizen of Keosauqua, knew him as a state senator, knew him as a judge upon the bench fifteen years, knew him as United States senator during his term, and afterwards as a private citizen, banker, and president of the Polk County Savings bank and also the Security Loan and Trust company. I would vote that the resolutions be adopted that are offered here and agree with everything that has been passed heretofore.

Mr. Meyer said:

I was acquainted with these three, the two Wrights and Wilson, very intimately, and I arise not to say anything in reference to them as senators or representatives, but I simply rise to pay tribute to General Wright; and I do this because I think it is in justice to him and myself, because in the army the Twenty-fourth Iowa, of which he was a field officer, and the Twenty-eighth Iowa, in which I was the same, were brigaded together all through the service. We went down the Mississippi valley together, we were in the Vicksburg campaign and nearly all the important battles in the Mississippi valley until 1864. We were first with the Thirteenth army corps and then transferred to the Nineteenth army corps. I can say that General Wright was one of the most faithful field officers that I ever knew. He was always active. Those of you who know his nature and have known him personally since the war, can form an idea of the kind of field officer he made. He kept accurate account of all movements of the army and was a very strict disciplinarian. The field officers of the Twenty-eighth Iowa and of his regiment were like brothers. It is my duty to say to you, pioneer lawmakers, that I think the greatest piece of history that belongs to General Wright is his three years of service and soul he threw into the salvation of his country.

Colonel Moore said:

I feel unwilling to take up much time, but I cannot go through this old Pioneer Lawmakers' association while these resolutions of respect are being adopted, touching these men, without expressing the sense of my loss, without paying a tribute in my simple words, to my brother Judge Wright, who was my personal friend. I cannot speak so pointedly of his political life. I know that it is identified with every great and thrilling and noble interest of the state. Coming into the state at an early day, and in the prime of his early manhood, he has been identified with every interest of the state; he has seen its growth and its prosperity, until to-day 2,000,000 people are prosperous in this land of plenteousness, bearing their sheaves of ripened grain to the garner. In every great and important undertaking in this state he has been at its head, giving it his encouragement and support. There is something so touching in his memory to me that I feel I cannot express it. My mind is overflowing as a fountain, if I may so illustrate it, in the appreciation of each touching characteristic of this great man, but my words are poor and my poor stammering tongue would fail to give that tribute of respect that is his due — would fail to perform its office. I knew him in the early days when he came to my county as a young attorney, stopping with my own people at home, in their rude straw-thatched cottage, so to speak; and in that generous sympathy, that generous hospitality, he ever received, he was a willing listener to the stories of the early pioneer; glad to sit down and listen to the children of that day spelling out their lessons by the light of the tallow dip. He was our friend. In after years he was my warm personal friend, attached to me by ties that I cannot describe to you; there was something so lovable, so touching, in his words and voice as he spoke. It made an impress upon my mind that will linger with me to the end of my days and dwell with me wherever I go. It will be a green and verdant spot in the desert of my days. I attended his funeral. I felt like a child; I

could not go and look at his face. I felt that I dared not; that if I should look upon that pale, sweet face, calm even in death, that my feelings would be overwrought and my heart would break when they said to me he is dead. I preferred to remember him as I remembered him in life, in the full pride of his manhood, in that inspiring confidence of his that made him dear to every man. By and by I shall see him. I see him to-day in my memory, and in the visions of twilight that come to me when I think of Judge Wright as my personal friend, and that I received his decease as a personal bereavement. Yet, when I think of him I think I see his face, and it requires but the slightest stretch of my imagination to hear his voice call to me from out his mansion. Peace to his memory.

Mr. Owen Bromley said:

I was acquainted with the three members who have died. I got acquainted with General Wright about sixteen or seventeen years ago. I was well acquainted with him. I knew he was a man well thought of; he had an excellent military record, and was a man very kind to all. I got acquainted with Mr. Wilson in 1860. He was a man that was very loving in his disposition. For a number of years of course I have not been very near to him. I have been very intimately acquainted with Judge Wright for the last twenty years in the state of Iowa. I got acquainted with him first in 1860, and intimately acquainted with him since that time. He was a man full of tenderness, there was kind of tenderness in the tone of his voice. I will not mention his services rendered the state, that is well known, but I want to speak of one or two things that show the greatness of the man. When I was working at the Kirkwood house, as engineer, I was up in the kitchen one day when a waiter came out of the dining room and said, "Cook, I want to have as good a dinner as this kitchen can afford for Judge Wright." Some conversation passed and this colored man said, "If ever a gentleman sat in the dining room of the Kirkwood house it is Judge Wright." A number of years afterwards in a conversation at one time with the Judge I told him that little story and he said, "Well, Owen, I know what it is to have been before large audiences and to receive their applause, but I tell you, I appreciate that coming from a man in such humble circumstances and enjoy it more than all the applause I ever received."

About the last time I ever had anything to say to him or talk with him was one day he was getting shaved under the bank that he was president of, at the barber shop there, and Tom Blackburn, who is blind, came and asked the judge if he knew some book about the life of John Brown. The first time I saw the judge afterwards he spoke to me and asked me about it, and I said if there was any book up there at the capitol I could get it for him. I got it for him and he was so pleased to think he could do something in that way for that poor blind colored man, and when he got the book he says, "I am so pleased to think I can be that much of a comfort to poor Tom Blackburn, who is blind, and his wife is reading it to him nights."

The grand thing of his life was its kindness, the tenderness, the feeling, the kind word that he had for everybody.

Mr. Yeomans said:

I knew Judge Wright for nearly fifty years. I knew him well, and my feeling to-day is that it is no discouragement to the living to say that there

is not one of our number, no, not one of all the public men of Iowa, whose death would have created so universal a feeling of sadness and sorrow as that of Judge Wright. Who of you, gentlemen, have not enjoyed the pleasure of an interview with him in the back room of the bank? All of you I presume have, and no man ever yet entered the door that Judge Wright did not lay aside everything that was engaging his attention. There was no business so urgent that he would not lay it aside and make you feel you were at home, you were welcome and you were doing him an honor to call and see him. I enjoyed that many a time. The gentlemen have spoken of Judge Wright as being their personal friend. Who was not his personal friend? Who in all this broad state of Iowa was not the personal friend of Judge Wright, and why? Not because of his public life, not because of his career in the many positions he filled, but because in all these relations, in all these positions, he exemplified in his daily walk and his conversation that he was a grand gentleman, always and at all times. Who ever heard Judge Wright speak an unkind word of any man? Who, in all the political strifes that we have been engaged in in Iowa, in which he bore so conspicuous a part, ever heard Judge Wright in the heat of this excitement say one unkind word of an opponent? Who ever heard breathed, anywhere, one word that would intimate a doubt of the integrity or veracity or character of Judge Wright? I tell you such a reputation is worth more than all the honors the state can bestow upon any man. The last time I met Judge Wright was only a short time ago. He was then bereaved almost beyond endurance at the death of his beloved son. He talked about it, and as the tears streamed down his cheeks he said, "It seems almost as though my heart was broken." And after that he says, "Doctor, there is an overruling Providence above, and if we could see to-day as we will see it in the future, we would realize that all these things are for the best."

Mr. Isaac Brandt said:

*Mr. President:* I feel that I have hardly words to express my heartfelt sympathy in the death of George G. Wright. I have known him for many years. I have been closely associated with him in many matters of business and of life. I have known something that perhaps there has not been much said about, and that is his beautiful home life. No man was ever more blessed than he was in his family relations. With a splendid family of good size, all grand, good children, all living to an age that they took partners for themselves and became associated in other business life, and in talking once with him in relation to this matter he said, "Isaac, I feel that God has blessed me fully and thoroughly in my relations and my life with my family. I have a pleasant family, I have a pleasant home, and why should I not be happy?" A short time before his golden wedding, which he was also blessed with, I never saw a man who seemed so perfectly full of life and goodness. He said to me, "I wish I could get everything that Mother wants. God knows we have plenty, and I want to make that the pleasantest day of her life, and for my children and grandchildren." Friends, if you could have seen that splendid, intelligent face, those pleasant eyes sparkling with love and purity at that time when his heart was so full—I thought it was the grandest sight I had ever seen of any good man. I believe that no man has ever in Iowa lived a purer or better life. He has been remarkably

blessed, but it came from that purity of heart and from that intelligence which has made the successful man. I believe that from his cradle to his grave he has lived a life that is worthy of the imitation and emulation of every human being.

Major Kellogg said:

It is getting late, but I cannot let this occasion pass without saying one word about our late president. I knew him as an honest man, the noblest work of God. That he was gifted in many ways, that he was witty, humorous and sarcastic, that he was logical and mirthful we all know, but that was not the crowning virtue of that great man. It was his great heart, his love. When I think of him I am reminded that he is grandest who is best, and he is best who loves most. It was in that that Judge Wright touched every heart with whom he came in contact. I loved Judge Wright, as all did who knew him.

Captain Griffith said:

I feel that I should be very derelict in my duty were I not to rise from my seat and pay my last tribute to my dear friend, Hon. George G. Wright. I have been acquainted with him perhaps as long or longer than most of the members here. My first acquaintance was in the summer of 1840, when he came to the territory of Iowa. For a good many years we were intimately connected, he having commenced the practice of law, and I was at that time and for many years connected with the federal and territorial courts. I had the honor of a seat with him in the legislature of the Second General Assembly, with my friend Judge Casady, and for a number of years we have occupied seats upon this floor, three of us from one session of the legislature, but now Judge Casady and myself are left alone. From my connection with him during long years of more than half a century I can say from the bottom of my heart that I believe the noblest work of God passed from life when He took George G. Wright home to his rest—the noblest work of God, an honest man.

Hon. Edward Campbell said:

I trust the assembly will pardon me for a few words. Much has been said in regard to the character of two gentlemen whom I admired and whom I claimed as my friends. Your resolutions embrace another name, that of James F. Wilson. While I do not care to inflict my views or my remarks on this audience, I feel disinclined to let that resolution pass as a mere perfunctory tribute to one who deserves so much of Iowa. Mr. Wilson and I lived for thirty years in the same county, and for fifteen years on the same street. Our personal relations were always kindly though never very close. James F. Wilson was way above the average man, a fair, honest, upright man of ability, a man of force and character.

Mr. Schramm said:

I wish to say just a few words. The life of George G. Wright needs no commendation. I knew him for over thirty years, and he was ever the same genial, kind, good man. He was the true gentleman, the true nobleman, and, as I said, he needs no more of commendation.

Mr. Todhunter said:

I desire to say a word or two with reference to these three members who are included in this resolution. I became acquainted with Judge Wright in the fall of 1850, and I have been intimately acquainted with him and connected with him in business ever since that. I have tried cases with him, and I can say that I never met a more honorable, fair man in the trial of cases than Judge Wright. His character since I have known him is unimpeachable, and a better man we have not had in the state. I was not so intimate with General Wright, but knew him from the time he became an officer of the state up to his death, and have always found him a very honorable gentleman in every respect. Mr. Wilson I have known from the time he first came to Fairfield, and was with him in the constitutional convention, and I can say that there was no more honorable man than James F. Wilson in every respect, so far as I ever had anything to do with him.

T. S. Parvin said:

It might be expected on this occasion that I, at least, should say something of our late president, and I had anticipated that I would prepare myself specially for the occasion, but a renewal of the grippe came and I was only too glad to be here without any preparation. Judge Wright and I were young attorneys together. I had been in the territory three years before he came, and five years before we met. Our acquaintance continued from that time to the hour of his death. I knew him as a young attorney and I knew him as an attorney with ripeness of experience. I knew him as a judge. I knew him, I might say, in all capacities and in all positions which he filled, but it was particularly as instructor that I was most intimately associated with him. I had the honor of signing the diploma of two of his sons, one, that favored son of his, Tom, whose death cast such a shadow over his life. He never came to the university that he was not my guest and an inmate of my house. His children and mine were associates, members of the same classes. I knew him in his own house, in his home, and I may say there is no respect in which I did not know him. When I came into this hall and saw that chair shrouded with the habiliments of mourning my heart sank within me, and I felt I could not discharge the duties which had been enjoined upon me. I will be excused, sir, from saying anything further in view of the fact that if my life is spared I shall endeavor to place upon paper some, at least, of the impressions and recollections that I have formed of him during these long, long years of more than half a century.

Colonel Godfrey said:

I beg the indulgence of the association but for a moment to pay a word of tribute to your friend and to my friend, now departed. I may not hope to express myself on an occasion like this. There are times when our lips refuse to voice the sentiments of our hearts. This is one of them. Judge Wright was my friend and my adviser. I will not pass over his life, it has been portrayed here, and I endorse what has been said. I hold in my possession a letter that was written, I think, the day but one before he died, showing his heart was with you. He, as president of this association, wrote to me, as a member of the executive committee, in regard to this very meet-

ing. That letter I shall preserve as long as I preserve any papers. It showed that his mind was still, at the close of his life, engaged in thinking about you and this meeting, and meeting and talking with you here. Peace be to the ashes of Judge Wright.

Mr. Hollingsworth said:

I do not wish to delay the adjournment but a moment. I was fortunate in an acquaintance with all these men. Mr. Wilson, to me, was not simply the congressman, not the United States senator; to me he was Jim Wilson, the saddler. Our acquaintance began then, and when he died it came to me as upon the death of Judge Wright, as a matter of personal loss. It seemed as though my family had been invaded. So it seemed when Judge Wright died. It was not Judge Wright, it was George Wright, the man who was welcomed to our pioneer cabin; it was Wright, the neighbor, the friend, honest, square, upright, sincere. And so, in regard to these men who have passed away, I want the privilege of adding my tribute of respect, not for what they did for the state so much as what they were to me as friends.

The resolutions of respect were unanimously adopted and, the business of the association being at an end, the members joined in singing "Auld Lang Syne," after which the association adjourned *sine die*.

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