

Pioneer Lawmakers Association

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GEORGE M. TITUS

PIONEER LAWMAKERS ASSOCIATION

BY DAVID C. MOTT

The twenty-second biennial session of the Pioneer Lawmakers Association of Iowa met in the Portrait Gallery of the Historical, Memorial and Art Department of Iowa, Des Moines, February 18, 1931. The meeting was called to order by the president, George M. Titus. The invocation was offered by Joshua Jester, a member of the association, as follows:

Almighty God and our Heavenly Father, we feel this morning before entering into the business of this meeting, to turn our thoughts on thee, the giver of every good and precious gift. We thank thee this morning for this privilege of meeting these old friends again. While many of our comrades in earlier days have gone on, yet thou has left some of us here. We thank thee for this opportunity of meeting here, so we pray this to be made a social meeting, a meeting in which we will be brought into closer fellowship with thee, and with all it means. We thank thee for memories that can be retained, and many of us are going back again in thought to the old times gone by. Memory brings to us some precious thoughts, and some not quite so precious, but we thank thee for thy presence in all our transactions, so that at the close of this convention we may feel that we are better men and better fitted for our duties. While most of us that are here this morning are with our heads turned toward the setting sun, yet we thank thee, Father, that we can reach out beyond this to a greater life that is more precious to us. Forgive us in all our past wrongdoings, and make it to be our highest ambition to do thy will. We ask it all in the name of Jesus Christ our Lord. Amen.

Governor Dan W. Turner then made the following address of welcome:

GOVERNOR TURNER'S ADDRESS OF WELCOME

Mr. Chairman, Members of the Pioneer Lawmakers Association:

I will relieve any speculation that may be in your minds regarding the nature of my address this morning, by stating that I simply came in to give you a word of welcome. Of course, I want to congratulate you on your association and the continued fellowship that you have had together during all these years. Every good citizen will commend the purposes and principles that underlie your organization, and back you up in all that you are attempting to accomplish.

I remember my first contact with the Pioneer Lawmakers Association. It was in the Thirtieth General Assembly, when the Pioneer Lawmakers came over to the state Senate on their annual visit and as I was the

youngest member of the General Assembly at that time the president of the Senate, John Herriott, gave me the task of giving the address of welcome to the Pioneer Lawmakers on that occasion. I do not presume that any of you were present there as Pioneer Lawmakers. That was twenty-seven years ago and while some of you were then members of the General Assembly, there is probably no one here today who was at that time a member of the Pioneer Lawmakers Association. I was impressed on that occasion with the splendid quality of citizenship which characterized the Pioneer Lawmakers of that period. They were men of rugged character. I can put a better appraisal on their service now than I could then but even as a young man serving my first term in the legislature I realized that these Pioneer Lawmakers were the sort of men who had rendered substantial service to the state of Iowa. I remember that occasion for another reason as my address of welcome was my maiden speech made in the General Assembly.

Today it is a genuine pleasure to welcome you as your chief executive. You have an organization that has grown, with the years, in the esteem of the people. You also have been instrumental in making history in Iowa. It would be interesting for all of us if we could go over the history of Iowa, beginning with the date of service of the members here who served farthest back, and trace the course of history of our state and try to determine what influence the laws of the state have had in the development of our commonwealth. You know, there is a great difference of opinion in respect of the necessity of many of our laws and how much influence they have had in the commercial, social and economic development of the country; but as we come into each epoch those of us who are interested in continued development along all these lines, feel there are certain laws that must be enacted if we are to continue in the march of progress.

I came into the General Assembly when Albert B. Cummins was governor of the state. There are men present who served when William Larrabee was governor. In each of these administrations there were certain principles at stake which were thrashed out in the legislature when the forces of reform were led respectively by these two great governors. Now it may be charged that we have too many laws, yet it is undoubtedly true that in each generation where contest is engendered to protect the rights of the people that the statute books will reflect the principles that were at stake in the fight. Larrabee and Cummins and their followers stood out against corporation control of government. It seems necessary to make this fight at least once in every generation.

With your experience both in the legislature and as citizens you can and should exert wide influence in moulding thought toward the enactment of legislation in this General Assembly that will hold the government close to the people. This is a continuing effort and one that must be constantly pressed in a Republican form of government. I welcome you here today. May your happiness and contentment be increased as you meet again, in the knowledge that you have been good and faithful servants and loyal citizens of the commonwealth.

Governor Turner's address was greatly appreciated and was responded to by former Governor Carroll in the following words:

FORMER GOVERNOR CARROLL'S RESPONSE

Governor Turner, Mr. Chairman and Members of the Pioneer Lawmakers Association:

The chairman has deplored the fact that a number of members of the association who had made reservations for the noonday luncheon have not yet registered or put in an appearance. Notwithstanding this fact I am quite sure that this is the most largely attended meeting of the association that I have seen at any time during the fourteen or fifteen years that I have been attending these gatherings. This should be very gratifying to you, Mr. Chairman.

In response to the address by Governor Turner I want to say, perhaps in a rather rambling sort of manner, that I have been thinking in the last few days about just what this association might or should undertake to do along the lines of influencing legislation. While not all have been legislators most of us have been. If we should undertake to express too freely our views on matters pending before the General Assembly it would, no doubt, be resented as an act of meddlesomeness. And yet from my own experience as a member of the Senate I am led to believe that sometimes, at least, a sort of balancing influence or advisory body for the legislature might not, after all, be a bad thing. Experience is certainly worth something, and advice from men with at least twenty years of experience, the time required by our association after entering upon the duties of an office before one can become a member of our organization, might, in some measure at least, be helpful.

I have just had a talk with our good friend Dr. Boe, president of St. Olaf's College, of Northfield, Minnesota, who has come back to enjoy this occasion with us and with his former associates in both the House and the Senate. He has remarked to me that our country seems to be headed pretty definitely toward state socialism, and has referred to some of the recent acts of the Congress of the United States as evidence of that fact. I fully agree with him that in many ways we are pursuing a peculiar course for a country which is presumed to have a representative form of government. Just when this trend set in might be a subject for debate, but I am going to tell you when I think it set in, or at least when it seems to have gained its greatest impetus. It was when we began to turn our attention to such things as the initiative, the referendum and the recall. To these I am going to add one more which may precipitate some discussion, but, Mr. Chairman, I am going to depend upon you to keep these fellows quiet, at least until I have finished my statement. That to which I refer is the primary election system in vogue in this and perhaps in most other states. It sets up a condition which, in the very nature of things, requires the expenditure of large sums of money if one hopes to be successful in a campaign,

and at the same time makes such expenditure a crime, the punishment for which, to say the very least, is to render the successful candidate ineligible to the position for which he has been nominated. Only he who, before entering a campaign, has a very wide acquaintance can hope to win without expending much money, and the punishment for lavish expenditure seems to be the same whether the spending of the money is concededly legitimate or is known to have been corrupt. This is only one of the innumerable faults of the system which time will not permit me to discuss at greater length. It has been a disappointment to those who were its most sincere and honest advocates, and it has demonstrated many of the weaknesses which its opponents pointed out at the time of its adoption. It should either be entirely repealed or very radically modified, yet it is doubtful whether even those members of the legislature who fully realize and agree that this should be done would have the courage to vote for either repeal or substantial modification of the law.

Governor Turner, this association is very decidedly and definitely with you in your efforts to establish a rigid system of economy, not only in state but in local matters. You have already learned, in the few weeks that you have been in office, as I learned from six years of experience as auditor of state and four years as governor, that one of the things that tends to increase state expenditures is the fact that as soon as an individual is elected or selected to head some institution or department of state government he seems to think that it is his duty to get for his particular department or institution every dollar that he can get out of the treasury. I do not mean to lay this charge at the door of every official because not all are guilty, but I do want to say that the custom is all too prevalent. Nobody should want to cripple or hinder the progress of any institution of the state, but those in charge should realize that they are the guardians of the interests of both the people and the institutions under their control rather than the mere advocates of the cause of the institutions. Possibly much more money could be spent advantageously on most of our institutions than has ever been spent if the people could stand the burden, but there is a limit to expenditures for the state just as there is a limit to which an individual can go in the matter of expenditures for himself and his family.

It is, indeed, appalling how expenditures, both state and local, have mounted up during the last few years. Eighteen years ago our levy for state purposes was three and three-tenth mills on the dollar of valuation. Last year we paid for state purposes, including the soldier's bonus, eleven and five-tenth mills on the dollar or an increase of three hundred and fifty per cent. Pardon the reference, but I am comparing the last year of my administration as governor with the year 1930. While the per cent of increase for local purposes may not have been as great as that for state purposes, yet the amount of the state tax is so small when compared with that collected for local purposes that no

reform will really be effective which does not materially reduce local as well as state taxes.

I must not pursue this line of thought any further as I want to do a little reminiscing.

The people of the state have done me great honor in electing me to the highest office in the commonwealth, that of governor, and I want to take a few minutes of time to tell you from what walks of life, and from what fields of endeavor, and from what positions of honor our governors have come.

OUR GOVERNORS

Whether you, Governor Turner, are the twenty-fourth or the twenty-fifth governor of the state depends on whether Kirkwood who served first beginning in 1860 and again beginning in 1876, is counted once or twice.

Of the twenty-four men who have served our state as governors, all but six, viz.: Lowe, Stone, Sherman, Jackson, Drake, and Shaw had previously had legislative experience.

Those who served in the lower house were: Briggs who served in the territorial legislature, Grimes who served both in the territorial and the state legislature, Merrill who served both in New Hampshire and in Iowa, and Carpenter, Newbold, Gear, Cummins, Clarke, Harding and Kendall, and, also, Boies who served in the legislature of New York but not in Iowa.

Those who served in the Senate were: Hempstead who served in the territorial Council, Kirkwood, Larrabee, Garst, Carroll, Hammill and Turner.

Sixteen were attorneys, or at least had studied law. They were: Hempstead, Grimes, Lowe, Kirkwood, Stone, Carpenter, Sherman, Boies, Jackson, Drake, Shaw, Cummins, Clarke, Harding, Kendall and Hammill.

Four were merchants: Merrill, Gear, Garst and Turner.

Two were farmers: Newbold and Larrabee.

Briggs operated stage and mail routes.

Carroll was an editor.

Grimes and Lowe were Whigs.

Briggs, Hempstead and Boies were Democrats. The rest were Republicans.

Grimes was the youngest when he became governor and Hempstead was next to the youngest, each being but little more than thirty-seven years of age. Drake was the oldest, being past sixty-five, and Boies was the next, being past sixty-two.

Three were elected from other state offices, viz.: Sherman from the office of auditor of state, Jackson from the office of secretary of state, and Carroll from the office of auditor of state.

No one has ever been elected governor from the office of treasurer of state, from the office of attorney general or from the supreme bench.

The district bench has furnished two candidates for the office of governor. They were Lowe and Stone.

Eight of our governors, previous to their election, had some military service, viz.: Stone, Merrill, Carpenter, Newbold, Sherman, and Drake were Civil War soldiers, Turner was a Spanish-American War soldier and Hempstead served in the Black Hawk War.

Three had served as speaker of the House of the legislature: Gear, Clarke, and Kendall.

Five had served as lieutenant governor: Newbold, Garst, Clarke, Harding, and Hammill.

Kendall had served in the lower house of Congress.

Only four were born in the state: Carroll was the first native governor, Harding, Kendall, and Turner.

Briggs and Shaw came from Vermont, Hempstead and Larrabee from Connecticut, Grimes from New Hampshire, Lowe and Garst from Ohio, Kirkwood from Maryland, Stone, Gear, Sherman, Boies and Jackson from New York, Merrill from Maine, Carpenter, Newbold and Cummins from Pennsylvania, Drake from Illinois, Clarke from Illinois, and Hammill from Wisconsin.

While Newbold and Garst as lieutenant governors succeeded to the office of governor, Clarke was the first lieutenant governor to be nominated and elected to the office of governor.

Lowe after having served as governor was elected to the supreme bench of the state. Carpenter and Gear, after being governors, were elected to the lower house of Congress, and Carpenter was later elected to the lower house of the legislature, and also became railway commissioner. Grimes, Kirkwood (twice), Gear and Cummins were elected as United States Senators after having been governors. Kirkwood was secretary of the interior and Shaw secretary of the treasury of the United States after having been governors.

From the above it would appear that the most fertile field for developing governors is from the lower house of the legislature, and from the members who have had training in the law, and next to the lower house is the state Senate. Members of the legislature seem to have about a three to one chance over others to reach the office of chief executive of the state. In fact, it seems that without legislative experience a candidate is considerably handicapped unless he has a rather unusual acquaintance throughout the state.

Lowe had been a member of the First Constitutional Convention of the state, had been a candidate for delegate to Congress and was serving as a district judge when he was nominated for governor; Stone had been a district judge and was serving as a lieutenant colonel in the Civil War when he was nominated; Sherman had been discharged from the army after having been severely wounded at the battle of Shiloh, had been county judge and was clerk of the District Court when he was nominated for auditor of state from which office he was nominated for the office of governor; Jackson had served as secretary of the

Senate before he was nominated for secretary of state from which office he was nominated for governor; Drake was a brevet brigadier general of the Civil War, and was widely known as a railroad builder and in connection with Drake University, and Shaw had gained a wide and favorable acquaintance and reputation by reason of his gold standard speeches in the McKinley-Bryan campaign in 1896.

If a young man desires to become governor of our state he should study law and get himself elected to the lower house of the legislature. Eleven of the twenty-four governors of our state have traveled that road to success.

ADDRESS OF THE PRESIDENT, GEORGE M. TITUS

Gentlemen of the Association:

From my experience in attending but two meetings of this association, I learn that the president usually offers an address, discussing one particular subject. Nothing occurred to me that I felt competent to offer or that would be of special interest. My chief pleasure in attending the meetings has been derived from conversation with members when they gave reminiscences in relation to their experience as law-makers, or in some one or more of the campaigns of the past.

In my library at home I have William C. Hudson's *Random Recollections of an Old Political Reporter*. This book covers the period in which I have been a voter. I found it most profoundly interesting. It discloses many of the secrets incident to the various campaigns, commencing with the famous Tilden and Hayes campaign. While himself a Democrat, Hudson's work as a newspaper reporter brought him in touch with the innermost secrets of both political parties. In conversation with friends since I have read this book, I have related some of these incidents and they seemed to be greatly interested in hearing them.

I therefore decided that since an address was expected from the president of this association, I would take occasion to refer to a few of what might be termed the high spots, or most interesting occurrences, in a few outstanding campaigns that I have witnessed in the last half century. I thought that the recalling of some of these incidents might serve to refresh the memory of some of the members of the association, and when the period for reminiscences in our program arrives, some of these members can possibly relate more interesting incidents than any to which I may refer.

It may be evidence of advancing years, but I find it most entertaining to visit with long time residents of Iowa, when it required a most strenuous schoolhouse campaign to bring to the attention of others the campaign issues as well as the merits and virtues of the various candidates for the highest offices.

I remember how impatient I was, at the age of nineteen and twenty, for the year to arrive when I might enjoy the blessed privilege of calling myself a voter. In 1876 that privilege came to me. I often wonder,

and have serious doubts, whether the twenty-one year old youth of today attaches as much importance to the right of suffrage as we did then. No one, I believe, doubts that at the age of twenty-one practically every young man has more confidence in his own opinions than he ever does thereafter. I was no exception to that rule. Reared in a family that, in all of its ramifications, were most enthusiastically Republican, I resented the attempt upon the part of my father to tell me how I should vote. I proceeded to give much time and attention to the platforms of the Democratic and Republican parties. In my innocence I presumed in those days that a platform really meant something and was absolutely binding upon those who, as candidates, were supposed to stand thereon and were expected to do their utmost to carry out the pledges therein contained. I therefore announced firmly to my father that I proposed to consider the platforms and candidates and to cast my vote for the man for president that I decided was the better man. I also remember his look of disappointment when I told him that I had decided to vote for Samuel J. Tilden instead of Rutherford B. Hayes.

Some of you will remember that Tilden at that time occupied the position of a reformer and sustained the same relation to the Democratic party that Charles Evans Hughes later on did to the Republican party. The local committees very soon drafted me as one of the school-house campaigners. You may remember that Samuel J. Tilden did more than any other one man to break up the Boss Tweed rule in New York and the Erie Canal ring. This was the period when a demand was made that the coinage of silver should be stopped and in lieu thereof national promises to pay, called greenbacks, should be issued. The platform committee of the convention at St. Louis at which Tilden was nominated was in session thirty-six hours. Lieutenant Governor Dorsheimer of New York, the chairman of that committee, triumphed in the end and the majority report was in favor of hard money, while Governor Thomas Ewing of Ohio presented to the convention the minority report favoring the greenbacks, or soft money theory. Ewing's minority report was thunderously applauded. The convention and the galleries were with him. As he ceased speaking Dorsheimer sprang from his chair and, with his arm high uplifted, advanced to a position almost in front of the chairman with all the impressiveness his great bulk and fine presence permitted. For a long moment he stood with his uplifted arm waving to and fro until he had fixed the attention of the delegates upon himself. Then when the house was still, in stentorian tones, in dramatic contrast to the feeble voice in which he had presented the report, he launched this sentence: "I propose to make the issue between hard money and soft money right here and now." John Jacobs, who was the parliamentarian for Henry Waterson, the chairman of that convention, reached out and caught the coat tails of the speaker, crying: "Stop, Dors, stop! You will ruin everything!" Dorsheimer brushed him aside and launched into his next sentence: "The nominee of this convention can not be elected without the votes of the Democrats of the state of

New York. New York will never, never support the financial heresies embraced in the minority report. Listen to me!" cried Dorsheimer, his great voice sounding clearly above the din. Again he had stilled the convention. Then he continued his appeal, which, in fact, was a demand that the convention adopt a platform on which a candidate who could win could stand. He swept the convention from soft to hard money and, seizing his opportunity, he moved the adoption of the majority report and on that moved the previous question. Thus by the absolute force of one man, the Democratic party was prevented from offering the greenback theory to the country for endorsement, and Tilden was nominated.

One of the principal planks of that platform contained the following: "When the annals of this republic show a disgrace and censure of a vice president (meaning Colfax), a late speaker of the House of Representatives marketing his rulings as a presiding officer (meaning Blaine), three senators profiting secretly by their votes as lawmakers, the late secretary of the treasury forcing balances in public accounts (meaning Richardson of Massachusetts), a late attorney general misappropriating public funds (meaning Williams of Oregon), a secretary of the Navy enriched or enriching friends by percentages levied off the profits of contractors of his department (meaning Robeson of New Jersey), an ambassador to England censured for dishonorable speculation (meaning Schenck of Ohio), the president's private secretary barely escaping conviction on trial for guilty complicity in frauds upon the revenue, the secretary of war impeached for high crimes and misdemeanors (meaning Belknap of Iowa)—the demonstration is complete that the first step in reform must be the people's choice of honest men from another party, lest the disease of one political organization infect the body politic, and lest by making no change of men or parties we get no change of measures and no real reform."

With this plank as my text, I went forth with others in support of the Sage of Graystone, but supporting the balance of the Republican ticket. These charges were rehearsed to the humiliation of the Republicans. They could not be denied, for they were a public record. The result of that election, for many weeks, was in doubt. Both parties claimed success. A delegation waited upon Governor Tilden at Graystone. Tilden received the deputation with the celebrated lawyer, Charles O'Connor, beside him. It was suggested to Tilden that he should be made the recipient of a serenade, and, appearing on his own doorstep, briefly declare that he had been elected president of the United States; that the effort to deprive him of the office was a crime to which he would not willingly submit; that he would do all that was proper for him to do to prevent the consummation of the crime and that he expected to take his seat.

When such a proposition was presented to Tilden, he replied, "Would that not be an overt act of treason?" A hush fell on the room. Tilden, followed silently by the deputation, went out of the house,

It was urged that Grant, who was then president, should seat President Hayes. Hudson, as an energetic reporter, having the friendship of General Grant, was delegated to ascertain his attitude as commander in chief of the Army, as well as president of the United States. Hudson secured the interview and this was Grant's reply: "With the understanding that this is not to be a direct interview with the president of the United States, I will say that the Executive Department will not seat any man in the White House. It will be bound by the determination of the Congress and will execute the commands of the Congress. If the determination of the Congress is that Mr. Tilden has been chosen, this department will see that Mr. Tilden peacefully takes possession of the president's house. If the Congress determines that Hayes is the man, Mr. Hayes will be placed in possession in the same way." Congress determined on settling the matter by a commission and President Hayes was seated. While, since that campaign, I have always supported the Republican ticket, I never changed the conclusion to which I came at that youthful age, that Samuel J. Tilden was a stronger and better man for president than Rutherford B. Hayes.

Some of us remember the wonderful convention of 1880 when an attempt was made to nominate General Grant for the third term. On the first ballot of that convention, while General Grant received the largest number of votes given to a single candidate, yet he was a minority candidate and the opposition to the third term resulted in the nomination of James A. Garfield on the thirty-sixth ballot. The nomination of Garfield was a great disappointment to the New York delegation under the leadership of Roscoe Conkling. Here I quote from Mr. Hudson: "I am well aware that what I am about to relate does not comport with the accepted statements of Senator Conkling's relation to the nomination of Chester A. Arthur for vice president. All alleged history and statement to the contrary, notwithstanding, this is what occurred within my hearing, reported as faithfully as memory will permit:

"Mr. Arthur entered by the door leading from the platform. Senator Conkling was at the other end of the room, walking toward the door by which Mr. Arthur entered. Approaching each other, they met in the middle of the room not far from where I was at work.

"'I have been hunting everywhere for you, Senator,' said Mr. Arthur. 'Well, sir,' replied Conkling.

"The two men, as they faced each other, were notable figures. Conkling, tall, handsome and imperious; Arthur, quite as tall, if not taller, polished, refined, well groomed, the type of a man of the world, in his appearance, giving no indication of being the leader of the 'Johnnies' and the 'Jakes' and the 'Barneys' and the 'Mikes' of New York City.

"There was a moment of hesitation under the uncompromising attitude of the Senator. Finally Mr. Arthur said, 'The Ohio men have offered me the vice presidency.'

"The Senator's voice rang out in indignant tones: 'Well, sir, you should drop it as you would a red hot shoe from the forge.'

"There was a flash of resentment in the eyes of Arthur as he replied: 'I sought you to consult, not—.'

"Conkling broke in on him: 'What is there to consult about? This trickster of Mentor will be defeated before the country.'

"'There is something else to be said,' remarked Arthur.

"'What, sir, you think of accepting?' fairly shouted Conkling.

"Arthur hesitated a moment and said slowly, but with emphasis, 'The office of the vice president is a greater honor than I ever dreamed of attaining. A barren nomination would be a great honor. In a calmer moment you will look at this differently.'

"'If you wish for my favor and my respect you will contemptuously decline it.'

"Arthur looked Conkling straight in the eye and said: 'Senator Conkling, I shall accept the nomination and I shall carry with me the majority of the delegation.'

"The Senator looked at him for a brief moment and then in a towering rage turned and walked away, the fact being that Senator Conkling was in a violent temper over the defeat of Grant."

The nomination of vice president was given to New York with the expectation that it would serve to placate the disappointed New York delegates. From the time of the closing of the Civil War up to the campaign of 1880 the Republican party was accused of flaunting the bloody shirt. To overcome this, when the leaders of the Democratic party had decided that Tilden had lost the election in the previous campaign by his lack of courage, they sought to overcome the arguments of the Republican party by nominating a soldier. Hudson says—and I think he is correct—that there have been but few great national conventions from which so many members went home so dissatisfied and regretful. On the day the delegates turned their backs on Chicago and their faces toward home, Garfield was a beaten man in the opinion of the politicians; but General Hancock did not prove to be a strong candidate and Garfield was elected. It was Senator William H. Robertson of New York who engineered the break for Garfield. In recognition of that he was chosen for collector of customs in New York to the very great disappointment of Senator Conkling. Hudson says he was at the Republican National Committee headquarters in the 1880 campaign when James G. Blaine, with his characteristic buoyancy, entered. Without a preliminary salutation, Mr. Blaine cried out, "Sabin, you want to fold up the bloody shirt and lay it away. It's of no use to us. You want to shift the main issue to protection. Those foolish five words of the Democratic platform, 'a tariff for revenue only,' give you the chance." There was very little use of the bloody shirt in the campaign of 1880 or the campaigns following.

Hudson also says, "If there was one man in the state of New York who was cordially hated by Conkling, it was Robertson, the man who had broken his supreme power over the Republican party of New York." Yet Robertson was the man Garfield named for the important post of

collector of the port of New York. Garfield redeemed a promise made to Robertson, or to Robertson's friends, in Chicago, when Robertson had been denied the vice presidential nomination in order to placate the Conkling element. Hudson says that Robertson told him during the previous winter that he had been offered his choice of this position or one in the cabinet and he preferred the New York customs house.

Conkling and Platt, the two senators from New York, resigned their seats in the United States Senate as a protest against what they called the treachery of the President. The New York legislature was in session at the time and it was intended to appeal to that legislature for reelection and to go back to the Senate with the indorsement of New York as a rebuke to the President. The plan had been carefully prepared. The stage had been set. If Governor Cornell had used two secretaries or messengers, sending one to each house at the same moment, the success of the plan would have been complete. But he did not. He used one messenger who went to the Assembly first and delivered his message.

As the hour of eight was reached, Senator Sessions ran up the steps of the desk of the Senate and seizing the gavel, hit the desk a resounding whack, and, tossing to the clerk a paper, in rapid utterance reeled off the following:

"The President pro tem has designated me to call the Senate to order; the Senate will be in order; prayers will be dispensed with; reading of the minutes will be dispensed with; the Senator from the Twenty-fifth moves that the Senate does now adjourn; those in favor will say aye; those opposed nay; the ayes have it; the motion is carried and the Senate stands adjourned until tomorrow at ten o'clock."

As Senator Sessions ran down the steps of the desk, crying with a laughing jeer to Senator Strahan, the Conkling leader, who had been vainly calling for recognition, that he would recognize him the next morning, the messenger of the Governor entered the chamber, after having carried the executive's notification to the Assembly. But he was too late. The Senate had been adjourned. As a consequence, there could be no joint session of the legislature for the election of United States senators for one week.

Out of the shrewd trick, executed by the "slickest" man who ever sat in the state Senate, came consequences of the most momentous nature—the defeat of Conkling and his loss of leadership and disappearance from public life; the split in the dominant party of the state, with the establishment of two hostile camps more bitter against each other than against the common enemy; the arousal of passions to a degree hitherto unknown in the North; and as Hudson says, finally resulting in the assassination of President Garfield. Then followed the elevation of Arthur to the presidency from the faction that but a few months before had been rejected, with increased bitterness as a consequence. This resulted in the loss of control by the Republican party of the nation, and, finally, the election of a Democratic president for the first time in

a quarter of a century, in the person of Cleveland. All the consequence of a "slick" trick.

Would time permit, I should be pleased to refer to many of the interesting incidents prior to the campaign of 1892. That was the period when the sentiment favoring a reduction of the tariff became generally prevalent, even among the Republicans. As I remember it, that was the campaign in which the phrase "The tariff is a tax and is added to the price and the consumer must pay it" converted a lot of us Republicans and a demand was made for a revision of the tariff downward. When the famous McKinley bill was introduced, I remember reading a copy of it and discovering that there were more items on which the tariff was raised than there were those on which it was reduced. I remember saying to my then partner that if the McKinley bill as introduced represented tariff revision, I thought that the present Congress was not familiar with the sentiment of the people.

Shortly after its introduction I visited Washington and called upon Senator Allison. I remember that he inquired: "Well, Mr. Titus, how are things in Iowa?" I responded: "Senator, agriculturally speaking, we are quite fairly prosperous, but, Senator, if the McKinley bill as introduced, is passed, I doubt the result in next fall's election." The Senator then said to me: "Well, you know, Mr. Titus, the preparation and enactment of a tariff law is a matter of compromise and I am of the opinion that the bill will pass substantially as introduced." That very thing happened. At the succeeding election in 1892 the state of Iowa elected only four Republican congressmen. William McKinley, the purported author of the bill, was himself defeated for the House of Representatives. Time proved that McKinley was wiser than his critics in his own party, and that bill was largely the means of making him president in the campaign of 1896. I learned later that while this bill bore William McKinley's name as its author, Senator Allison was largely responsible for it. It is pretty generally admitted that few men ever enjoyed political power in the Congress superior to that of Senator Allison of this state. Some thirty odd years ago Senator Tillman, known as "Pitchfork" Tillman, came to Muscatine to make an address at our local Chautauqua. I was asked to meet the Senator and to conduct him to the grounds. While riding to the Chautauqua grounds, I said to him, "Senator Tillman, what do you think of our Senator Allison from this state?" He brought his hand down upon my knee with such force as to almost temporarily paralyze my limb, with this loud remark: "What do I think of Senator Allison? My God! I love that man. Do you know, Mr. Titus, Senator Allison plays upon that Senate just like a lady plays the piano. He can get anything that he wants." I learned later that he wanted the McKinley bill as it was introduced and he it was, who more than any other one, secured its passage. It is the judgment, I think, of the best politicians, that the tariff will never be a political issue in this country again. This situation has been brought about by the industrialization of the South.

At this point, I wish to relate the part that the state of Iowa played in the convention of 1920 in securing the nomination of Calvin Coolidge as vice president. In order that you may know that I am dealing with facts in this connection, I will state that the Republican National Convention of 1920 is the only one that I ever attended as a delegate. The other delegate from the Second District was Dr. George A. Smith of Clinton. I give it to you as my candid opinion that Dr. Smith, more than any other one man, helped to turn the tide to Calvin Coolidge for vice president. The convention was held, as you will remember, in the Coliseum in Chiacgo. The Iowa delegation was seated immediately in the rear of the Massachusetts delegation, the Illinois delegation just across the narrow aisle on the other side. Delegates to the convention, I found, must draw for seats. I happened to draw seat No. 1 and Dr. Smith seat No. 2 in the front row of the Iowa delegation, which placed us immediately behind the Massachusetts delegation. Of course, the Iowa delegation were enthusiastic supporters of Governor Lowden. The thousand delegates were seated in camp chairs in the Coliseum, all close together—closer than school children at school—and during the preliminary sessions before the regular balloting, naturally became very well acquainted. Dr. Smith and I used our best efforts to get well acquainted with our friends from Massachusetts, seated immediately in our front, and urging them to give us a few votes for Governor Lowden, trying to prove to them, incidentally, that it was impossible for them to nominate Governor Coolidge for president. We finally persuaded four or five of the Massachusetts delegation (as I remember it) to vote for Governor Lowden. We proposed that if they would join us in voting for Governor Lowden for president, we, in turn, would do what we could to secure the nomination of Governor Coolidge for vice president. Their response to that argument was that Governor Coolidge was too big a man for vice president and they did not expect to offer him as a candidate for that place. Ballot after ballot was had. Governor Lowden received the largest number but not sufficient to nominate him. It was finally noised about that neither General Wood nor Governor Lowden, the two principal candidates, could be nominated. Adjournment was had for a conference. We were informed that the leading politicians were in conference at one of the leading hotels and a solution would be found before morning. When we gathered in the convention hall the following morning, word was passed around that the conference committee had decided on Senator Harding for president and Senator Lenroot of Wisconsin for vice president. A rather handsome man appeared in front of the Iowa delegation, claiming to be a messenger from Governor Lowden. I did not learn his name and do not know now who it was. Being in the front row, he stood close to my seat as he addressed our delegation. He said that he came as a messenger from Governor Lowden who wished him to express his thanks to us for our loyal support and that so far as Governor Lowden was concerned we were free to cast our ballots for whomever we might choose. We were all disappointed

and despondent but I supposed that we would be expected to follow out the wishes as expressed in the conference report, and that Senator Harding and Senator Lenroot would be the nominees. Dr. Smith, in tones that expressed his disgust, made this remark: "I will be damned if I am going to vote for any man from the radical state of Wisconsin for vice president; they have been casting their votes for LaFollette." I replied: "I'll be damned if I will, either." We decided together that our two ballots at least would be cast for Calvin Coolidge. On the next ballot for president Senator Harding was nominated. Dr. Smith asked me to find out how our delegation felt on the vice president question. At his suggestion, I arose and addressed them and told them that the votes from the Second District cast by Dr. Smith and myself would be for Governor Coolidge for vice president. Several of our delegation responded, "So will I." Then I asked them what they thought about the possibility of making the Iowa delegation unanimous for Coolidge. At this point Fred Upham, the then treasurer of the Republican National Committee and a member of the Illinois delegation, sat directly opposite me across a very narrow aisle. He pulled my coat to attract my attention and asked me what I was talking about. I replied: "Our delegation, I think, will be unanimous for Governor Coolidge for vice president." Upham said, "That sounds good to me, but he hasn't been nominated." "Well," I said, "his own state won't nominate him for that place. You are a member of the Republican National Committee; you nominate him." He said, "Why don't you nominate him, you have a better voice than I have." He had heard me shouting for Lowden. Please bear in mind that all this time there was a good deal of confusion and hubbub in the convention hall. Upham and I had scarcely finished our little talk, when a gentleman from Oregon, Judge Moffett, I believe his name is, jumped upon a chair amid the confusion, and in a loud voice nominated Governor Coolidge for vice president, Lenroot having been placed in nomination. As soon as that occurred a lot of us from the Iowa delegation stood up on our chairs and some of the Illinois delegates joined with us in shouting for Coolidge continuously for several minutes. Other delegates took up the cry. The roll call on the ballot is given, as you know, alphabetically. The delegation from Oregon would, therefore, occur late in the roll call, and it was not a large delegation. A friend of mine from the Pennsylvania delegation came over to us to inquire if we would not vote for Governor Sproul for vice president. We told him that we hoped this shouting for Coolidge would result in a stampede of the convention to him. During all this time, all the delegates from Massachusetts sat silent and did not swell the enthusiasm for their favorite son for second place. We told the delegate from Pennsylvania to go back and tell his delegation that we were doing our utmost to swing the convention for Governor Coolidge and in the roll call it might be possible that Pennsylvania would be the state that would put him over. The roll call for vice president started: Alabama—Lenroot 12, Coolidge 2; Arizona—Coolidge 6; Arkansas—Coolidge 13;

Colorado passed; Connecticut—Coolidge 13; Delaware—Coolidge 1, Lenroot 5; Florida—Coolidge 8; Georgia—Coolidge 9, Lenroot 8; Idaho—Coolidge 8; Illinois—Coolidge 36, Lenroot 4; Indiana—Coolidge 16, Lenroot 11; Iowa—Coolidge 17½, Lenroot 3. That seemed to give added strength to the Coolidge support and he was nominated by 674½ votes on the first ballot, Pennsylvania giving him 76 votes, and Lenroot receiving only 146½. The plans of the conference committee were not completed as outlined. I have never had the pleasure of meeting Dr. Smith since we spent over a week together at the convention, but I believe that anyone who was a delegate from Iowa will admit that the most vociferous and continuous shouting for Coolidge came from the Iowa and Illinois delegation. A few years ago the *New York Times* published a story practically confirming what I have outlined here. I saved that clipping from the *Times* but put it away so carefully that I was unable to find it to present here today as a confirmation of my report of the convention.

Dr. Smith made the point that on every ballot the state of Wisconsin had voted solidly for LaFollette for president. We felt that if they had cast their vote on any of the later ballots for Governor Lowden, it might have assured his nomination. It was Dr. Smith's remark that inspired the inquiry of the Iowa delegation, and the response from the Iowa delegation inspired the Illinois delegates for Governor Coolidge.

In the roll call the letter "I" appeared early and the size of the Illinois and Iowa delegations, in my judgment, turned the tide for Governor Coolidge for vice president, and who later became president. The next August I happened to be in Boston and while calling on Governor Coolidge, told him what part the states of Iowa and Illinois played in his nomination.

Would time permit I would be pleased to give you a few of the most interesting incidents gathered from Owen Wister's book entitled *My Friendship with Roosevelt*. It seems that Owen Wister and Theodore Roosevelt were very warm friends. Wister had no political aspirations, and, from his intimate association with President Roosevelt, he has given us a very interesting side light on Roosevelt's private, as well as his public, life. Wister states that on one occasion while lunching with President Roosevelt and Senator Lodge in 1896, he put to them the question, "How long will the government at Washington last?" One of them, he does not remember which, replied: "About fifty years," and the other assented to the reply. If the prophecy made by those distinguished gentlemen in 1896 is correct, the life of this form of government will terminate in about fourteen years. We hope and believe that they were mistaken.

As I approach the evening of life, I frequently ask myself the question, "Whither are we tending from a governmental standpoint? Is our government becoming stronger or weaker?" Wister says he heard Roosevelt say one time, "I recognize that all the time there are numer-

ous evil forces at work. I am not so sure that I can look at the coming years with levity."

If it is possible that our form of government will not endure, the future historian, in my judgment, will say that its most rapid decline came after the quite universal use of the direct primary system. Theoretically, the primary system sounds well, but practically, in my judgment, it is a failure. I regret that I haven't the time to present here the reasons for my opinion. I can not refrain from expressing the hope that some time in this state our primary law can be amended so that it will apply only to the selecting of delegates to the county conventions, which would prevent the packing of local caucuses that was complained of under the old convention system.

As members of the Pioneer Lawmakers Association, we can not help but notice how little real difference there is in the platforms of the two leading parties in the present day. Before we assemble again, we will have passed through the campaign of 1932 which may be the most exciting of the last quarter of a century. I know that you all join with me in the hope that this great nation will endure forever and I will conclude what I have to say by quoting the last paragraph of a recent article by Mr. Will R. Woods of Indiana entitled: "Has Direct Primary Wrecked Party System?" He says: "I have dwelt upon the evils and the failure of the popular primary system at length because I regard it as the most important subject confronting the American people. Unless our system of two-party government is preserved it really matters very little what platforms our parties may adopt, for they would be meaningless; what pledges they may make, for they would be incapable of redemption; what policies they may advocate, for they would have no substance and no chance of fulfillment. In a word I believe the direct primary is destructive of representative government."

After the delivery of President Titus' address the chair appointed as a committee on the nomination of officers A. B. Funk, John E. Craig and George W. Clarke. Secretary Mott read a list of thirty-six names of members and eligible members who had died since the last meeting two years ago. Their names and addresses follow:

John Craig Beem, Waterloo; Charles W. Black, Malvern; F. N. Buckingham, Alta; George F. Coburn, Marcus; Nathan E. Coffin, Des Moines; George W. Crozier, Knoxville; O. B. Court-right, Waterloo; B. F. Cummings, Marshalltown; E. H. Cunningham, Newell; James W. Ellis, Maquoketa; John B. Elliott, Knoxville; James P. Flick, Bedford; C. N. Flugum, Leland, Winnebago County; Thomas W. Griggs, Davenport; Henry J. Griswold, Winthrop; William H. Gallup, Boone; Charles G.

Hipwell, Davenport; Fred O. Hinkson, Stuart; Thomas E. Johns, Des Moines; John L. Kamrar, Webster City; Frederick H. Krebill, Donnellson; John G. Legel, Charles City; John B. Mason, Ft. Madison; Fred M. Molsberry, Columbus Junction; Frank M. Mills, Sioux Falls; C. G. McCarthy, Nevada; William O. Mitchell, Corning; Henry E. Nicolus, Wilton; Emlin G. Penrose, Tama; Henry Ritter, Burlington; Edward P. Seeds, Manchester; Asa B. Smith, Odebolt; Robert H. Spencer, Algona; George H. Van Houten, Lenox; W. S. Withrow, Mt. Pleasant; William M. Walker, Keosauqua.

Secretary Mott also read letters from several absent members written in acknowledgment of invitations to attend this meeting. Among them were the two following, the first from Mr. Marks, who was a member of the House of the Thirteenth General Assembly, 1870, and the other from Wesley Greene, who was for some twenty years secretary of the State Horticultural Society.

Office of
MARKS, MARKS & EIK
 Attorneys at Law
 609-10 Frances Building
 SIOUX CITY, IOWA

February 10, 1931.

Hon. D. C. Mott,
 Historical Building,
 Des Moines, Iowa.

Dear Sir:

I shall be obliged to decline to be present at the annual meeting of the Pioneer Lawmakers Association. The last year has been a hard one on me. In June I lost my son and partner and was unable to get a satisfactory partner on account of my 3,000 volume library, which costs about \$800.00 a year rent, which no one in these times is liable to assume. I finally got a satisfactory partner and moved about 1,000 books into my business offices. Then in August, on the hottest day of the year, I had a heat stroke which paralyzed my right side for the time being. I lost a week from the office and have been getting better ever since. I don't write very good, and use a stenographer except for my signature. I am in good health and walk mostly without a cane, and attend to my business at the office regularly. I will be ninety years old in April.

I see that two members of the Thirteenth General Assembly are still alive by the list of membership, H. O. Pratt and G. S. Toliver. They were unable to attend the meeting two years ago. I was then the oldest member by fifteen years in attendance. I no doubt would enjoy myself

very much, but I don't meet very many old men of my day. Perhaps I will be able to attend the next meeting and have more leisure from my business, but I now find myself quite busy attending to legal affairs.

Very truly yours,

C. R. Marks.

Lakewood, Ohio, February 16, 1931.

David C. Mott,
Secretary Pioneer Lawmakers,
Historical Building, Des Moines, Iowa.

My Dear Mr. Mott:

I regret not being able to attend the meeting of the Pioneer Lawmakers on next Wednesday, and to enjoy a social hour at Cherry Place where I was habitue for a time during my twenty-one years sojourn at the Capitol.

The boys who have lived during the administrations of all the governors, from Ansel Briggs to Dan Turner, are not numerous. I hope those fortunate enough to attend the meeting will have a grand time recounting the incidents that have happened since the log cabins and sod houses were built and the prairie schooners trundled across the open spaces, to the coming of the auto, airplane, and radio. Steam transportation is too slow these days. People are "air-minded." Gas, or "hot air," and electricity are more in accord with the trend of the times. Miss Electra toasts the bread, milks the cow, churns the butter, while we listen to the radio tell us all the news of the world, as we eat our breakfast. Iowa had better hurry with her paved roads or they will be out of fashion before completed. In the seventies we thought Dexter was doing well to make a mile in 2:40, now our English cousin made over 140 miles in an hour at Daytona Beach, that is a gain of six to one in sixty years.¹

Today a boy who can make a "touchdown" with a "pigskin" is a greater hero than one who studied four years for a "sheepskin" when I was a kid. I feel sure the present legislature is able to take care of the tasks before it, and that it will look with tender compassion on the "has-beens" who laid the foundations of a great commonwealth, famed for its "hogs and hominy."

Wesley Greene.

P. S. Say "Hello!" for me, to any of the boys or girls, on the hill, who may still remember a man who wore a long beard, in years ago, and looked like a patriarch. Tell them I still eat three meals, each day, and can do a full day's work. So long until tomorrow.

W. G.

Short talks of a reminiscent nature were then made by Emory H. English, R. H. Gregory, William C. McArthur, Byron W.

¹The press reports said 240 miles an hour, which is a gain of ten to one in sixty years.—Editor.

Newberry, Lars W. Boe, A. B. Funk, George W. Clarke, Irving B. Richman, Oley Nelson, John H. Henderson, and Aaron V. Proudfoot. Former Senator Proudfoot's remarks were as follows:

Mr. Chairman, Gentlemen of the Pioneer Lawmakers Association and Friends:

I am very glad indeed to follow my old friend and preceptor, Judge Henderson. I imagine had the chairman recalled that both of us hailed from the same county he would have scattered the program a trifle.

Judge Henderson was a member of the committee that examined me as to my qualifications for admission to the bar of this state. However, to his credit be it said, and both being from the same county, he took no part in the examination. Colonel Temple of Osceola, also an old legislator, was the ruling spirit in the examination, in so far as it applied to me.

This is my first attendance upon the meetings of this distinguished gathering. I think it is in fact the second session in which I was eligible to membership. So I am now being broken in as a member of your body.

The Senate of the Thirty-third General Assembly afforded my first legislative experience. I served in the Thirty-third and Thirty-fourth, then on account of an unwritten rule in our senatorial district I retired to private life and was back again the Thirty-seventh and Thirty-eighth sessions, and two or three extra sessions.

In checking over the roster of the Senate of the Thirty-third session, I think I am not mistaken when I state that eighteen or nineteen have died, only six or seven less than one half of the whole body.

This fact reminds me of Goldsmith's couplet which runs something like this:

"Remembrance comes with all her busy train,
Swells at my breast, and turns the past to pain."

But senators as well as common people must sooner or later confront the great emergency. But reminiscences apply equally, as I understand it, to the sad as well as to the pleasant affairs of life.

Now I saw something in some paper or heard that somebody was going to recite something about a deadlock in some former session of the legislature. The tightest deadlock I know anything about, and in which I participated, was the one in which we were trying to elect a United States senator, as between W. S. Kenyon and Lafe Young.

I recall very vividly that about thirty-three of us signed a solemn document, in our own handwriting agreeing that we would never waver until we had elected our man or until the session adjourned without electing anybody. And those thirty-three with one or two exceptions stood fast and firm and positive, and marched every day with steady pace over to the House chamber to ballot for United States senator, and without a choice until the very last day of the session, when be-

cause of the one or two who wavered, and because of some other break in the lines, Kenyon was elected.

I remember another experience in the Senate chamber, and Senator Adams and Senator McCulloch, whom I see in this meeting, will also recall it. And that was when some one leaning back in his chair during an executive session thought he discovered a spy in the loft of the room. The Senate you know is called upon to confirm or not to confirm certain appointees certified to it by the governor. And the whole body is sworn to secrecy not to reveal the proceedings. Some days before the *Des Moines Register* had come out the morning following an executive session, and published the proceedings practically verbatim. So on this later occasion the Senate sought to be extremely guarded to prevent another recurrence of the same thing. So this observing senator while reared back in his swivel chair thought he discovered this "spy" lying on his stomach above the glass in the ceiling of the Senate chamber seeking thus to "get" the proceedings.

Suddenly the executive session was thrown into a furor and all the police and sergeants at arms available, were called into service and sent into the loft and into every other crevice where it was thought an inquiring reporter might be found, but to no avail. Thus ended the executive session for that day, and from that time to this it has never been found out, where or by whom the "leak" in the former session occurred by which the reporter got his information. Suffice it to say every senator strenuously denied any insinuations that he had leaked to the reporter.

I see Governor Clarke here today, which reminds me that in the Senate of the Thirty-third General Assembly, I think it was, I was hit upon as the one to take charge of the prohibition forces in the Senate when the state prohibitory amendment should be messaged over from the House, which had passed it; and the good ladies of the W. C. T. U. had inveigled me to be ready on a moment's notice. And the moment the message was announced from the House, I was on my feet and moved that the document be referred to the Committee on Suppression of Intemperance, knowing as we all did, that the Committee on Constitutional Amendments, where it rightfully belonged, was spiked against it. In an instant Joe Mattes arose and introduced an amendment to refer it to the Constitutional Amendments Committee, which finally prevailed. In the melee, I was on my feet a time or two, when Lieutenant Governor Clarke took occasion to remark that he did not think any one senator should assume to be the whole thing and ruled me out of order, which was about my undoing for the remainder of the session. But I am not at this late day holding anything up against Governor Clarke on account of it.

Out of that Senate (the Thirty-third) there came one governor. In fact two because Lieutenant Governor Clarke was afterward elevated to the governorship. One secretary of state, two congressmen, one attorney general, one treasurer of state, one assistant U. S. attorney, one

insurance commissioner, one member of the State Board of Education (now being investigated by the present General Assembly) and perhaps other appointees, and a host of defeated men for one position or another in state and nation.

Another reminiscence. I think it was the Thirty-third General Assembly that created the office of state commerce counsel. Now under that law the Railroad Commission was to appoint the man and the Senate confirm. The Railroad Commission at that time consisted of Col. Dave Palmer, N. S. Ketchum and Clifford Thorne. These three men never could agree unanimously upon any single issue, and consequently could not agree upon a man for the new position.

One day as Col. Palmer and Mr. Ketchum and myself were visiting on one of the settees in the rear of the Senate Chamber they told me of their predicament in not being able to all agree upon a man. Finally I said to them I have a man that can fill that place if he will take it. They said who is he? I said Judge Henderson of Indianola. They both replied if you can get us Judge Henderson, we will look no further and a majority of the Railroad Commission will certify him up to the Senate for confirmation. Meantime I had clandestinely seen Clifford Thorne but got no encouragement from him. But I said Judge Henderson knows nothing about this. I'll have to phone him. The same day I went to the booth and phoned to Judge Henderson at his office in Indianola, and told him of this situation and said to him: "If this new position is handed to you on a platter will you take it?"

He replied, "I will have to think it over and consult my partner." Within a day or two Henderson phoned me that if the position were to come to him as I had indicated he would accept.

In due time Judge Henderson's appointment was presented to the Senate and I had the privilege of stating to the Senate who he was and what he was as to qualifications, ability, etc., and he was promptly confirmed, and except for a few months he has served continuously as the first and only commerce counsel for the state.

This is not only a reminiscence but a bit of true unwritten history, now for the first time given to the public, and Judge Henderson who is here in the room I am sure, will forgive me for reciting this experience. I might say in passing also, that Judge Henderson is the only outside man who ever licked Polk County in a square-toed, political fight. That was the time when Polk and Warren were together judicially.

Now when I began I stated that he and I were from the same county. So let me boast a little.

Warren County now has the secretary of the Senate and has had for eight or ten years. They can't do business without Walter Beam. Then we also have a member of the State Pharmacy Board, John W. Slocum. And now we have a member of the Board of Control in the person of Harold Felton who was confirmed only a few days ago. And as above recited we still have the commerce counsel, and if there is any other

job lying around here loose Warren County can furnish the material for it.

At the conclusion of the reminiscent hour at 12:30 p. m., adjournment was taken and all went in a body to the Cherry Place Tea Room and partook of lunch together. At the end of the lunch period and social hour the committee on the nomination of officers made their report, and it was adopted, and the following were declared elected as officers of the association for the coming biennium: President, B. F. Carroll; vice president, Emory H. English; secretary, David C. Mott; executive committee (in connection with the above officers), R. G. Clark, A. V. Proudfoot; vice presidents by Districts—First, John E. Craig; Second, George M. Titus; Third, R. J. Bixby; Fourth, R. T. St. John; Fifth, John T. Moffit; Sixth, W. G. Ray; Seventh, Leslie E. Francis; Eighth, George McCulloch; Ninth, R. H. Gregory; Tenth, M. K. Whelan; Eleventh, Constance R. Marks.

The members of the association then repaired to the second floor of the State House and at 2:00 P. M. they were conducted in a body to seats in the House chamber where the Forty-fourth General Assembly was in joint session awaiting them. The gavel was turned over to President Titus and the program was carried out as follows:

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

Mr. President, Members of the Pioneer Lawmakers Association:

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

I wish to briefly speak of the life of my boyhood hero, Hon. John A. Kasson. Born in Massachusetts, he acquired a well rounded out education; gave the address of welcome to Louis Kossuth at St. Louis; was

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

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

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

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

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

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

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

achievements still live and are apparent here and throughout the state.

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

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

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

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

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

However complex and difficult of solution as are the problems confronting this assembly, they are no more difficult than the problems that confronted you gentlemen in these halls when you labored here. We of the Forty-fourth General Assembly realize the value of experience. We not only welcome you as Pioneer Lawmakers this afternoon; we welcome you here at any time. We need and will appreciate your counsel. We of the Forty-fourth have a rich heritage as a result of your labors, May

we prove faithful to the trust thus imposed upon us. As for you, Pioneer Lawmakers of Iowa, may the wreaths you have won never wither, nor the star of your glory grow dim.

President Titus on behalf of the association spoke as follows:

Members of the Forty-fourth General Assembly:

On behalf of the Pioneer Lawmakers I wish to thank the Senator and member of the House who have so ably expressed your cordial welcome to us. We are pleased to be here. We appreciate your stopping the mills of legislation long enough to greet us. For the last two years I have served as the "Kingfish" of this organization. That, you know, is the new name for the presiding officer. While serving in this capacity, I have been asked a great many questions about the association. I find that it is not generally understood. Before introducing the first speaker in our part of this afternoon's program, I will take a few moments to explain the objects and purposes of the association. It was organized in 1886. We are not "incorporated." We are simply an association and have no dues. We are held together by brotherly love and mutual admiration. Requisites for membership are as follows: Twenty years after you first serve in a state office or in the General Assembly, you automatically become a member of this association. Just why that period was established I am unable to say, but I think it probably means that, figuratively speaking, during that period you are to enter into the Chamber of Reflection, where your conscience will be cleared and you will, in twenty years, ripen into the wisest period of your life. By reason of our superior legislative and public office experience, we are sometimes called the Third House, or House of Lords. That is the reason you are asked to rise while we enter the House chamber, and remain standing until we are seated. This is a delicate compliment to our superior wisdom. We meet biennially during the session of the General Assembly in order that we may be convenient to give you free counsel and advice. At this point I might say that if the Forty-fourth General Assembly has some very serious legislative problems, we will be most willing to assist you. We think it is quite generally conceded that the Pioneer Lawmakers are beyond doubt the wisest body of men in the whole state. This being true, it is not surprising that practically all the governors of Iowa are chosen from our association. The present governor, Dan W. Turner, John Hammill, Nate Kendall; I cannot remember when a governor served as such without being a member of our association. This may be a little disappointing to some of our younger men that have ambitions on that line. I am simply mentioning the condition that may be necessary if your ambitions are to be gratified.

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

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

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

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

We have with us today a gentleman from Muscatine, who served as chairman of the Democratic convention in Sioux City when Governor Boies was nominated. This gentleman was elected to the Twenty-third General Assembly from Muscatine County and was chairman of the Democratic caucus in that General Assembly that was deadlocked for six weeks, being evenly divided. He was also elected to the Twenty-fourth General Assembly. He served as United States consul general to Switzerland under President Cleveland. Recovering somewhat from all these handicaps, he drifted into the literary field and has written several books that have secured national reputation. Among them is the history of the state of California, the history of Rhode Island, and in a few weeks the history of the state of Iowa, written by him, will appear.

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

ADDRESS BY IRVING B. RICHMAN

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

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

"Thursday, October 31, 1889.

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

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

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

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

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

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

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

THE BOYS!"

My topic, gentlemen, is:

"Pioneer Iowa Lawmakers Who Were Democrats"

I

"Fifty Equals Fifty"

Only once in the political history of Iowa since 1855, when Augustus Caesar Dodge as United States senator was superseded in office by

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

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

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

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

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

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

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

But to recur to the Iowa House of Representatives in the (for Iowa Democrats) *annus mirabilis* of 1890. The first important business was the election of a clerk and a speaker. The Democratic candidate for clerk was none other than the broad minded and scholarly Frederick W. Lehman of Des Moines, later solicitor general of the United States.

At this period, too, Albert B. Cummins of Des Moines had political aspirations, and it was common remark that if the Republicans of Iowa

did not soon awaken to this interesting fact, Cummins, infected as he already was, by anti-Republican virus, might have to be reckoned with as a Democrat. The Republican awakening, be it said, took place and what followed for Mr. Cummins, in the way of brilliant political service, is too well known to require mention.

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

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

II

Democrats of the Iowa House of 1890

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

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

Resolution to End Deadlock

February 18, 1890

"Whereas, it has been demonstrated beyond all cavil by five consecutive weeks of daily balloting that upon the question of organization this

house is a tie, and that neither side thereof will voluntarily yield the permanent speakership to the other, and

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

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

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

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

III

Liquor Control in Iowa

1889-1931

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

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

Today, in a word, conditions in Iowa in respect to the consumption of liquor are surprisingly as they were in 1889. Addressing the Iowa Democratic State Convention of 1889, your speaker said: "We of the Democratic party heartily concur in the dominant sentiment in favor of temperance. We oppose prohibition because we have seen that as a temperance measure it is a consummate failure." And, in 1889, looking back into the time then called pioneer—the time of the 1850's—there were to be met with appraisals of prohibition (for even in the 1850's prohibition was the law in Iowa) such as this from the *Muscatine*

Journal: "Now (1856) that the Supreme Court of Iowa has pronounced our prohibitory liquor law constitutional, why is it not enforced? Is it to remain a dead letter upon our statute books? Is the great cause of temperance thus to be scandalized and brought to open shame?"

The aim of prohibition, be it at no time forgotten, is not temperance but total abstinence—an aim never in all likelihood susceptible of attainment by man. Unsuccessful nevertheless as prohibition in Iowa and elsewhere was in the 1850's and again in the 1880's, and little successful as it is in the same quarters today, there is perhaps this to be said for it. By the agitation (agitation, be it noted, not coercion) brought with it, it may have advanced temperance in lands like Great Britain—the latter a land in certain of its classes of a sodden inebriety which now shows signs of abatement.

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

IV

The Pioneer and the Domination of Private Wealth

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

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

natural resources; the enactment, in favor of high prices, of absurdly high tariffs on manufactured goods, these are some of the things, actual and political, which are now being combated by lawmakers still to be called pioneer.

V

The Middle West a Holding
Concern for the Nation

Having pointed out that yet today in America it is the pioneer—the pioneer lawmaker—who of all lawmakers seeks most ardently the common weal, let us not fail to take account of the fact that the states already named as yet pioneer are states of the Middle West. In all our history as a nation, since the rise of the Middle West as a distinct factor, this section has operated politically as, so to say, a national holding concern. It was so in the 1840's when Iowa was admitted to the Union; when the great issue was not prohibition but (*absit omen!*) slavery. It was so in the 1870's when, groaning under tyranny by the railroads, Illinois and Iowa passed their memorable Granger laws. May it not be that a holding concern—a concern moderating between extremes—will the Middle West be in the days for America to come? In the matter of exorbitant tariffs the Middle West (even Iowa) will not forever support the East. In the matter of liquor control, the Middle West (even Iowa) may break with the fanaticism of the South.

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

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

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

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

The distinguished gentleman who has just spoken described a deadlock that lasted five weeks. I attended such a deadlock myself. Twenty years ago the death of Senator Dolliver imposed upon the legislature the duty of electing a United States senator. From the opening day of the

session to the last day the struggle continued. Every day we marched over here, the honorable Representatives standing in deference to us. At the fifty-ninth minute of the eleventh hour of that last day we elected to the Senate of the United States that distinguished citizen of Iowa, William S. Kenyon.

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

I may be violating all rules of decorum at a meeting of this kind, but I shall speak briefly upon two public questions of great moment to the people and taxpayers of Iowa. I shall offer you a lot of valuable advice wholly without charge.

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

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

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

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

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

Much litigation has developed over the question of valuation of utility assets and the Supreme Court of the United States has adopted a rule that apparently recognizes replacement cost as an element in fixing

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

"The commission shall fix a rate that shall bring to the utility furnishing the service a fair and reasonable return upon its investment, giving due consideration to the original cost of all elements and things used and useful in furnishing such service, repairs thereon, depreciation thereof, the then value of such elements and things so used and useful in their condition at the time such rate is fixed, the then replacement cost of such elements and things as under then existing conditions and efficient practice would be used and useful in rendering such service, the just and necessary expense of giving such service, the value of such service so rendered and all other facts and matters required in determining what is in fact such fair and reasonable rate and return, and the finding of the commission shall be presumptively fair and reasonable and the party attacking same shall have the burden of proving that the rate so fixed is not fair and reasonable."

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

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

You have before you a number of bills the purpose of which is to reduce taxes. Upon those bills I offer no opinion but I do say to you most emphatically that there is just one way to reduce taxes—and *that is to reduce expenses*.

Governor Carroll very wisely remarked in his address to us this morning that in his observation almost every man appointed to head any

department or project immediately made every effort within his power to secure an increased appropriation. I think I know the reason for this—it is *egotism*—he feels that he is a bigger man if he has more people under him.

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

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

This session of the Association is considered one of the most interesting held for many years. The plan of putting it into one day instead of two was thought to be an improvement. Fifty-two were registered, the largest number registered, as shown by the registration book since the meeting of 1894, when sixty were registered. Those who were in attendance, besides those already mentioned in the above proceedings, were Harold C. Lounsberry, C. B. Hutchins, R. J. Bixby, W. T. Daniels, William G. Kerr, Henry H. Reitz, R. J. Martin, Jay I. Nichols, R. W. Hinkhouse, M. K. Whelan, Arthur Pickford, R. G. Clark, O. K. Maben, John Lister, S. M. Corrie, Ora Williams, W. G. Ray, R. M. Peet, Thomas A. Cheshire, Thomas Geneva, W. J. Dixon, G. W. Van Camp, H. B. Haselton, W. W. Goodykoontz, M. L. Burt, Henry L. Adams, La Monte Cowles, Perry Engle, W. O. Payne, L. L. Bybee, W. I. Beans, J. H. Kelley, Ralph Sherman.

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