

# *Iowa People and Events . . .*

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## State Fair Equestriennes

As a sequence to the Centennial state fair celebration of 1954 held last September, attended by the largest concourse of people that ever assembled at an Iowa fair, comes remark that the chief attraction of the initial fair held at Fairfield, Iowa, one hundred years previous was not duplicated. That was the Show of the Equestriennes, a group of attractive young ladies on horseback as competitors in display of their horsemanship.

At the first Iowa state fair a prize of a handsome ladies gold watch was offered by Colonel Claggatt of Keokuk county, the fair president, for the best exhibition of horseback riding by a young lady. There were ten contestants and the event proved one of the attractive features of the program on the second day of the fair, and by request was repeated the morning of the third day, according to the late C. J. Fulton, of Oskaloosa, who later wrote of the event.

It was in the second contest that the excitement of the crowd was generated, as related by Fulton. This was occasioned by one of the horses trying to run away and the superb mastery by the little lady riding him. There were no "stunts," daring or otherwise, for it was not a circus and professional riders were not in competition. The contestants were arrayed in the long and sweeping riding habits of the period, with hats, feathers and ribbons to match, as the contemporary reports described them, and could not have indulged in "bareback riding," or in riding astride without at least partially disrobing. Divided skirts were not then in vogue and the riders were modestly seated on sidesaddles as they were accustomed to ride.

The awarding committee gave the prize to a Miss Turner of Lee county. There was a rumor and even

belief that in fact she was a relative of Colonel Claggatt. In the display of riding, the crowd had greatly applauded the riding of a Miss Hodges, of Johnson county, the miss of thirteen or fourteen who had so successfully handled the plunging mount. The newspaper accounts said her riding skill was the sensation of the fair.

As soon as the committee award was announced, the indignation of the crowd was shown, and a hat was passed around yielding two or three hundred dollars to present to Miss Hodges. It was also arranged that she should enjoy free tuition for three years at the seminary in Fairfield and a scholarship at the Mount Pleasant Academy. Miss Hodges accepted and attended the colleges.

At the time the event created a great sensation and not a little criticism resulted. The query is suggested—what became of Miss Turner and Miss Hodges?

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### Partizan Zeal Jeopardized Nation

In face of the frenzied counter-claims of rival political zealots in a close national election in 1876, the small group of cool heads of both political parties in congress, that obtained the electoral commission compromise action, made sure the honorable seating of President Hayes by a small, but legal margin in the electoral college. However, this was at the sacrifice of candidates having similar controlling edge in local contests in a few Southern states.

Following the national election of 1876, the political pot continued to boil all over the nation. Would the result be for Hayes or for Tilden? Who would become president? An article in this issue written by Ora Williams, most of his life an Iowa man, now residing in Atlanta, Georgia, narrates the details of the course pursued by those who desired to preserve the integrity of our elective system, and the measures taken to accomplish this.

The situation seemed mystifying and difficult of

solution for, as related by Mr. Williams, conflicting returns had come to Washington from at least three states—Florida, South Carolina and Louisiana, and involved claims of rival candidates for electors. Southerners naturally wished control at Washington, but cared not too much for Tilden—he was a Northerner. But, the Republicans in the states named were claiming seats for gubernatorial candidates, with some showing of accuracy. That was far too much to be tolerated by the Southerners, not wishing to lose control of their state governments.

As a newspaper man in Des Moines, Mr. Williams later became well acquainted with Samuel B. Packard, who had become a leading cattle raiser in Marshall county in this state, and served a long time on the state fair board. He had been sent by the Federal government at Washington to Louisiana and in 1876 was a candidate for governor opposing the incumbent, and seemed to have carried that state, but his seating was being hotly contested. He told Williams some of the inside movements of that period, including how President Grant eventually appointed him as consul to Mexico City instead of supporting his claim for the governorship in Louisiana.

An interesting sequence was the quieting of Iowa Republican criticism of the electoral commission bill that authorized investigation of the rival claims, and how Allison calmed it with a letter to an Iowa editor at Oskaloosa, as he and other Iowans in congress had voted for the bill. The recital is deeply interesting, telling of Hayes receiving his rightful electoral vote and the Southern states retaining control of their state governments, patronage and other favors.

The Williams article throws much light on this action, which had the characteristics of shrewd compromise obtained by cool heads in both parties, whose timely action doubtless saved the nation from another clash at arms. When Hayes became president the Northern Democrats were unconsolable, but the controversy soon became only a memory in the South.

## Des Moines a City by Estoppel

In the late 80's the City of Des Moines, then a city two miles wide and five miles long, with its western boundary on the section line at West Twenty-eighth street, and the northern boundary also on a section line at University avenue, contrary to tradition, went Democratic.

Soon thereafter, as related by one of the speakers of the Des Moines Pioneer club, the Iowa legislature, traditionally Republican, met and passed the Act of 1890, enlarging the city limits of Des Moines two miles in each direction, making it a city six miles wide and nine miles long, a city of fifty-four square miles, instead of the previous ten square miles. The enlarged territory included several minor bordering municipalities, such as North Des Moines, University Place, Se-vastapol, and several others. The act provided for the holding of a city election for the enlarged territory, which was held promptly, and new officers were elected for the enlarged city, all of whom were Republicans. The Democrats in office gave way to the Republicans reluctantly, but without any formal protest or objections.

The new city administration proceeded to make improvements in the extended territory, establishing and paving streets and constructing sewers, and assessed the costs to abutting properties, issuing bonds in large amounts to pay for improvements not readily assessable and for other city expenses. No one raised any objections at the time.

One or more subsequent city elections were held in which Republican successors of city officers were elected. One of the streets paved beyond the old city limits was East Grand avenue. Some of the abutting property assessed for the improvement belonged to Chicago interests. They failed to pay the assessment and when the city was about to sell the property at tax sale in the middle 90's the owners brought suit to enjoin the sale, urging as grounds for such relief the

claim that the act of the legislature creating the enlarged City of Des Moines was unconstitutional and invalid and the assessment invalid because the act was in violation of the provisions of the constitution of Iowa, which forbids special acts in such cases and required all such acts to be general in character and applicable generally. The Des Moines act was so framed that it could not by any possibility apply to any other locality or city in the state of Iowa.

The court upheld the contention of the property owners that the act as passed violated the constitution of Iowa, but that the people of Des Moines, including property owners and the plaintiffs, by remaining silent, making no objections, and allowing the city to go ahead making improvements, issuing bonds, incurring obligations and doing other municipal acts, were estopped from raising the question of constitutionality or the validity of the acts of the new city government. This conclusion was sustained by the supreme court of Iowa and the City of Des Moines thereby became a valid municipal organization by virtue of the doctrine of estoppel.

Walter McHenry had been elected city solicitor in the election of the Democratic city officials, which it is stated, prompted the legislature to create the enlarged city, that the legislature anticipated would remain safely Republican, and which has very largely met the legislative expectations. Walter was very chagrined to learn that if he had been alert and had raised the question of legality of the act at once he and his colleagues could have continued in office, possibly indefinitely.

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### Apprehensive District Judges

Apropos the article in the July ANNALS by Frank DiLeva, relating to the details of the attempt of irate farmers to hang Judge Charles C. Bradley at LeMars in 1932, it may be observed that other district judges presiding over Iowa courts where foreclosures of

mortgages upon farm lands were being heard, were very apprehensive, fearing similar interruption of court proceedings. One such in Hamilton county also is worth recording.

It was the custom of Judge O. J. Henderson of the Eleventh judicial district to occasionally open court on Saturdays at his home town of Webster City for the purpose of hearing motions of attorneys upon cases on the docket, but transacting no other business. One Saturday morning Judge Henderson was hearing some motions of a few attorneys in court, shortly after the Bradley attack by intruders, in which a foreclosure action was stopped by the judge being dragged from his bench, escorted to a neighboring tree and strung up with a rope about his neck, fortunately to be cut down before losing consciousness.

Suddenly the door to the court room was thrown open and in walked a stalwart middle-aged farmer, with his hat on, a red bandana handkerchief tied about his neck and a rope thrown over his shoulder. Behind him were some thirty or forty other men similarly attired, and they filed into the seats of the court room reserved for visitors, saying nothing, but intently watching the proceedings of the court.

Naturally, Judge Henderson thought of the Bradley experience a few weeks previous up at LeMars; but no foreclosure proceedings were pending that day or being heard in his court. Some of the men in the group of visitors were acquaintances of his, prominent farmers and substantial citizens of the county, but no move was made by them or the others in the group to communicate with the court or interfere with the course of the hearings, the court reporter continuing to record the proceedings and the clerk making the usual notations. As attorneys finished their motions upon related cases and retired, Judge Henderson's apprehension naturally mounted. Some of the attorneys leaving the room had stopped to speak a word with those of the silent spectators whose attitude appeared menacing. Apparently the character of the court ses-

sion was not understood, but they were assured that no foreclosure cases were up for hearing at the time.

Presently, before the judge was at ease, the visitors silently arose and marched out of the court room, just as they had come in, and disappeared, much to the relief of the judge and other court officials. No other similar demonstration was ever made in that court.

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### 20-Year Limit on Iowa Farm Leases

The recent query by the *ANNALS* as to the Iowa constitutional limitation of twenty years on farm leases, and the intent of the delegates in the constitutional convention of 1857 in adopting same, has been discussed at length and information regarding same supplied.

The *Iowa Law Review*<sup>1</sup> is sufficient authority both as to the history of the early opposition to long-term landlordism as well as the controlling motives in prohibition of same in Iowa through constitutional pronouncement. After many pages reciting details of the "anti-rent eruptions" occurring in New York, the "outbreaks stemming principally from the leases of the extensive Van Rensselaer Manor that encompassed all of Albany and Van Rensselaer counties and sections of Columbus county, with approximately 100,000 farmers," the *Review* writer gave Alexander Hamilton credit for preparing the leases.

It seems, that in 1839, organized resistance to the collection of the rents emerged, and upon the appearance of a rent agent or a sheriff in anti-rent territory the riots ensued that resulted in the adoption of the clause in the New York constitution.

No similar situation was present in Iowa, but the action of the constitutional convention was of a preventative character. The *Review* points out that "the factors which produced the anti-rent turmoil [at that early day] in New York have not appeared in Iowa," and concludes, "it is improbable that those factors

<sup>1</sup>*Iowa Law Review*, Vol. 39, No. 3, Spring 1954.

could evolve in Iowa today," and further, "in considering the need for constitutional control of fee farm rent-charges, one of the more noteworthy facts is that forty states have not seen fit to enact any such provisions." In final disposition of the very informative discussion of the subject, the *Review* says:

"One would not be justified in criticizing the enactment of Article I, Section 24, of the Constitution of the State of Iowa. At the time it was a well-intended move to protect the people of Iowa from the uncertain dangers of anti-rent strife. But today it is no longer needed. The reasons for its original passage have evaporated.

"While the provision has not provoked any reported litigation, a constitution should not be cluttered with surplusage or obsolete items. Even though the drafters of Iowa's constitution intended a good result, we should not fall into the fallacy of considering it too sacred for revision. New York revised its Constitution in 1821, 1846, 1894, and 1938. Though doubtlessly in other areas the need for constitutional revision is more pressing, should Iowa ever revise its constitution again, it should examine the merit of Article I, Section 24. It is suggested that it might as well be deleted."

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### The Sacred Fire of Liberty

The preservation of the sacred fire of liberty and the destiny of the republican form of government are justly considered as deeply, perhaps as finally, staked in the experiment entrusted to the hands of the American people.—From First Inaugural Address of GEORGE WASHINGTON, April 30, 1789.

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