

## A HISTORIC REUNION.

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On the 19th of January, 1882, the surviving members of the Iowa Constitutional Convention of 1857 held a reunion at Des Moines. The address of welcome was made by the illustrious and lamented Judge George G. Wright; the response by Hon. Francis Springer, President of the Constitutional Convention, who also presided at this meeting. These addresses we present in full, that of Judge Francis Springer as revised by himself for THE ANNALS.

### JUDGE WRIGHT'S ADDRESS OF WELCOME.

A quarter of a century having passed since we were given our fundamental law, upon the suggestion of several members of that convention—largely, however, it is believed at the instance of its distinguished presiding officer, whom we also gladly recognize as the chairman of this meeting—I say, upon the suggestion of Judge Springer and others this meeting was called, that the survivors might renew old friendships, recount old scenes, talk of Iowa past and present, and somewhat of that future of which, in anticipation, they and we are no less proud than of its marvellous history and development under the Constitution which these good men framed. (Applause.) They met, thirty-six of them, January 19, 1857. The oldest of their number was Squire Ayres, of Van Buren, aged 56, now deceased, and not many years younger, 53, was that man of honest convictions and untiring industry, his colleague—Timothy Day—the youngest, Sheldon G. Winchester, of Hardin (aged 26 years) both of whom (Day and Winchester) have been spared the State, and are able to meet with many of their old colleagues and friends on this occasion of so much interest to all. The ages of the thirty-six averaged about 40 years, and hence all, if now living, would average 65. William A. Warren, of Jackson, had the honor of being the longest resident in Iowa (23 years,) while George W. Ells, of Scott, and A. H. Marvin, of Jones, had been residents but two, the residence of all averaging about ten years. The convention was composed of ten merchants or tradesmen—twelve farmers (in which class I find its presiding offi-



*Sincerely yours,  
Francis Springer.*

HON. FRANCIS SPRINGER.

A pioneer of 1838. Member of the Council in the Third, Fourth, Fifth and Sixth Legislative Assemblies of the Territory of Iowa; member of the Senate in the First and Second General Assemblies of the State; President of the Constitutional Convention of 1857; Judge of the First Judicial District, 1859-1869; now in the eighty-sixth year of his age.

cer,) who, though a practical agriculturist, was, as we know, an able lawyer and one of the best *nisi prius* judges the State ever had. The remaining fourteen members were from that profession, the law, so seldom found in official positions, but when so found, if true to themselves and the teaching of its grand principles, are ever safe and active custodians at least of legislative power. (Applause.)

Ten members of the Convention were from what we style the Southern States—from New England, six, while the remaining twenty were from that great belt of Middle States starting from New York and stopping with Indiana—Ohio in this instance, modestly sharing the honors of New York, each of those States furnishing seven. It may be noted as a little remarkable that no citizen of foreign birth was of their number, a fact which can be said, perhaps of no other legislative body in this State, whether before or since.

Politically, the convention was divided into fifteen Democrats and twenty-one Republicans, on the side of the majority those most prominent in debate were the three Clarks (W. P., John T. and R. L. B.), while James F. Wilson, as also John Edwards and J. A. Parvin were not by any means silent voters. Of the minority, that man of generous heart, among the leaders of the bar in early days—J. C. Hall—took a most active part, often seconded most ably in the debates by one whose presence graces the platform today, as it does everyone wherever he may be, Judge Edward Johnstone, as also by George Gillaspay, and by my ever ready friend, Judge Amos Harris, now of Kansas and others, not omitting the young Virginian, D. H. Solomon, and D. W. Price, a few years older, of Kentucky stock, who, as I think, exhibited their good sense by remaining in Iowa. Of the thirty-six, twenty-eight are said to be still living, those departed being Squire Ayres of Van Buren, J. C. Hall of Des Moines, George Gillaspay of Wapello, James A. Young of Mahaska, H. D. Gibson of Marion, Robert Gower of Cedar, J. G. Emerson of Dubuque, and Alpheus Scott of Clayton. And, even as I speak, it is found that one more, that man of strong vigorous common sense, who often conducted well the affairs of State,



Moses Robinson, is passing to his long home. Many members of this Convention had filled before, as they did afterwards, the most important places in the State and Nation. From the list we selected the presiding officers of our assemblies, the Judges of our District and Supreme Courts, as also our district attorneys, our legislators, those filling important executive positions at Washington, members of Congress, and one of them (James F. Wilson) as you know, has recently been promoted to Senatorial honors, (applause) and all of them were among the most active and useful men of the State. (Applause.)

Having said this much of these men personally, now, what of their work? Did they do it well? I answer, yes, just as Iowa men should and can. I will not flatter them so much as to say that they are the only men of the State who could have made so good a constitution, for my confidence in the good sense and intelligence of our people is such that I think that other thirty-six might have been found equal to the same great work. But these were the chosen ones, and they were wisely chosen, as is abundantly demonstrated by the wisdom of the charter which passed from their hands after a short session of less than forty days. And that the work was well and wisely done, witness the fact that, notwithstanding the growth of the State—the plots and counterplots of parties—the ambitions of men—the great changes made in our internal trade and mode of transportation—the opening up of an empire almost on our western border which as you have seen a quarter of a century since was almost unsettled—the growth of our school system, the increase of our population and the consequent increase in the business of our courts, the constant tendency of those new to political life to think that they could improve on the old, and the spirit of unrest which ever besets people in a new country; I say, notwithstanding these and many other things naturally suggesting and pressing changes, modifications or revisions, this fundamental law stands today, gentlemen of the Convention, substantially as it passed from your considerate hands on the 5th of March, 1857. (Applause.) It is true, a few changes

have been made. But these have resulted from that National upheaval—that baptism of blood which old lines have rendered necessary, whereby the Nation was brought into more perfect harmony with the civilization and humanity of the age. And hence the people have so modified your work as to say that all men, “without regard to race, color, or previous condition of servitude,” may vote, form part of the militia of our State, and occupy seats in our Assemblies. How long before they will say, all persons without regard to sex shall have like privileges, depends, of course, largely upon those who represent them in the present and future Assemblies of the State. (Applause.)

But the excellence of your work is further tested by the prosperity of the State—the harmonious workings of our institutions—the general wisdom of our laws, and the uniformity with which your work has been copied into new state constitutions and the revised ones of the older commonwealths.

For the part taken, Mr. President, by you and those who were of your number in assisting in this great work, in behalf of those present and the people of the State whose chosen representatives are now before you, I give you thanks. (Applause.)

The memories of the departed we will revere and ask that they be treasured as part of the precious trust of the State. For the absent we have only wishes for their continued prosperity, life and happiness, and express the hope that they may long be preserved to their friends, State and country. To you each and all, we tender a hearty welcome to this Capital City, with the assurance that whatever its citizens or those of the State now here can do to make your meeting and sojourn pleasant and agreeable will be tendered with a pleasure only equalled by our remembrance of your work as individuals and as a body.

No one of your number has ever brought reproach to the good name of the State, nor betrayed any of the high trusts reposed in him from time to time by our people. (Applause.) I say, therefore, you are worthy children—worthy represen-

tatives of such a State—a State demanding and receiving the love and affection of all its citizens (applause), and hence we thank you and tender to you the hospitality of our homes and the homage of our grateful hearts. (Applause.)

THE ADDRESS OF HON. FRANCIS SPRINGER.

LADIES AND GENTLEMEN: When I look around upon the scene before us—this elegant scenery, these badges, this orchestra of fine musicians, these charming songs, the address of our gifted friend, these dignitaries of state, this assemblage of “fair women and brave men”—I imagine and can almost realize that an order of the “Legion of Honor” has been founded by this city, and that the performances here today are but the ceremonies practiced on the induction of new members into the order.

But whether so or not, I beg to say for myself and my colleagues that we are deeply touched by the attentions and honors that are showered upon us by our friends of this noble city—a city, as has been well said, which does nothing by halves. These honors and attentions are so far above and beyond what we had any reason to think of or expect, that I find myself at a loss for words to fittingly express our appreciation of them. I will therefore only try to say in passing that our friends not only have our thanks, but we beg to assure them that we shall carry away with us to our respective homes an enduring sense of these poorly merited but nevertheless welcome expressions of their kindness and regard. [Here the speaker requested the secretary, Dr. Saunders, to call the roll of the Convention which was done, and he then said:]

GENTLEMEN OF THE CONSTITUTIONAL CONVENTION OF 1857: On this twenty-fifth anniversary of our Convention, and after a long separation, we meet again, but “we are not all here.” We numbered thirty-six in convention. Our ranks are thinned. We have silent responses to our roll call. We observe with feelings of disappointment and regret the places made vacant by the absence of members who are still living. There are eight of them. They are the senior member from



Lee, Mr. Patterson; the junior member from Des Moines, Mr. Robinson; the member from Jones, Mr. Marvin; Clarke of Johnson; Clarke of Allamakee; the member from Keokuk, Mr. Hollingsworth; the member from Delaware, Mr. Peters and the gallant Col. John Edwards of Lucas. We regret that all but two of them are kept away by illness and physical infirmity. We observe with other and deeper emotions the places made vacant by the absence of those members whom we did not expect to meet with us here today—of these there are eight in number. The member from Cedar, Mr. Gower; the member from Mahaska, Mr. Young; the member from Marion, Mr. Gibson; the member from Wapello, Mr. Gillaspay; the senior member from Van Buren, Mr. Ayres; the member from Dubuque, Mr. Emerson; the member from Clayton, Mr. Scott; and the senior member from Des Moines, Judge Hall, have in recent years gone from among us to that bourne whence no traveler returns—gone perhaps to become members of that great convention for which all of us may be said to be candidates. These members were all worthy men. Though no more with us here on earth, they live in the hearts and memories they have left behind them. They will continue to live in the example and influence of the good deeds done by them in their time. I differ from the sentiment of Mark Antony. I hold that the good that men do lives after them. The verdict of history with respect to these our departed brethren shall be—and who of us may desire a better—“They did the State some service.” I would like, if time and information permitted, to make special mention of each. I was more particularly acquainted with Colonel George Gillaspay and Judge J. C. Hall, having known them from the time they came to Iowa. They were both prominent members of the convention. Both were distinguished by their fine personal appearance and manly traits of character. Both were examples of self made men. Both had held official positions acceptably. Colonel Gillaspay as the nominee of his party would have been governor of the State if our Democratic friends had had votes enough to elect him. Judge Hall had been a member of the first Constitu-

tional Convention held in Iowa and was the only member of our Convention that had been a member of either of the previous Conventions, and had held with credit a seat on our Supreme bench. He was an able man among able men. He was endowed by nature with a large heart and a larger brain. As an advocate, lawyer and jurist his place was in the front rank of the Iowa bar. Though not possessed, perhaps, of the culture and scholarly attainments of some of his contemporaries, yet for strength and depth of mind, for logical force and power of argumentation he was entitled to rank with the foremost men in the State. I am glad of an opportunity to offer this humble tribute to his memory.

But twenty-five years are an important portion of the average duration of human life. When we consider the average of the ages of members of our Convention—(it was forty) we have reason to be thankful that so many of us still live—and it is a satisfaction to find that some of our members, the “young America” of our Convention, are yet in the prime of life, in the full vigor of their faculties, still stepping upward and forward in the service of the State and of the country.

While some of us may not be able to pass inspection that will entitle us to posts of danger and hard service in the ranks of the grand army of life, we yet may claim to be fit for duty in the ranks of the gray beard contingent, and as such to assist in holding the fort—holding the fort on the margin of the channel of time, and thus be able to afford some encouragement to our noble ship of state as she sails gallantly along toward the port of her destined greatness, steered in her course by the chart and the compass which bear the “trade mark” of the Constitutional Convention of 1857.

Our friend has had the kindness, in his address of welcome, to advert, in terms of commendation, to the Constitutional Convention of 1857. He has our thanks for his kind words. While we know that constitutions do not constitute a state, any more than “high raised battlement or moated gate”—that it is the men behind the constitution, high-minded men, men who their duties know and perform them, and know their rights and dare maintain them, that make the



State, it is of course a satisfaction to members to find that their efforts to serve the State are thought to have been successful and worthy of commendation. Now disclaiming any merit for myself, whom I know to have been the humblest member of the convention, I think it may be justly claimed that the Constitutional Convention of 1857 was a distinguished convention—distinguished for its membership—distinguished for the work it accomplished. The members of that convention were well fitted for the duty assigned them by their practical wisdom, and generally by their sound views of public policy; and how capable they were of presenting their views the two volumes of published debates will show. As to the character of its work we may point, I think, with some pride to “the constitution as it is.” It was the result of some seven weeks of faithful labor. In its main features it has been thrice approved by popular verdict, once in 1857, again in 1870, and again in 1880, and it promises to still longer stand the crucial test of time.

Our Convention was the third Constitutional Convention that had been held in Iowa. Ambition to become a State was quite early developed in our territorial history. Indeed the territory may be said to have been decidedly precocious on this subject. This ambition began to take practical shape as early as 1840, less than three years after its organization. Under an act of the Territorial Legislature of July 21, 1840, a vote was taken in October of that year on the question of a convention to form a constitution. The people showed their good sense by voting it down by a vote of 937 for, and 2,907 against a convention. The next vote on the subject was taken in April, 1842, under an act of February 16, 1842, with a like result—3,260 for, 5,754 against. The matter now slumbered for two years, when, under an act of February 12, 1844, the question was again submitted to the people, resulting in a vote of 6,719 for and 3,974 against a convention. Delegates were chosen at the August election, and the convention composed of seventy-five members met at Iowa City on the first Monday in October, and framed a constitution which was submitted to a vote of the people at the April

election of 1845, and rejected—rejected not because of any special objection to the constitution itself, but because of a condition attached to it by an act of Congress of March 3, 1845, (entitled “an act for the admission of the States of Iowa and Florida into the Union,”) which was not acceptable to our people. The statesmen of that day on both sides of the famous Mason and Dixon’s line, whose significance as a line of demarcation has since that time, thank God, been abolished by the shot at Fort Sumter which was “heard round the world,” seemed desirous of maintaining the doctrine of the balance of power between the free and the slave States. Texas had just been admitted, with the privilege of subdivision into four additional states. To counterbalance these four States, should they come in as slave States, a sufficient reserve of territory in the north for free States was considered important by northern statesmen. Hence, in the act of Congress referred to it was provided that the western boundary of the State of Iowa must be the meridian of seventeen and a half degrees west longitude from Washington, and that the people must say when they vote upon the constitution whether they accept the boundaries prescribed in that act, their acceptance being a condition precedent to the admission of the State. Our people rejected both the constitution and the condition. They had no idea of consenting to be despoiled of about one-third of their territory. This vote may be regarded as the turning point in our history, so far as respects the rank of our State. A different decision would have been irreversible. It would have been a source of mortifying, stinging regret to us, and to our latest posterity, who, looking back to what might have been under wiser counsels, would be excusable for invoking not many blessings on the fates, or on the men who, through error of judgment or for personal aggrandizement (if such were the fact), were instrumental in producing it. Not the least among its evil consequences, a different decision would have deprived Iowa of the valuable services of our esteemed friends from the “Slope,” and us of the pleasure of their aid and comfort here today, and worse yet, as we should all now have the more reason

to feel, it would, in all probability, have located the seat of government of the State some miles east of the longitude of this city.

So pressing and persistent were our public men of that day on this subject that, under an act of the Territorial Legislature, at an extra session, held in June, 1845, (called it is presumed for the purpose) the constitution which had been rejected at the April election, was submitted at the August election of that year to the people for their ratification or rejection, but with the proviso that the ratification of the constitution at said August election was not to be construed as an acceptance of the boundaries fixed by Congress.

But the constitution had become tainted by its association with that wholly obnoxious boundary, and it was rejected by the same patriotic exertions which had caused its defeat at the April election. The vote was 7,235 for, and 7,656 against its ratification. [Here the speaker exhibited a map of Iowa showing the line of the meridian of  $17\frac{1}{2}$  degrees west of Washington, conspicuously marked upon it, and said that it would be seen that about the area of thirty counties, or near one-third the area of the State, was west of the boundary fixed by Congress as the western boundary of the State of Iowa.]

Now for this result, for this vindication of the integrity of our territory, the people of Iowa owe a debt of gratitude to four men who were noted for their influence in the territory at that time. They were F. D. Mills and James W. Woods of Des Moines county, E. W. Eastman of Mahaska, and Theodore S. Parvin of Muscatine, now of Johnson county, and now one of the accomplished secretaries of this meeting.

These men foreseeing how injurious the ratification of the pending constitution might be to the future of Iowa, held a conference on the subject, and agreed among themselves to use their best efforts to defeat it.

The principal parties of that day arrayed against each other in the Territory as in the States, were known as Democrats and Whigs. The Democrats were in power, and held the offices; and expected to hold the offices under a



state organization. They generally favored the ratification of the constitution, notwithstanding the objectionable boundary connected with it. The Whigs, on the other hand, were opposed to it, but they were in a minority and to succeed in rejecting it, must have Democratic help. This was nobly given under the lead of the gentlemen mentioned. Acting upon the principle of country before party, or as expressed in modern phrase, "He serves his party best, who best serves his country," they arranged to stump and canvass the southern and middle judicial districts (which embraced about two-thirds of the territory) against the ratification of the constitution. This they did successfully, as the result shows. These men deserve to be honored:

Professor Parvin is a name familiar to Iowa as a household word. Himself a part of her history, that history would be deficient without a prominent mention of his services as one of her most patriotic citizens.

Governor Eastman, one of the best products of the Granite State, has given the country more than one noble example of the triumph of patriotism above party.

Woods, now of Hardin county, (I believe), and Mills were prominent members of the Burlington bar. I do not know how the former came by the soubriquet of "Old Timber," but we may be sure of one thing—that the timber in his composition was of the live oak variety, sound and unbending, like his patriotism. Mills was "brilliant as a meteor," and had a career as bright and almost as brief. On the breaking out of the Mexican war he laid aside his briefs, gave up a lucrative practice and entered the service of his country as a volunteer. In one of the battles before the City of Mexico he either got or took permission to join a troop of horse, and, impetuously charging the routed and retreating Mexican forces, away ahead of his party, up to the very gates of that city, he there "foremost fighting fell," and there fell on that bloody field no nobler spirit than thine, young gallant Mills!

The next move toward a state organization was an act by the Territorial Legislature passed in January, 1846. Under this act delegates to a convention to form a constitution for

the future State of Iowa were elected at the township elections in April. The delegates, thirty-two in number, met in convention at Iowa City on the first Monday in May, and formed a constitution which was submitted to a vote of the people at the August election, 1846, and ratified. A proclamation by Governor James Clark, of the territory, followed, and the first election under it for State officers and members of the General Assembly took place in October, 1846. And this is "the constitution as it was." It had a comparatively brief career. The people became dissatisfied with it and it was superseded by the constitution of 1857.

The constitution of 1857 is not a mere transcript or compilation, made up of constitutional law, borrowed from other constitutions. As a matter of course, it contains many provisions taken from the old constitution and common to State constitutions generally; but it has the merit and distinction of containing some important new provisions not found, it is believed, in other constitutions. I will speak of one or two as they occur to me. Section 4 of the bill of rights contains an important provision concerning the administration of justice. It relates to witnesses. The statutes of Iowa, all through our early history, and down to the winter of 1856-7, were stained by the presence of a law born of the spirit of the Dred Scott decision, and based upon its principles. This law said, in substance, this: "That no negro, mulatto, or Indian, or black person (whatever that may mean in addition to the three other classes) shall be a witness in any court or in any case against a white person." This law was repealed by the General Assembly that was in session at Iowa City during a part of the time that our convention was in session. Our convention decided to bury that law so deep that there should be no danger of its resurrection. Hence the provision in these words: "Any party to a judicial proceeding shall have the right to use as a witness, or take the testimony of, any other person not disqualified on account of interest, who may be cognizant of any fact material to the case." This provision vindicates the doctrine of the equality of men before the law, and decrees that in all the broad limits of Iowa.

there shall be no distinction of race or color with respect to the admissability of witnesses. Another new provision relates to the security of the permanent school and university funds. This provision amounts to an insurance of those funds against loss or damage, not exactly by fire, but by some agency worse than fire—by mismanagement, defalcation, or frauds of the agents or officers having charge of the funds. It is provided in Section 3 of Article 7, that all such losses shall be audited by the proper authorities and the amounts so audited shall be a permanent funded debt against the State in favor of the funds sustaining the loss bearing annual interest of not less than six per cent. This provision was suggested by some heavy losses which had been suffered by those funds, prior to that time, by the mismanagement and defalcations of its custodians. It has doubtless had a salutary effect, tending to throw around those funds a degree of sanctity which of right belongs to them, as well as being a guaranty of their integrity.

Another new constitutional provision was intended for the benefit of honorable members of the General Assembly. It was known that it sometimes happened that certain bills of doubtful expediency, if not something worse than that, became laws, for whose passage no member, except the member who introduced it, could be held directly responsible. The practice was apt to obtain in the last days of a session, when business had accumulated, and when the minds of members were apt to be engrossed with other matters. If afterwards the inquiry was made, "How did that bill pass; what members voted for it?" the answer would be, "Nobody seems to know." The journal is silent. It simply states that on such a day such a bill was read a third time and passed—read perhaps by its title. To the question, shall the bill pass, if one or two ayes were heard and no sound in the negative, it would be declared passed to the surprise afterward of members whose want of attention allowed it to become a law. In view of this practice, and to "reform it altogether," the new constitution (Section 17 of the Legislative Department) provides that no bill shall be passed unless by



the assent of a majority of all the members elected to each branch of the General Assembly, and the question upon the final passage shall be taken immediately upon its last reading, and the yeas and nays entered on the journal.

Now, there is another thing that the members of the convention of 1857 may be congratulated for having done, and that is for having put this fair city of Des Moines in the body of the constitution as the capital of the State—for having rescued the question of the location of the seat of government from the vortex of legislative contention, and for having placed it where the people could and did settle it maybe for all time.

If the stately structure on yonder hill, at once a credit to the state and a symbol of her greatness, whose dome seems ambitious of rising, like the monument of Bunker Hill, "till it meet the sun in its coming, until the earliest light of morning shall gild it and parting day linger and play upon its summit," may be supposed to have some relation to the Constitutional Convention of 1857, and especially if the exceptional growth of this beautiful city, a city which we have seen emerge from the chrysalis state of the "Raccoon Forks" to the rank of the foremost city in the State—not altogether accounted for by her natural advantages, aided by the intelligent energy of her people, may also be supposed to have some relation to that convention, then I say how greatly more than handsome, how greatly more than princely, has now been the recognition of that relation in the splendid reception, the cordial welcome and large-hearted hospitality, accorded its surviving members on this occasion by her citizens.

I will close by saying that few periods of twenty-five years have possessed greater interest or greater historic importance than that of the last quarter century. It has been an era remarkable for progress, expansion and improvement in our own country, and to some extent throughout the world. It has been remarkable for progress in the achievements of inventive genius; remarkable for progress in the useful arts and applied sciences; remarkable for progress in the comity

and solidarity of nations, and in the principles of constitutional government; remarkable for progress in freedom of thought, freedom of inquiry, and freedom of speech, as well as for progress in civilization generally.

Without going into detail I may say that here at home we have seen our own State advance in population, development, wealth, influence, and in all the elements of greatness, to the rank of the foremost member of the republic.

We have seen her achieve, by the valor of her sons, a record for patriotism, whose all luminous glory shall endure as long as love of country and brave deeds are honored among men.

We have seen our beloved country come forth from a baptism of fire and of blood, "redeemed, regenerated, and disenthralled"—slavery abolished, a race enfranchised, the dogmas of state sovereignty, nullification, and secession, gone forever, and the last doubt removed that this great republic of ours is a nation and not a league of States—a nation whose citizens, north, south, east and west, pointing to our *now* all glorious flag, may join, in heart and voice, in the rapt acclaim

"Forever float that standard sheet,"

over one country, one people, one destiny.

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The Iowa dairy product last year was \$42,000,000 in round numbers. That is about twice as much as the silver product of the entire country. If all consumed on the farms and in the homes in the way of butter and milk and other dairy preparations were considered the showing would be still better for the cows of Iowa. The cows and the hens are "a very present help in time of need."—*Iowa State Register*, Jan. 8, 1897.

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