

WILLIAM H. FLEMING  
From a photograph of about 1905.

# ANNALS OF IOWA

VOL. XV, No. 1

DES MOINES, JULY, 1925

THIRD SERIES

## THE AUTOBIOGRAPHY OF A PRIVATE SECRETARY

BY WILLIAM H. FLEMING

I was born in the city of New York on Sunday, April 14, 1833, the second child and first son of William and Margaret (Chambers) Fleming, who were born, respectively, in the counties of Waterford and Fermanagh, in the United Kingdom. My paternal grandparents came to America about the year 1815. My other grandparents were on their way to America in an American vessel when war was declared by the United States against Great Britain, June 18, 1812. The vessel they came in was overhauled by a British man-of-war, which was the fashion of Britain in those days, for the purpose of getting men for the British Navy. The captain of neither vessel knew of the war declaration. Otherwise this narrative might be differently told. The man-of-war took three or four men from the vessel. Grandfather Chambers was not taken, perhaps because he had a wife and three or four children on the vessel, neither of which was old enough to know what was going on. It might have been too that the fact that Grandfather Chambers was a Scotch-Irishman helped save him from capture, as the British commander may have thought him likely to side with the British rather than with the country he was going to. It will be understood that, while war was not known to exist by either vessel, the relations between Britain and America were not over friendly. But it so happened that Grandfather Chambers was in the American Army before the War of 1812 closed.

My paternal grandfather was a Scottish sea captain who went to Waterford, Ireland, where he wooed and won a Miss Walsh, or Welch, by whom he was the father of several children. The oldest of that number, Thomas, also became a sea captain. He

31 Dec. 1941 - Hertz Bnd. # 200

was wrecked on the island of Santa Cruz, in the West Indies. While he was saved, the only word that came from him to the family was that he would not return to see his mother until he had recovered his fortune.

William Fleming enlisted as a seaman on the frigate *Constitution*, on which vessel he spent four years. That was in the period from 1824 to 1828 when Greece got loose from Turkey. A journal of that experience is now in the possession of that Mr. Fleming's grandson, now at Spokane, Washington.

Returning to New York, Mr. Fleming devoted himself to the printing business, in which he had served an apprenticeship before his sea voyage. In 1831 he was united in marriage with Miss Margaret Chambers and they became the parents of one daughter and four sons, William H. Fleming, the eldest son, being the writer hereof.

I began to attend school when in my fourth year. The contention was advanced then that a child could hardly go to school too young, and the little one must be taught his letters at once. The kindergarten was not then known in America, if anywhere. It certainly introduces a child most felicitously into his education. I learned to read when I was about four years old, and very soon learned to read not only printed matter, but also that of the penman. It became a common thing for neighbors who got letters they were unable to decipher to bring them to my mother for me to make them out, which seemed to present little difficulty to me.

On March 7, 1840, I was entered as a pupil at Public School No. 7, in the city of New York, which school, greatly enlarged and rebuilt, is located where that one was, in Christie Street, near Hester. I had learned to read at a select school, so that my entrance into Public School No. 7 was to an advanced grade, I being then in my seventh year. The public school system of the state of New York may be said to have been then in almost its infancy. That in the city of New York was conducted by a benevolent society, of which De Witt Clinton, New York's fifth governor, was the first president. That society, largely made up of persons of the Friends denomination of Christians, succeeded in erecting fifteen or twenty public school buildings, each with a separate edifice for a primary school. The society was aided to

some extent by public funds, but it was not until perhaps a quarter of a century had passed before the Public School Society turned over the buildings it had erected to the school authorities of the city. Those public schools were operated on a modest plan. It was known as the Lancaster plan, under which a school would have three or four paid teachers, much of the work of hearing recitations being done by advanced pupils. The school I attended had not far from four hundred boy pupils. The greater part of these came under the supervision of the older pupils. The school was graded for all purposes of study. Thus there were about forty-five pupils in each of the two higher classes, known as the ninth and the select eighth. These two classes furnished monitors for about three hundred of the pupils in the lower grades. When the senior class, or the junior class, was attending recitations, the members of the other class were hearing the recitation of the lower grades of pupils. These lower grades were divided into what were called "drafts," each consisting of about nine boys. The higher classes were again rearranged into classes according to the proficiency of the individuals in their especial studies; thus there were senior and junior classes in grammar, geography, penmanship, astronomy, and algebra, and the arithmetic classes were more numerous, there being senior, junior, third, fourth, and fifth arithmetics. These classes were presided over by the regular teachers, those who were compensated from the school funds. In No. 7, the principal got \$1,000 a year, the assistant about \$600, the senior monitor \$100, and the junior monitor \$50. In the girls' department the pay was smaller, the junior monitor getting only \$25 for the first year. The system was looked upon as the best that could be devised. Economy was the thing mostly aimed at and it served its purpose at the time, and until the state felt that popular education should be sustained out of the property of the people of the state, as Governor Grimes in the middle of the nineteenth century brought the people of Iowa to believe and realize. The state of New York voted down a proposition to make all schools free. Submitted again, the popular vote sustained the proposition. The city of New York both times heavily supported the measure, at the second election giving it a majority sufficient to overcome by a vast majority the negative

vote cast by the people of the remainder of the state. But that vote was set aside, the courts ruling that legislation could not thus be enacted by the people at large. This occurred at about the middle of the century. Iowa adopted the free school idea before the Empire State did.

Leaving Public School No. 7 May 28, 1846, I got employment in a hat store, of which John N. Genin was proprietor. This Mr. Genin got shortly afterward to be famous for paying the sum of \$250 for the first seat bought at the concert where the noted Swedish vocalist, Jenny Lind, made her first appearance in America. That high figure was beaten by the big prices paid in Boston and Providence for like first seats, \$625 and \$650 respectively. After remaining in that employment a few weeks, I went into the law office of General Frederick E. Mather, on Wall Street. I remained there about a year.

In September, 1847, I began work as an apprentice at the printing industry, my first employer there being John A. Gray, who printed a weekly newspaper known as the *Christian Intelligencer*, the solitary organ of the Protestant Reformed Dutch church, the denomination which built the first church edifices in New Amsterdam, the future city of New York, and the colony of the same name. This paper is still published, although the name of the denomination has been changed to that of the Reformed Church of America. It is that in which President Roosevelt was reared, and to which he remained attached. In the same establishment was printed the *New York Presbyterian*, a weekly paper devoted to the interests of the New School Presbyterian church. There also came into that office for the mechanical work the *New York Recorder*, a Baptist paper. I thus came in contact with much of the denominational literature of the time. This Mr. Gray was born in Siberia where his father was a missionary from England. He came to America when he was about of age and soon became a typographer. In a few years he ventured into the business for himself, carrying it on for many years and building up an immense establishment.

In 1850 I entered the employ of John F. Trow who had an extensive book and job printing establishment. There I remained four years. While I was employed there, as indeed in my earlier experience in the business, I was largely put to reading copy for

the proof readers. Just after entering Trow's employment, I was set to reading the copy of a report of the Constitutional Convention that made the first constitution of the state of California. That was in the Spanish language. To read a Spanish book, and undertake to give the words their pronunciation as if in English, was a difficult thing to do. I did not know that the proof reader had any knowledge of Spanish, and so I tried to read the copy, pronouncing the letters as I would in English; but I happened to give some of the words a correct Spanish pronunciation, which I had learned sometime before. The proof reader, detecting my Spanish pronunciation, asked me if I could read the copy with Spanish pronunciation. On my telling him I could, he told me that he had picked up the same thing in California, and he would like to have me use the Spanish pronunciation which I accordingly did, and we had plain work from that time on. In that office I came across some of our language's finest literature, such as Addison's writings and others of the *Spectator's* contributors.

About that time a man named Wilson got up a business directory of New York, and published it for several years. In 1853 Mr. Wilson got Mr. Trow to go in with him for the publication of a directory for the whole city. Doggett's Directory had been regularly published for perhaps a quarter of a century, but Mr. Doggett had recently deceased, and one, Charles Roe, was continuing with that work. Hence Wilson & Trow were entering on a rival publication. For that rival publication I laid fifty-two pairs of nonpareil (now called six point) type. The lino-type, nor the monotype, was not yet invented. Hence the necessity for such a large quantity of type. Both sides got ready for the struggle in getting their respective work before the people soonest. The advertisements had been secured and put in type, as had also the miscellaneous information for insertion in the book; so that on May 1, which is moving day in New York, the city had to be canvassed, names and residences obtained, the same arranged in alphabetical order, handed to the printer, set up, stereotyped, for which purpose Wilson & Trow had gotten hold of a new process of stereotyping by papier-mache, so that the delay from the former mode of stereotyping was obviated. Day and night all hands worked, employees naturally entering

into the spirit of the rivalry, and on Wednesday, May 24, just three weeks from when the canvassers entered on their work, Wilson & Trow's Directory was gotten out. Roe's was not out until the next day. I have seen what purported to be a history of directories of the great city that connects Trow's Directory with Doggett's, which says Roe's was an independent concern. It is possible, and indeed quite probable, that Roe disposed of his interest in Doggett's Directory to the Trow interest, and hence the latter claims the succession. But the facts are as stated above, I having taken quite an active part in such preliminary work as stated.

In November, 1854, I left my native city and came to Iowa, reaching Davenport on November 27. I had cast my first vote in the great city, voting for Myron Holley Clark for governor of my native state. Governor Clark was the last Whig candidate for governor. Indeed, the Whig ticket then presented to the voter of the state, successful as it was throughout, was the last one that went by that name. In that state a Whig convention met at the same time as the new Republican party's did, and the two parties organically united. I do not know that such an occurrence happened in any other state, but thus the Republican party of New York is the legitimate successor there of the Whig party of Clay and Webster. At that election I voted against Fernando Wood, who was then mayor, and a candidate for reelection, in which effort he was successful; and he had his police do quite efficient work for Buchanan for president in 1856, holding back voters of the Fremont and Fillmore parties.

I got work for a short time in the office of the *Rock Islander*, a Democratic paper started at Rock Island in opposition to the *Argus*, also Democratic. That little city then, or soon thereafter, had four daily papers. They got no telegraphic dispatches in those days, the Associated Press having yet to make its appearance, so that striking off a few hundred copies on a hand press, or a meager power one, was rather easy work.

In December I got employment in the office of Luse & Coles, whose house is now that of Fidler & Chambers, I being the first compositor employed there. That office that season got out for William S. Spencer a directory of the city of Davenport, the type setting on which I did exclusively, my friend Luse striking

it off on a hand press, Cole feeding the press. That winter Luse went to Iowa City, then the capital, and got the legislature to establish the office of state binder, to which Governor Grimes appointed Mr. Coles. I also led the firm into imposing sixteen-page forms. In 1856 in company with one, Dolphus Torrey, I got out and published a directory of Davenport and Rock Island. The following winter I started the *Le Claire Express*. The little city, for it had gotten a city charter from the legislature, was a very active and lively place during the flush times of 1857 when steamboats were coming to the town almost every day. A boatway was erected there at which many boats were repaired. So lively was business in the town that the three hotels were crowded with guests and arrangements were made with the steamboats, lying there during the winter, for caring for those who could not get room at the hotels. But the financial crash of the latter part of 1857 gave Le Claire, as it did other towns on the Mississippi, blows from which they never rallied.

The *Express* stopped publication. A year or two later, in company with Edward Russell, whose son Charles [Edward Russell] has become a prominent figure in Socialism, and Dr. James Van Horn, I began the publication of the *Le Claire Republic* in a peculiar manner. In order to ascertain definitely whether a newspaper would be supported there we asked for subscriptions for six months, and no longer. Any person subscribing afterward would be required to pay for the remainder of the six months, and no more. Hence, when that period was up we knew what to expect, and we ceased the publication.

Going back to Davenport I became a compositor in the office of the *Davenport Gazette*, staying there for the winter of 1860-61. In those days the river papers did not get dispatches after dark, and the news was largely made up from what was gathered from the Chicago papers. But about the time of apprehended trouble, after the election of 1860, the river papers got dispatches up to about ten o'clock in the evening, when the operator would write "30," which meant work was over for the day. The morning papers were looked over for the most important news, on which the editors would make such comment as seemed necessary, and go home, leaving it to the compositors to get out the paper. On the night of April 12, 1861, came the

news of the attack on Fort Sumter. The *Gazette* editors had gone home, not anticipating anything that would require especial attention. The compositors of the office saw that such news ought not to go out without some comment, so they decided that one of us (there were five) must prepare some editorial utterance to go into the paper along with the startling news. I was urged to prepare such an article, which I did. It was the only editorial comment in an Iowa paper on that morning. Mr. Addison Sanders,<sup>1</sup> who did most of the writing on the paper then, was so well pleased with it that he had me made city editor in the room of Robert M. Littler, whose company was one of the first to enter into the conflict. I accepted the position and retained it most of the time until Adjutant-General Nathaniel B. Baker invited me to enter his office [at Clinton], which I did.<sup>2</sup> He soon afterward directed me to go to Des Moines to look after the printing of his report showing the doings of Iowa troops from the beginning of the war. This I did, continuing in that sort of work until the last of the reports of the Iowa regiments were published. These reports were undoubtedly the best publication concerning state troops made during the war period.

In 1862-63 I was secretary of the Scott County Republican Club, which officer conducted the political campaigns in that county which county committees usually are expected to do. I had the satisfaction of seeing Scott County do better in 1862 than did the party generally in the state. Indeed, it was almost the only county that did in that year better than in the year before. In the next year my estimates of the coming majority were looked upon as fanciful, but the result showed them to be within bounds.

In 1866, when General Ed Wright was nominated for secretary of state, friends suggested to me to apply for the deputyship in his office. This I did, and had the satisfaction of getting the appointment, entering on its duties in January, 1867.<sup>3</sup>

---

<sup>1</sup>Addison Hiatt Sanders, lieutenant-colonel of Sixteenth Iowa Infantry, afterward brevet brigadier-general.—Editor.

<sup>2</sup>"At the recent election of officers in the Lodge of Good Templars at Clinton, W. H. Fleming, so favorably known in this part of the world, was chosen worthy financial secretary. There is no discount on his temperance principles. He is the same yesterday, today, and to the end of life. There is no finer young man in two hemispheres."—*Iowa State Register*, August 9, 1866. (In newspaper collection of the Historical, Memorial and Art Department of Iowa.)

<sup>3</sup>W. H. Fleming, deputy secretary of state, has arrived, and his genial countenance is visible about the sanctum for a brief period. Tomorrow he, with the other new officers, will be expected to make his appearance at the

My knowledge of the printing business was such that I was placed in charge of reckoning the compensation due for the public printing. There also came for examination, correction, compilation, and printing the returns of the state census of 1867, then being taken by the assessors. The clerk of the district court (the county auditor not having been discovered) collated the figures of the several assessors in their respective counties, and put their findings on blanks prepared for that purpose. These columns I footed up for verification of their accuracy. This in most cases was unnecessary, but accuracy on the part of the state officer was expected. Hence it was required of that officer to make such showing of figures correct. In a few instances I had to write to clerks calling attention to manifest errors in the footings, asking whether the errors were in the computations or in the items, but in almost every instance the answer came back that they had sent up the assessors figures, but they made no attempt to reconcile the errors.

When that work was being prepared for publication, General Wright and I thought opportunity offered for collecting information in regard to former state and territorial officers, legislators, and judges. This being done for the first time under state authority, data therefor having been largely supplied by an almanac gotten up in 1860 by Richard Sylvester of Iowa City, and Theodore Eagal of Davenport on private account, the Census Board, now known as the Executive Council, suggested that it be published along with the "Census Report," which was done.

Secretary of State Wright also left with me the preparation of the "Laws of the Twelfth General Assembly" for publication, including the indexing, etc. I suggested to my chief the desirability of preceding the edition of the laws with a complete list of the members of the General Assembly, the state officers, and the judges of the courts. General Wright was well pleased with the suggestion, and it was done. I have since seen something of the kind in the publications of the statutes of other states. In the indexing Secretary Wright gave me one instruction, which was that when against a name was entered an item saying "See" some other heading, I should also insert at that

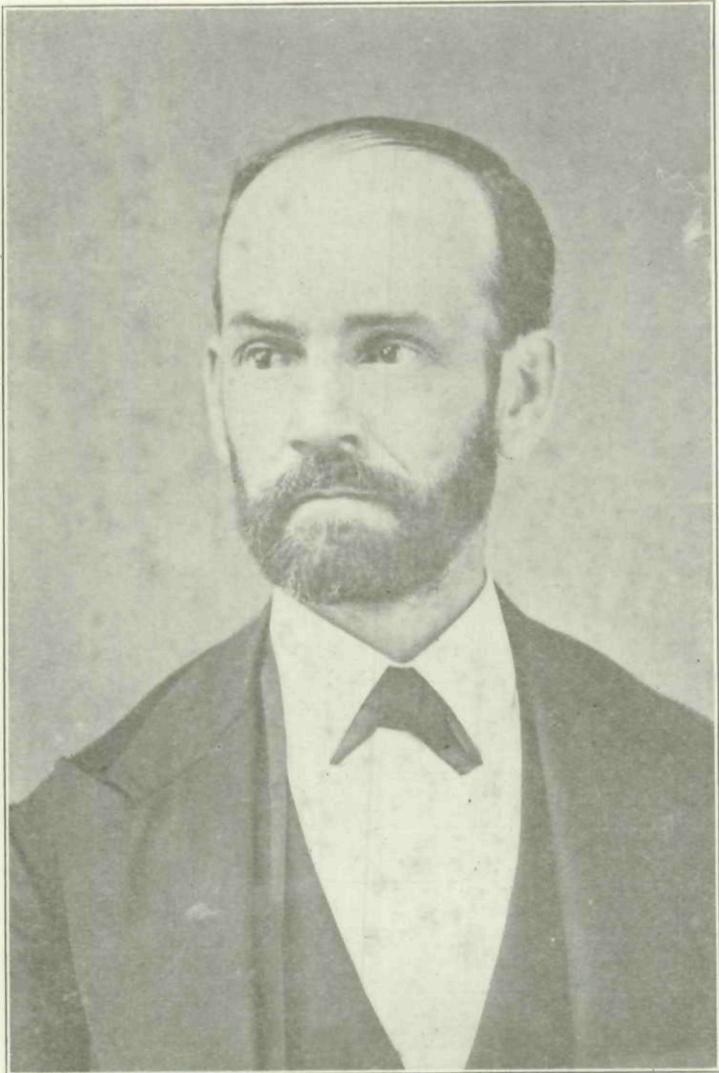
State House and enter on his duties."—*The State Register*, Des Moines, January 6, 1867, page 1. (In the newspaper collection of the Historical, Memorial and Art Department of Iowa.)

place the page on which such item might be found. Thus against "Blind" was inserted "See Asylum for the Blind," and the numbers of the pages were given where the same appeared. My indexing was much more elaborate than anything of the kind that had been seen in Iowa laws. Another feature I introduced. When opening former editions of the statutes I sometimes had to hunt backward or forward to know what law was given on any page. To obviate this annoyance I caused to be inserted at the top of the even numbered page the chapter of the laws with which that page began, and on the opposite page the year of the session. This has been continued right along, except that the chapters of the laws then before the reader is put on both pages. I inserted the year because sometimes lawyers and others would bind or tie together the statutes of different years, so that on opening the book the year would appear at once. In respect to the legislative journal I introduced the same feature, the even numbered pages indicating the day under examination and on the opposite page the year of the session.

About that time the old Capitol was made more secure by inserting under it a brick basement. The former foundation was of stone gotten from points down the river. When an attempt was made to put a furnace in the basement then under the building, the stone was found to be unsound, so that putting in the furnace was found to be something of an uncertain undertaking, and only enough of the former foundation was removed to admit of a furnace that would heat only part of the edifice. The Twelfth General Assembly appropriated a sum sufficient to put under the edifice a brick foundation, something made additionally necessary because of the fact that the city was lowering the grade of Walnut Street, which left the building on a considerable embankment. The insertion of that new foundation was a delicate undertaking. Could the State House force remain in the edifice while it was being undermined? If not, could men be found to do that undermining if those, whose business would require them to remain therein, deemed the house would be unsafe for them to stay in it? The State House force remained there, while the walls were supported by block and wedge, until the new basement was fully built in. There were some alarms when the wedges were being knocked out, letting the walls drop a slight space to

their proper places. And the work was all accomplished without accident of any kind some time before the Thirteenth General Assembly convened.

In March, 1867, an incident was observed of a somewhat startling character. General Wright was sitting at his desk in the secretary of state's office when he noticed a wall case containing books and papers seemed to be jarred, but the jarring soon ceased. At that time some of the State House force were doing some jumping on the floor below, which General Wright thought might have caused the jarring, so he thought no more about it just then. But when he noticed that the jarring was renewed and with considerable force, he immediately dashed out of his office, and coming to the stairway leading to the floor below where Auditor John A. Elliott came also, General Wright shouted to the jumpers, "What do you mean to do? Are you going to jar down the building?" The jumping was then discontinued as likewise was the alarming jarring, all parties seeming to be of the opinion that it was the jumping that caused the jarring motion, the jumpers, however, not having noticed the jarring. I was at that time at the office of the state printer, then on West Walnut and Third streets, attending to some matter, and Deputy Auditor Samuel A. Ayres was also at the same office, but in another room, looking after some printing his office was having done. That evening when General Wright went over the river he found that several of the lawyers' offices, and other rooms in the upper floors of different buildings, had been suddenly emptied of their human contents, they making for solid ground because they had felt the shock of an earthquake. It so happened that neither Mr. Ayres nor myself had noticed anything of the kind, but offices only a rod or two from us and on the same floor had been abandoned by their occupants for the safer street. The state binder, then on the third floor of an edifice on Court Avenue, and all his force got themselves out of apparent danger; but the alarm soon subsided, yet undoubtedly, they had been made to move by an earthquake. About twenty years afterward a similar slight shock was felt in Des Moines, a residence just north of my own on Capitol Avenue and Thirteenth Street feeling it, and other parts of the city getting something of a jar.



WILLIAM H. FLEMING  
From a photograph of 1875.

In 1868 Governor Merrill received a letter from Peter Cooper of New York, as president of a citizens' association, asking for information regarding Iowa, its resources, and capabilities, which the association desired to impart to persons seeking new homes. Governor Merrill's secretary, Mr. John S. Runnells,<sup>4</sup> was then doing considerable work as secretary of the Republican State Central Committee, and the Governor asked me to gather for him the data desired, such as should enable him to impart the information asked for. This I did, and in due time presented it to the Governor, who was so well pleased with the compilation that he adopted it practically in full, made some felicitous additions and transmitted it to New York. That letter was widely published, translated into several languages, and it seemed to have given quite a boom to immigration into Iowa, there being an increase of 150,000 from the state census of January, 1869, to the federal census of June, 1870, the largest growth the state has ever had in a like period of time. That letter reappeared in Volume VII, No. 1, January, 1869, of the ANNALS OF IOWA, First Series.

When Mr. Runnells was appointed consul to Tunstall, England, Governor Merrill surprised me with an offer of the position of secretary to the governor. I rather reluctantly accepted the position, not because I had any objection to the new relation, but because I disliked to leave General Wright, with whom I had been an efficient helper, and was well pleased with that relation, but the General himself thought it well for me to accept the place, if for no other reason than that the governor's office would be open longer hours in the day than it had been formerly. I entered on the duties there April 12, 1869.

Shortly after I entered the executives office, the Governor intimated to me that in case of his renomination and re-election, both of which he fully expected, that he would try to have a reunion of Iowa soldiers at the Capital. He subsequently conceived the idea of getting the enlisted men carried free, the officers paying fare. He went to Chicago and after some effort got the officials of the roads to consent to his project. What may have strengthened his plea was that the Governor was to be yet

---

<sup>4</sup>John Sumner Runnells, at present president of The Pullman Company, Chicago.—Editor.

in office when the Thirteenth General Assembly was to meet, and it might be disposed to enact some more rigid restriction on the railroads. The Twelfth General Assembly, under the leadership of Senator Eliab Doud, and Representative James Wilson of Tama County, then beginning a long and highly honorable career as a public officer, had imposed certain restriction on corporations getting renewals of land grants that had been forfeited because of failure to comply with the terms of such grants, and might not the succeeding General Assembly following the example of its predecessor, enact measures fixing rates of fare and freight? It was well then, was it not, for the railroad officials to accede to the proposed project of the Governor? But the Thirteenth Assembly took no further steps in that direction except to provide that corporations receiving aid through taxation of localities should be subject to the provisions inserted in the land tract acts of the preceding session. A bill stiffly regulating rates of freight was passed by the House of Representatives, but it died in the Senate. The railroad corporations having gotten through that session unharmed, as they felt, were somewhat indisposed to adhere to the promised rates for the proposed reunion. But the Governor again visited the great city and secured further assurances of adhesion to the proposed benefaction. But again one of the companies seemed disposed to hold back (I think it was the Des Moines Valley) but it finally fell in with the Governor's wishes.

The Governor sent the legislature a message in which he asked for an appropriation for caring for the soldiery when they got here. A committee of veterans, namely, J. M. Hedrick, H. T. Reid, and William Vandever,<sup>5</sup> had been appointed by the Soldiers' Reunion Committee to forward the movement, and the Governor submitted their report in which they said the railroads agreed to convey free of expense all enlisted men, and ex-officers at half rates. The legislature made an appropriation of \$15,000 and the city of Des Moines advanced \$5,000 to help it along. The reunion was held on the last days of August, 1870. The feeding of some thirty or forty thousand men was a large undertaking but the local committee attended to the work well.

Dr. Alexander Shaw, pioneer druggist and physician, devised

---

<sup>5</sup>See Journal of the Senate, April 6, 1870, page 477.—Editor.

the plan of getting the meats and coffee prepared and served to all the tents, which stretched along East Walnut Street out to Governor's Square, and the neighboring tracts not then occupied by dwelling houses. Each morning of the days when the soldiery were here, well-loaded wagons started out from the packing houses, then utilized for that purpose, took their way to the old Capitol where additional supplies of food were taken on board. These were cared for in the newly made basement of the house. General Wright, then secretary of state, Major Rankin, then treasurer of state, and Colonel Carpenter, then register of the land office, attended to that part of the business. Three times a day were the veterans thus supplied with food, the amount of which was found to be ample for the hungry veterans, who marched in procession through the streets of the metropolis. There was then no bridge across the river that was considered safe for a marching force, but it happened that the river was at a very low stage so that the entire procession marched over, stepping on a few planks stretched across some very low places near the Walnut Street bridge, and thus crossed the stream. General Sherman was present, and of course the object of much attention from the veterans. General Belknap, then secretary of war, addressed the gathering in Capitol Square, then densely wooded, and filled with the enthusiastic hosts. There were other speakers, including the Governor. Some pieces of artillery under Captain Harry H. Griffiths belched forth their roar throughout the day. General Baker, adjutant-general, was happy in meeting so many of the veterans of the war, most of whom he had gotten mustered into the service. The Gatling gun the state then possessed was brought by him to the Capitol where its rapid firing of bullets was much appreciated. That was a comparatively new weapon, and attracted much attention.

Trains coming to Des Moines were crowded, so that conductors occasionally did not look up the matter of fare, for almost every one came here free. The stipulation that officers in the war should pay fare was not much observed, because nearly all the officers had enlisted when entering the service. Train loads of supplies also came in, and loads upon loads of melons came for the delectation of the veterans. The occasion was a grand one,

and all enjoyed it. Not an accident marred the pleasure of the gathering, whether in travel or here.

Having come into the secretaryship of the Governor's office from that of Secretary of State Wright, I suggested to the Governor the idea of requiring that the legislative bills that came to him for approval should have, in the certificate which accompanied each one, a statement showing whether the bill originated in the Senate or in the House, and its number in that body. This was done and ever since that time, 1872, every law has at its top "S. F. \_\_\_\_\_," or "H. F. \_\_\_\_\_," depending on whether it originated in the Senate or in the House—something which I notice has been introduced into the acts of Congress within the present century.

In the early winter of 1870-71, Governor Merrill's attention was called to an advertisement in a western Iowa paper, announcing that a sale of school lands was about to be held in the depth of winter, in one of the newer counties of the northwest where there was only a meager settlement. The advertisement was published in a newspaper a hundred miles or more from the capital of the county where the lands lay, there being no paper published in that county. The transaction was so evidently fraudulent in intent that the Governor had Attorney-General O'Connor go to the county and get the sale enjoined and the proceedings stopped. The Governor followed it up by getting the legislature to pass a joint resolution withdrawing all school lands from the market until an act should be passed further regulating their sale. That General Assembly passed an act fixing the minimum price of the land at \$6.00 per acre. This undoubtedly helped heavily to augment the volume of the school fund, even though some legalizing acts have been occasionally gotten through where the lands were parted with at a lower figure than that minimum price.

A bill passed the Thirteenth General Assembly establishing the county of Crocker, for that purpose recreating the extinct county of Bancroft. The proposed county being of less than 432 square miles area, the Governor was indisposed to sign it on constitutional grounds. But Attorney-General O'Connor advised the Governor to sign the bill, advancing the provision in the Constitution authorizing the organization of the counties west of Worth County on the northern border, without additional territory, such

counties having an area of only 400 square miles. The Governor was not satisfied with the Attorney-General's opinion on the subject, because the county of Bancroft, one of those counties, had been abolished before the Constitution of 1857 was framed; nevertheless the Governor signed the bill. The Supreme Court subsequently held the act unconstitutional on the ground on which the Governor had based his objection. It was probably well that the bill took that course, because had the Governor vetoed it, the same, or a similar bill, might have come up again, leaving the matter yet in doubt. Another question arose in the Governor's mind, that is whether the bill did not also contravene the provision found in Section 30, Article III, of the Constitution forbidding changing the boundaries of counties without submitting the same to the electorate of the counties affected and obtaining their approval. That question was not passed upon by the court, even if it were advanced there.

Governor Carpenter entered upon the governorship with the largest popular vote any candidate for governor of the state had had up to that time, and the largest popular majority ever any such candidate had for forty years, or until the second election of Governor Shaw. The railroad question was coming up now to both executives and legislators. The Governor paid marked attention to the subject of transportation of farm products. He delivered many forcible popular addresses, one of the most notable being that on "The Skeleton in the Corner." During his administration there was much complaint regarding railroad freight charges, the remark being common that it cost fully half the value of the corn to get it to Chicago. A formidable organization was formed for the purpose of getting control of the state government. That was the time when the Granger movement made such progress. That party became emphatically favorable to the regulation of railroad fares and freights, yet the party began in the county of Polk, and its first movement was in opposition to John A. Kasson, and largely made up of persons friendly to the railroad interests. It got up a local ticket composed of Republicans that were not friendly to Kasson, in fact emphatically hostile to him, but it adopted certain resolutions plausibly framed favoring railroad regulation, and took for itself the name of the "Antimonopoly" party. The suggestion of "antimonopoly" took

with the Granger movement. The Granger order had for itself the name of Patrons of Husbandry. It had central headquarters at the national capital. It had been largely worked up in this state by its first state secretary, General William Duane Wilson, uncle of President Woodrow Wilson. At the state election of 1873 the Antimonopoly party elected just half of the hundred members of the House of Representatives. Governor Carpenter was re-elected over Jacob G. Vale, then a senator from the county of Van Buren, who had acted with the Republican party. The Republican state ticket was successful throughout.

Just before the Fifteenth General Assembly met the state organization of the Patrons held a great meeting in the hall of the House of Representatives which crowded the house to its utmost capacity. That body held its session for several days, extending beyond one Sunday. Its committee drafted resolutions favoring railroad regulation. One of the projects advanced proposed a government-built railroad from Sioux City in this state to Norfolk, Virginia. General Wilson was retired from the secretaryship, and William L. Carpenter of Blackhawk County was chosen his successor.

When the legislature convened a large part of the members at the outset of the session went by the office rooms of the executive and administrative functionaries, apparently suspicious of such officials—the mild-mannered Carpenter, John Russell, Colonels Abernathy and Aaron Brown, and others. It is only just to say that the membership of that body had been made to believe in all sorts of crookedness on the part of the state officers, and came determined to condemn the state administration. The [Granger] order especially antagonized the lawyers' profession. They wanted none of them in the legislature, and the apathy towards the legal fraternity led the Republicans to avoid sending Republicans [lawyers] to the legislature. That legislature was the first where its members were paid a lump sum for the session. The even numbered membership of the House delayed the opening of business several days. The parties came to an agreement after a week's balloting, when John H. Gear was made speaker of the House. He had difficulty making up the committees, especially that on the judiciary, on which he would have the Republicans controlling, there were so few Republican lawyers in the body.

Democratic lawyers and others got into the Grange and through it into the legislature. One of the first resolutions offered in the legislature was one reciting that the state's interests demanded that the session be a short one, and fixing February 26 for the close of the session. That would have made the compensation for each member about ten dollars per day of the session, giving to each member more than twice the per diem of the preceding sessions. This, however, did not make any headway. That legislature found that the state's interests had been well cared for, and that it was not at all difficult to get worthy measures through the body. But there was one vicious measure put through, gotten up by a lawyer of none too good repute, who had for a client a man whose reputation regarding ownership of horses was not any better. That lawyer drafted a bill that allowed a change of venue for any one indicted for crime whenever he pleased to make affidavit that he believed the judge of the court before whom he was to appear was prejudiced against him. This amazing help for criminals was passed by the House. The Senate's lawyers understood what mischief the bill would do, but it went through there too. When the members of the House got to understand the true character of the bill, that it would enable any criminally disposed person to get a change of venue from every one of the fourteen district judges then in the state, the members of the House—sixty-five of them—signed a request to the Governor to withhold his approval. This he did.

That legislature passed the famous Granger Law, establishing rates of fare and freight on all railroads in the state. The senator having the matter in charge was Frank T. Campbell, afterwards lieutenant-governor and railroad commissioner. The bill went through with very little opposition, the time having come, in popular estimation, for taking decisive action in that respect.

In the last year of Governor Carpenter's administration President Grant visited the state and the capital, coming to attend the annual meeting of the Society of the Army of Tennessee. That was the first visit made by a president of the United States to this state. The President addressed a large meeting in Moore's Hall, giving an acceptable and felicitous appeal for a higher education.<sup>6</sup>

<sup>6</sup>See ANNALS OF IOWA, Vol. III, page 179.



OLD CAPITOL AT DES MOINES  
1857-1884

General Wright retired from the office of secretary of state in January, 1873, after a superior administration of the duties devolving on him. The Board of Capitol Commissioners that had been created under an act of 1872, reducing the number of its members to four besides the governor, appointed General Wright secretary of the board and practically assistant superintendent of construction. This appointment proved a very happy one, he continuing in that position until the legislature of 1886 abolished the board, and provided for a custodian of public buildings and property, to which position Governor Larrabee appointed him.

General Wright had me continue revising the proofs of the statutes, including the indexing of the same, so long as he remained secretary of state. I also indexed the laws of the Fifteenth General Assembly, as I did in part during Secretary Hull's service in that office. I am not sure but I got Captain Hull to become a candidate for the secretaryship.

In 1874 I got up the instructions to assessors for the census of the next year. The queries to be answered were the most elaborate of all which had gone out for taking a state census, except perhaps that of 1856. When the work was completed and ready for the introduction, Secretary Young asked me to prepare the same, which I did.

Governor Carpenter's second inauguration was held in the old Capitol, as all others had been since the removal of the seat of government from Iowa City, the inauguration taking place in the hall of the House of Representatives. At this inauguration, in 1874, there was much of a panic caused by a sudden rush of persons on the upper staircase leading to the hall. Officers of the House were stationed there to permit no one to go up from the second floor, except members of the legislature and ladies with them, until the officers to be inaugurated had passed into the hall. Owing to some misunderstanding there was a premature rush of others up the staircase and a crowding against the rail that guarded the winding stairs. Hon. Isaac Brandt, chairman of the committee having charge of the inauguration, hearing of the panic and sensing the situation, got sufficient help to hold the crowd back in part until the proper time for all to be admitted. There was a danger in that panic, not because of fear for the safety of the edifice but because of fear that the crowd, pushing against the

rail protecting the winding stairs, might break that rail and precipitate numbers of persons to the floor below, with probably fatal results. The recollection of that incident caused me to suggest to General Given, the chairman of the inauguration committee in 1876, the desirability of having the General Assembly hold its session for Governor Kirkwood's inauguration in Moore's Hall, then the largest audience room in the city. The committee thought the idea a good one and the inauguration held on Thursday, January 11, 1876, was attended by an immense gathering of the public.<sup>7</sup> The second inauguration of Governor Gear was held in the same place, as was also Governor Sherman's first. Governor Gear's first inauguration was in what was known as the Lewis Opera House, on East Locust Street, so that no more were held in the old Capitol.

When Governor Kirkwood was going to enter on his third term in the governorship [in 1876, immediately following Governor Carpenter], I wrote him intimating that I was prepared to remain in the office [as secretary to the governor] if he wished it, but I pressed no claims on him. He answered me somewhat vaguely, but when he came on to attend to the inauguration and also to his candidacy for the Senate, he handed me three drafts of an inaugural, and suggested that I might put them together in some way, which I did. A few days before he was to be inaugurated he came to me and suggested that I write something of an "Amen" to his address, he having adopted my combination of his draft. I locked the door of the executive office and sat down to prepare something for the desired ending of the paper. It occurred to me that the fourth day of the coming July would be the first day of the republic's second century. That thought I elaborated and completing it handed it to Governor Kirkwood who, reading it, said jokingly, "That's 'most as good as I could have written." He read that peroration with a hearty vim, and it brought him cheers upon cheers. The Governor very heartily told who was the author of it, telling it freely. Only his doing so warrants me now telling it myself. What passed between myself and the several chiefs with whom I have been associated has been closely guarded by myself, but those chiefs not infrequently com-

<sup>7</sup>Moore's Opera House at that time had a seating capacity of about 2,000, according to the best opinion of those who still well remember it. The building still stands on the southeast corner of Fourth and Walnut streets.—Editor.

municated information regarding the same to others. Governor Kirkwood busied himself that session trying to have my salary raised, succeeding so far that the governor's contingent fund was enlarged by \$300 with the understanding the same would come to me.

At one time during that brief administration a letter came to the office from Superintendent Lewelling,<sup>8</sup> of the Girls' Reform School in Henry County, warning the Governor against granting the request of a woman that had visited the institution [asking] for the release of her daughter then detained there, the ground of his objection being that he was satisfied from her conduct there that she wanted the daughter released for improper purposes. That very day the same woman came into the executive office with an order from the Governor at Iowa City, directing the release papers to be executed. I could have made out such a release because blanks already signed were in the executive office awaiting completion when the same should be ordered. But in view of the letter from Superintendent Lewelling, I felt that the Governor must be informed of what that letter contained. I accordingly told the woman she must take the papers necessary to the Governor for signature, but I telegraphed to the Governor suggesting that he do nothing until he got an important letter regarding the pending matter. I hurried a letter to the train on the Rock Island road so that it would reach Iowa City as soon as the woman would. Mr. Wesley Redhead of this city, the Governor's brother-in-law, happened to be at Governor Kirkwood's house when the woman got there. The Governor had gotten my letter, with Lewelling's enclosed, when he had to inform her that under the circumstances he could not sign the papers. The woman was boisterous, and almost violent in her language. But as she must leave to get on the train, the Governor had his man of all work go with her to the train, the residence being somewhat out of the city. On the way there she was so abusive of the escort that she almost made people who heard her think the man was abusing her. But Mr. Redhead, being also about to leave the city, went along with the couple, and soothed the feelings of the crowd so

---

<sup>8</sup>Lorenzo D. Lewelling, superintendent of the Iowa Girls' Reform School for fifteen years, and governor of Kansas in 1893-95. See ANNALS OF IOWA, Vol. IV, page 561.—Editor.

that the man was not attacked, as Mr. Redhead thought he was in danger of being.

Among his pardons was one of a man named Arthur, who had been sent from Fayette County. The convict's mother came to Iowa City and affected the Governor's good heart so much that he let him out, putting in the order of pardon stipulations that if he violated certain conditions inserted therein, of the evidence whereof the judgment of the governor for the time being was to be conclusive, he should be returned to the penitentiary for the remainder of the term of his sentence. The conditions were that he should care for his mother, should lead an orderly life, and should refrain entirely from the use of intoxicants. The district attorney wrote the Governor criticising the executive action, and saying it had cost the county \$20,000 to get that man into the penitentiary, with the present prospect of a like expense getting him back. The Governor answered, sending the district attorney the papers on which he had granted the pardon, reminding him of the conditions, and assuring him that if he heard of the man violating such conditions to advise the governor thereof, so that Arthur should be at once recommitted to the penitentiary. The convict seems to have paid little attention to the conditions, for it was said that he was reimbibing liquor before leaving Fort Madison. The district attorney thanked the Governor for the papers, and said that they made a pretty fair showing for the action taken. Sometime afterward the district attorney wrote to the executive, telling him of a swindle the fellow had perpetrated on a Norwegian. Governor Newbold, then acting governor, wired the sheriff of Winneshiek County, I think it was, ordering the man taken back to Fort Madison. When he arrived there he got a lawyer to get out a writ of habeas corpus and it was taken before Judge Thomas W. Newman who held that no man could be put into the penitentiary except on a conviction on a charge brought by a grand jury, thus making the Governor's stipulation that the convict's consent to his enlargement on certain conditions and his return to confinement on violation thereof, quite nugatory. Governor Newbold had Attorney-General McJunkin appeal the case to the Supreme Court, in which tribunal the power of the governor to grant conditional pardons was thoroughly discussed, with the result that the court

sustained the action of the executive, reversing the order of the court below. Governor Gear, then in office, directed the sheriff of the county to take Arthur back to the penitentiary. Thus was established in Iowa the rule allowing the governor to grant conditional pardons, which has since obtained, and a Board of Parole having been more recently established for considering merits of applications for such favors. Governor Merrill had granted a conditional pardon to one, Hockinberry, which he subsequently revoked, ordering the man back to confinement. That matter was brought before the Circuit Court at Iowa City, Judge William E. Miller presiding. He sustained the Governor's action. That case went no further, hence the ruling under Governor Kirkwood's action was the first, when the question was set at rest in Iowa.

Governor Kirkwood not caring to visit the great Centennial, I made one of a party, the others being Mrs. Kirkwood and Mr. and Mrs. Wesley Redhead of Des Moines, that went to Philadelphia where we witnessed that great gathering of the products of agriculture, arts, sciences, manufactures, and a vast sum of wonderful achievements of mankind. The Governor appointed Hon. Charles C. Nourse to deliver an historical address on Iowa, which was one of the very best productions of the kind that was presented at that great gathering.

An incident connected with the senatorial election of 1876 may here be related, although not having anything directly to do with the subject of this paper, but it may thus get into the ANNALS. The candidates for the senatorship at that time, besides Governor Kirkwood, were ex-Senator Harlan, Congressman George W. McCrary, General William W. Belknap, then secretary of war, and Hiram Price. There was then published in Chicago a journal known as the *Chicago Courier*, perhaps only a temporary publication. It ventured into an exposure of certain matters connected with one of the departments of the government, and involved the family of one of the members of the Cabinet. That paper got out a flaming account of the matter, with the usual inflammatory headlines. A bundle of copies of the paper mentioned was forwarded to Governor Kirkwood, as they may have been sent to others of the candidates. Mr. [Robert S.] Finkbine called the Governor's attention to the screed,

and told of the mass sent to the Governor. As soon as Mr. Finkbine made known the character of the article, the Governor promptly said to Mr. Finkbine, "Turn them over to General Belknap, and don't let a copy be kept from him, to be used in any way." The article assailed General Belknap, telling much of truth, of which later developments freed General Belknap from any knowledge. But Governor Kirkwood was determined that there should be no reflection on General Belknap in aid of his own candidacy.

Senator Kirkwood entered the Senate at the beginning of the Hayes administration, his career in that body being then coincident with that administration. While in the Senate he made a very able and convincing speech in defense of President Hayes's action in steps he had taken towards suppressing some riotous proceedings in the neighborhood of Pittsburg. The arguments advanced by the Senator and the position he took would seem to have impressed President Cleveland in the action he took several years later in respect to similar riotous proceedings.

Upon President Garfield's accession to the head of the government Senator Kirkwood became secretary of the interior, but after the death of the President Secretary Kirkwood retired from the position he was satisfactorily filling. In 1886 he was nominated as the Republican candidate for Congress from the Second District, a nomination he took rather reluctantly, nevertheless he made some telling speeches during the unsuccessful election canvass.

On September 1, 1894, the useful life of this worthy man closed on earth, at the age of eighty-one years. His spouse lived until it was hoped she would reach the age of one hundred years, but that great age was not reached, she passing away at the old home at Iowa City on April 28, 1921, being ninety-nine years and nearly four months of age.

Governor Newbold served as acting governor less than twelve months. He was an efficient executive. During his short term occurred the Pittsburg riots, which seemed to spread abroad a riotous feeling. About that time there was much trouble feared because of tramping farm hands who, starting from Arkansas about the time of wheat harvest, tramped northward through all the states to the westward of the Mississippi, and up into British

America. This migration occurred every year, and perhaps does to some extent until the present time. There were instances where they would take possession of trains, and have themselves taken along on their way. There was something of apprehension from railroad officials as to what might happen to the railroad property, and there were some appeals to the executive to call on the president for federal troops for the suppression of anticipated trouble. Governor Newbold, while having the state National Guard keep themselves prepared for emergencies, saw no need of help from the national authority. One Saturday morning I met the Governor as he was on his way to the train for a week-end visit to his home at Mt. Pleasant. He told me there was apprehension of trouble with some tramps who had taken possession of a train on the Iowa Central Railway and were disposed to insist on the train taking them northward without offering the company compensation for the same. He left me instructions what to do until his return to the seat of government. That morning came telegrams from Marshalltown telling of the manner in which the tramps were holding possession of a train going northward, and asking for an order for the state's military force to be sent along to guard the property of the company. The only answer the executive could make to such appeal was to tell the sheriff of a county where there was trouble, real or apprehended, that if he found himself unable to cope with a hostile force, and there was no military company within the county that he could call to his assistance, he could advise the governor of that fact, when a force would be sent from elsewhere. The sheriff of Hardin County, where the train was filled with the tramps going northward, was indisposed to have the tramps unloaded in that county, which a company coming from another county must do, as that would follow their being driven from the train, and hence made no appeal to the governor for the needed military force. At that time the road was in the hands of a receiver, and within the jurisdiction of a federal court. The sheriff not calling for the help, the executive could do nothing in the premises, and the tramps held the train until it got out of Iowa.

One time Major Craig, the warden of the penitentiary, accompanied by his deputy and Senator Foster, a lawyer, presented

to Governor Newbold papers urging the pardon of a man who went by the name of Eggesht. The Governor, after seeing the papers and hearing what was advanced for the pardon, directed me to make out a pardon for the convict. Recollecting a paper in reference to that man sent to Governor Kirkwood by a federal judge in Michigan, I showed it to Governor Newbold, who saw that the writer, Dickey by name, had told the governor of Iowa that the man for whom pardon was now being asked had twice gotten out of state prisons on forged papers. Governor Newbold promptly withdrew his direction for the man's pardon. Senator Foster, who had acted as the convict's attorney, afterward told me that Major Craig, disappointed in his attempt to get Eggesht out of prison, intimated that I ought to have kept still regarding that letter, and made out the papers, but the Senator told me that he had told the Warden that I was doing my duty to my chief.

In 1877 while Governor Newbold was the executive and as such chairman of the Board of Capitol Commissioners, the commissioners became somewhat alarmed as to the proper support being made for the dome that it was contemplated to put on the building. This feeling was doubtless occasioned by the crashing down of a dome on a court house at Rockford, Illinois, that proved too heavy for the support that had been provided therefor. The commissioners, while not doubting the sufficiency of the provision already made for the support of the dome that was to be, determined to make a thorough test of the enduring quality of the support our projected dome would have. For that purpose a solid cube of brick was erected on a platform scale in order to ascertain the weight thereof, and thus estimate what must be borne by the dome to come. Following their investigations, the commissioners determined to add vastly to the supporting columns of our State House. The architect, A. H. Piquenard, had constructed the Illinois State House. For supporting the dome there, granite columns had been placed on the floor of the first story, with limestone columns above. This arrangement he had reversed for the Iowa building, the columns on the first floor being of limestone and those on the second floor of granite. The commissioners, determined to be entirely on the safe side, had all the several columns reinforced, beginning at the foundation

where massive additions were made to the columns throughout. On the second floor two granite columns were inserted on the east side of the rotunda, and heavy limestone columns on the other side. The work done then is seen especially on the first floor where solitary limestone columns are reinforced by heavy buttresses of the same kind, thus undoubtedly making the splendid structure manifestly more securely strong.

Governor Newbold had been for several years a member of the House of Representatives, and had been an attentive observer of the matters coming before the Solons, hence his selection for the lieutenant governorship was a happy one. His message to the Seventeenth General Assembly contained an elaborate review of the state's financial condition, with suggestions coming from his long legislative experience. One of them was that the limit of the state tax to a rate of two mills, made by the Code of 1873, had never been enough to meet the demands on the treasury for legitimate purposes, and especially with the improvements and the state's advancing population. A recommendation he made as to a mode of taxing railroad property was cited by the commission appointed by the Thirty-fourth General Assembly as the best that had come under the observation of the commission.

Shambaugh's "Messages of the Governors of Iowa" gives his name as Joshua Giddings Newbold. Governor Newbold told me that the "G" in his name had no significance as an initial of any name. He said that when he came to Iowa he found in the same neighborhood another Joshua Newbold who got his mail at the same office. Hence, to avoid confusion in mail matters, he inserted the middle initial solely in order to keep the letters from being mixed. In 1879 Governor Newbold was elected to the Eighteenth General Assembly. He was, I think, once or twice afterward, mayor of Mount Pleasant. He died in 1903.

When Governor Newbold's term was about expiring I rather expected to retire with him, but some time after the election of John H. Gear to the governorship, John G. Foote, one of the Capitol commissioners, and brother-in-law to the Governor elect, came into the executive office and intimated to me that if I desired to retain the position, and would so advise Governor Gear, it would please him. As I understood that business just then better than any other, I wrote Governor Gear telling him I would

be well pleased to remain in the position, which brought from him the information that he desired me to remain in the office. I had favored Governor Newbold for the nomination, but of course supported Gear at the election. Some time afterward Governor Gear told me that after his election and while he was yet at home, in Burlington, Major Craig called upon him and in their conversation, answering a question as to how he was getting along, he said he was all right, but as warden he was \$10,000 behind, which would not be the case if Newbold had done what he ought to have done, adding, "I hope you will get another private secretary." I think that observation suggested my retention. I had, it is true, kept Governor Newbold from authorizing the auditor of state to give warrants for certain sums for support of the prison. The law provided that if the receipts, because of the labor contract, did not amount to so much as eight and a third dollars a month for each inmate of the prison, the governor was authorized to direct the auditor of state to draw a warrant for an amount sufficient to cover the deficiency. This amount the Warden contended was not being received from the contract, and hence the governor should order the issuance of warrants for the deficiency. The Warden's contention was strictly true, but it was not the whole truth. That labor was paid for with four months' paper, which of course did not pay for the labor of the current month; but the notes were being duly met when they became due, hence the money was being paid in. The fact was that while the labor for any month was not paid for in that month, an equivalent amount was duly coming in every month. On this showing the Governor refused to honor the Warden's request.

I had made an official visit to the penitentiary under appointment by Governor Carpenter in 1875. I was well pleased with what I saw of the management of the institution, and made my report in harmony with that judgment. While I was there the Warden asked me if there was any special provision for caring for the female convicts. I told him that I knew of none, but suggested that, as every convict was required to be passed upon by some authority, and the person thereof to be washed and cleaned, why could not he appoint a woman as one of the guards. Under the law the Warden could fix the pay of a guard at any figure not exceeding sixty dollars per month, and as there were only a very

small number of female convicts to be thus cared for, he might appoint one at a rate of compensation at say half the rate allowed the ordinary guard. Several months afterward the Warden said to me he had adopted my suggestion and had appointed the wife of the deputy warden, who had been caring for the few women prisoners, and allowed her thirty dollars per month; and he had also appointed his own wife to a like position at the same rate of compensation. As all that the Warden's wife did in caring for such convicts was to have one or more of them to wait on the table of the Warden's large personal family, with occasional visitors, it did not seem to me that he was acting in good faith in thus compensating his own wife for help for which he would otherwise utilize the female prisoners, his wife only seeing that the work was properly attended to, the convicts not getting compensation for their labor any more than was allowed the male convicts. That action of the Warden made me somewhat skeptical as to that official's conduct. When the usual legislative committees were appointed in 1878 to visit the state institutions, that for the penitentiary was rather larger than any of the other committees, and seemed to be especially charged with examination into the manner in which the institution was being conducted. That committee met with an experience in its work that no other committee encountered, which was that the Warden had lawyers to help him answer the committee's questions regarding his operations. The committee was thus led to make the investigation the more thorough.

It will be remembered that in those days the General Assembly elected the warden of the penitentiary at each regular session. The General Assembly of 1876 had chosen Major Craig in January for the wardenship for the third term. The limit to the warden's term was the election and installation of his successor. I called the Governor's attention to the fact that Craig's bond had been approved on January 29, 1876, and hence his term would expire on the incoming of his successor, the understanding having been that the time of the warden ran from April 1 for two years. Captain McMillan of Marshall County was elected warden. He appearing with his bond early in March, the Governor directed him to take immediate possession of the office, which he did on the sixth day of March, more than three weeks before the retiring

officer expected to vacate the position. An immediate improvement followed in the financial management of the prison, an improvement that commenced to mark the prison's management for several years. The labor contract turned into the state treasury about \$6,000 a year from that time forward, whereas previously funds from the state treasury had to be drawn occasionally to aid in support of the prison.

Governor Gears' administration was noted for the manner in which he supervised the operation of the state institutions. He would suddenly appear at any one of them and look over the manner in which it was being managed. While he had at first adopted the suggestion that came from predecessors, that of the establishment of a board of charities and corrections to have supervision of the manner in which state institutions were conducted, and to make suggestions for bettering conditions and management, he early came to the conclusion to favor the establishment of one controlling board, rather than the creation of another board and that one with only supervisory power. He so impressed his views on members of the General Assembly that a bill was introduced in the House of Representatives, and passed that body, placing all the state's institutions, except the University, under a board of three members who were to give their entire time and attention to the work of the office. This bill, after being amended by excepting also the Agricultural College from the operation of the act, was ordered to a third reading in the Senate, and it would in all probability have passed that body, had not the legislature adjourned the next day and before the third reading of the bill was reached.

In his administration Governor Gear had me keep account of the increased expenses authorized by the legislature, as the bills came to him for executive approval, with amount of appropriations, in order to know whether the General Assembly was keeping within the amounts allowed by law for meeting such expenses. When the Eighteenth General Assembly seemed indisposed to make provision for meeting the war debt of \$300,000 to become due in 1881, the Governor let it be quietly circulated that, if the legislature should adjourn without making suitable provision for meeting that debt, he should immediately summon the body to meet in special session and would let it be widely known why he

did it. The proper action was taken, and the debt was put in process of liquidation when it should fall due.

He had the satisfaction of leaving the state's finances in excellent condition, a floating debt, when he entered office, larger than the state had ever paid interest upon, the state's expenditures lower than in any previous biennium for ten years, and all debt, except that to the state school fund, extinguished, or prepared for extinction, and this while the new State House was rising and necessarily drawing heavily on the treasury.

It was during his administration that the Retrenchment and Reform Committee was instituted, and I think it was at his suggestion. He was himself such a committee. He had the cost of judicial procedure much lowered. An important thing that was done at his suggestion was the passage of an act limiting the amount of compensation allowed counsel assisting in the prosecution of criminal cases. Up to that time some undue sums were allowed therefor by the court to be paid by the counties interested—sometimes the amount was grossly excessive. The new statute fixed the maximum sums that could be allowed such counsel. Another important measure was one that amended a provision that was put into the Code of 1873 that required counties to pay the fees and expenses of all witnesses for the defense in criminal cases. The amendment made it the duty of the court to pass upon the necessity for the defense to have all such witnesses. Under the former law criminals' lawyers would summon indefinite numbers of witnesses, and in case of change of venue summon enough to make the costs especially high. A reduction was also gotten through as to the compensation for shorthand reporting in the courts, thought then to be excessive.

After retiring from office Governor Gear spent some time in Colorado. Returning therefrom, the people of the First Congressional District elected him to Congress, which they also did two years later. As member of the Committee of Ways and Means, he got into the McKinley tariff bill the provision granting bounties to producers of sugar. Going out of office with the tornado that overwhelmed the Republican party in 1890, he was later appointed assistant secretary of the treasury by President Harrison. In 1892 he was again returned to Congress and in 1894 was elected a senator of the United States in succession to

James F. Wilson, then retiring. In 1900 he was re-elected to the Senate, but his earthly career ended before his first term in the Senate expired. Dying in the city of Washington, his remains were brought to his long-time home at Burlington and there interred.

Upon the retirement of Governor Gear I contemplated retiring from the position of secretary to the governor, as the incoming governor was a younger man than myself, and I had not been friendly to his nomination, although I supported him heartily for election. So thinking, it became me to be looking for other employment. But about that time Messrs. James S. Clarkson and John S. Runnells were quite urgent for me to remain in the executive office. I told them that it seemed to me better that I retire, suggesting, especially, that the new governor was a younger man. But they were persistently urgent, so that I let the matter stand, making no effort myself to get the place. They assured me that Governor Sherman had told them that he would offer me the position. But the new executive had another person for the position, and on the afternoon of his inauguration he introduced me to his secretary, Mr. Welker Given. I am inclined to think that he made that selection only the day before, because on the evening before I passed him coming down Walnut Street from the direction of General Given's residence, where his son Welker was then staying. It seems to me that it was then that he secured Mr. Given's consent to accept the position. The choice was a happy one. No person not familiar with the duties of work of the executive office could have been found more competent. Furthermore, he was at that time, or had been quite recently, assisting on the editorial work of the *Register*, hence Mr. Clarkson would not be disposed to object to the appointment. My relations with the new governor were, however, quite agreeable. When the terrible Grinnell tornado came that destroyed so many lives and devastated such a vast amount of property, he suggested me for one of two persons to traverse the track of the storm and make an estimate of the amount of loss, in order that an apportionment might be made of money that had been sent to the governor of Iowa for the relief of sufferers from that cataclysm. Mr. Marshal Talbot of Mahaska County was the committeeman sent with me on the work of relief. After we had

visited the ruins we reported upon the losses and made estimates of the amount to be given individual sufferers, and Mr. Talbot afterward disbursed the same. The Governor also had me inspect the penitentiary at Fort Madison when Warden McMillan's third term began.

In 1885 I was surprised at receiving a notice from Hon. Jonathan W. Cattell, who had been appointed by the Governor as auditor of state on the removal from that office of Auditor Brown, to be his deputy. I accepted the position and entered at once on the duties of the office, remaining there until Governor Larrabee restored Auditor Brown to the office. I am inclined to think that my selection for that position was suggested by the Governor. The acting auditor made out the biennial report to the legislature. Among the suggestions made in that report was one that favored the adoption of a provision in Iowa law similar to a law of New York, that no institution may call itself a bank that was not incorporated under state or national law. About that time Iowa adopted a law providing every bank operating under state law, other than savings banks, should style itself a state bank. While that is not so exhaustive a requirement as is that of the Empire State, yet every one doing business with a bank not incorporated under state or national law is made aware that such an institution is not under the supervision of officers charged with the duty of such supervision.

In our explorations of the auditor's office I came across the fact that the counties sending patients to the Mount Pleasant Hospital were receiving from the state treasury compensation for certain items of expense under a law passed in 1870 before the other hospital was prepared for caring for patients. The Code of 1873 fixed rates that each county was to pay into the state treasury for the care of its patients at the hospital. This law had been applied to the counties sending patients to the new hospital, but the practice under the former law regarding certain items of expense still obtained in reference to the other hospital. Mr. Cattell looking the matter over became satisfied that the provisions of the Code of 1873 were intended to be applied to all the counties of the state, and that no further attention should be paid to the law of 1870, and directed me to attend to that matter, which was done. There was thus saved to

the state treasury a sum equal to the cost of the items that had been irregularly paid out of the state treasury. The amount saved to the treasury for each year thereafter more than compensated for the extraordinary expense attending the occupancy of the auditor's office by Mr. Cattell and myself, as Auditor Brown, on re-entering office, drew warrants on the treasury for compensation for himself and his deputy while they were kept out of office, thus making the work of the auditor's office paid for twice during that year.

It is only just to say that, while Mr. Cattell and myself were thus thrown into the management of the auditor's office, we found no evidence of irregularity other than that cited above, which had been going on for a dozen years. That irregularity, it will be seen, was not at the expense of the state treasury except as to its being drawn on for a larger proportion of the expenses of the one hospital than was contemplated by the later law on the subject.

While we were in the respective offices blanks for warrants on the state treasury were required for use. The warrants that had been theretofore used were addressed to the "State Treasurer." I called the attention of Mr. Cattell to the fact that that officer, in the present Constitution of the state, is designated "Treasurer of State," and suggested that the new warrants that were to be furnished the office should be addressed to that officer with his title as written in the Constitution. The auditor directed the change be made. Thus was done what should have been attended to thirty years before, as was done when the title "Auditor of Public Accounts" was made to give way to that of "Auditor of State," also a change made by the second Constitution. There was no item of expense affected by this change, as there was need for new warrants for daily use.

Mr. Cattell had been clerk of the District Court of Cedar County. In that capacity he came in conflict with the county judge, which functionary had submitted to the people the question of issuing bonds to aid in the construction of railroads in the county, which, having been voted by the people, the judge wanted issued at once. The clerk being doubtful as to their validity, declined to act in accordance with the judge's direction. Thus the situation remained until the friends of the project got

a ruling from the Supreme Court sustaining their validity, whereupon the clerk yielded, taking the steps required of him. It will be recalled that the Supreme Court afterwards overruled the earlier judgment, holding such bonds were not authorized under the Constitution. In 1856 Mr. Cattell was elected to the state Senate, of which body he was a member for three years, there taking part in enacting the banking laws of the Seventh General Assembly, which aimed to protect the people of the state from "wildcat currency," as it was called. That act was one of the best banking laws that was ever enacted in any state. In 1858 he was elected auditor of state, the first in that office to be so designated at the time of election. In that capacity it became his duty in the third year of his incumbency to sign forty coupons on the bonds authorized for the war and defense fund, amounting to \$300,000, surely an enormous undertaking. These bonds were sold at something of a discount because their constitutionality was doubted. But for that situation the auditor was not censurable. In 1865 he retired from the auditorship, although he had quite strong support for a fourth term in that office, the nomination going to another only after several ballots. In 1865 he received some votes in the Republican state convention for governor when Governor Stone was renominated. Again, when Colonel Samuel Merrill was nominated, Mr. Cattell had some support for the governorship. In 1865 he was again elected to the state Senate, in which body he took part in adjusting the situation regarding the railroad land grants. He also took part in the movement for beginning the erection of the new State House. He was always a highly respected member of the legislature.

Retiring, Mr. Cattell removed to the country where he conducted farming operations for several years. It was while he was thus employed that Governor Sherman selected him for the auditorship, and it was a happy choice, if the removal of the actual auditor was to be undertaken.

In 1887 Mr. Cattell was injured in an accident which proved fatal and he passed from earth in that year, most highly regarded.

The Nineteenth General Assembly authorized the Executive Council to have prepared a compilation of the returns of the

federal census of 1880 and comparison of the same with those of former enumerations. Secretary of State Hull, who was the secretary of the Executive Council, appointed me to make that compilation. This I did, hunting up much that had not before been put in print, the returns of some earlier censuses having been merely compiled in aggregates. The work was completed in 1883 and given to the public, some features being introduced never before appearing in any document published under state authority.

That compilation was entirely my own, all computations being either made or verified by myself. The introduction, in which there was a paragraph not written by myself, gave a historical sketch of former enumerations, territorial and state. Comparisons were made as to healthfulness, mortality, temperature, and precipitation, with other parts of the country. Statistics were also presented in respect to all matters covered by the national census as to all the states and territories in reference to productions, and live stock of all kinds, and some comparisons made showing the superiority of some of our counties over others respecting production and other items of interest. It included a sketch of the legislative acts establishing and organizing our counties, with an approach to a genesis of their names. An attempt was also made to set forth the townships throughout the state, when and how organized, with an alphabetical list of them, and statistics of the towns and villages, including some that had become extinct.

In the introduction I cited the fact that Congress had made provision for aiding states in compensating their enumerators, where such enumerations were made by state authority in the fifth year of a decade, and I suggested that our state take advantage of the offer. This was to pay the state half what it had cost the federal government for supervision and enumeration, and in addition thereto a proportionate rate of advance according to the additional population found in the state by such new enumeration. I drafted a bill for that purpose, proposing to separate the census work from that of the assessor, believing that that officer's work in his assessing capacity was rather a hindrance than otherwise in getting information. The legislature did not see fit to take advantage of the nation's offer to help.

In 1876 a Mr. Carlton, who had conducted a newspaper at Indianola, came to Des Moines and began the publication in the east part of the city of a paper which he styled the *Des Moines News*. After some months spent in an unsuccessful effort to keep up that publication, he disposed of it to a person who gave the paper the name of the *Baptist Beacon*. Some time afterward Robert Aiton, now of Washington, D. C., who had been mayor of Malvern, Mills County, bought the property and restored the name of the *Des Moines News*. In 1880 Lowry Goode and another, I think it was Lewelling, then of Mitchellville, afterward governor of Kansas, bought the property from Aiton, and at my suggestion changed the name of the paper to that of the *Capital*, which was published for about three years as a weekly. After it had changed hands different times it came into the possession of a corporation named the Des Moines Capital Company. I became connected with it in 1883 and we began the publication of the *Daily Capital* on September 1, 1883.

Des Moines had been a busy place that year. The Great Western Railroad got in, and a vast amount of building was constructed in that year, especially in the east city. On September 10 there came a frost that played havoc with the corn crop and business at once became very dull, little or nothing doing, quite in contrast with the "boom" times of the early part of the year. The depression continued more or less for two or three years. The liquorites charged the dullness to prohibition. But it was quite noticeable that when prohibition under Governor Larrabee's inspiration came to be more rigorously enforced business also looked up more and more. In January, 1884, the *Capital* was disposed of to James H. Duffus, of Malcom, Poweshiek County. In 1889 it became the property of Senator Lafayette Young, then of Atlantic.

In 1886 Auditor Brown had me annotate the revenue laws of the state, which I did thoroughly, going through opinions of the attorney-general on questions concerning assessment and taxation; but as the work was intended for the instruction of assessors and tax collectors, care was taken not to cite opinions that would convey to such officers the notion that the duties required of them were merely directory, and that what omissions might happen to them in the discharge of their duties were not

for them to consider, their whole duty being to follow the law and the instructions.

I was clerk of the Judiciary Committee in the Senate of the Twenty-first General Assembly. The bill for revising the law regarding state printing and binding that was passed by the Twenty-second General Assembly was originally drafted by myself. It was spoken of by journalists as a new code for state printing and binding. The bill was considerably altered in its passage through the legislature, but it was substantially engrafted into the Code of 1897.

The secretary of the Senate in 1890 asked me what I would charge for getting up the index of his journal. I told him that to get up such an index as that work should have been worth \$100. He said he would not give over \$25 for the job. I was so anxious to have a new style of index in our legislative journals, and fearing that the secretary would let somebody have it who would not make any improvement in indexing over what our journals had been from the beginning, and of which most other states have compilations of the same kind, that I undertook the work. It was a new thing in Iowa, or anywhere else, so far as I knew. I began the journal with a preface like that I had gotten into the book of the statutes of the state twenty years before, giving a list of the senators at that session. I also inserted at the beginning of the book a complete history of the bills that were introduced in the Senate, or that came there from the House, telling what became of them, indicating all the phases of the passage through the Senate. In the index at the end of the book appeared the names of the senators, telling of motions they made, and other actions in which they took part, giving the numbers of the pages on which appeared the bills they introduced. That form of index obtains to this day, except that opposite the names of the individual senators appear the numbers of the bills they introduced, which is an improvement on the index of 1890. Otherwise, the indexes of the journals of the two houses are now made on the model of what was introduced then.

I also suggested that memorial pages be given for resolutions regarding former members of the General Assembly, instead of scattering them through the journals. That has been generally

followed. Iowa legislatures have adopted quite a different practice from other legislatures and from Congress in respect to memorializing departed legislators. The usual custom in that respect is to memorialize only the members of the body in the current session. The practice here is to pass resolutions and have addresses concerning members of former legislatures passing away during the interval since the preceding general assembly adjourned.

In respect to that index of 1890, I have been told that the secretary whose index I thus prepared boasted of how he had made an improvement in respect to indexing, but I never heard that he told how little it had cost him of either time or money.

The Twenty-fourth General Assembly provided for the appointment of a commission to revise the revenue laws and submit the same to the next general assembly. I was appointed secretary of that commission. The commission worked faithfully on the measure submitted to it. One recommendation made by them was something believed to be new. That is, that there be three assessors for each assessment district, each of whom should himself make an estimate of the value of each piece of realty separately from his associates, and when they got through such valuation individually they should come together and make valuations based on their individual estimates of the same. Such valuation was to be made once in four years and improvements in the interim were to be estimated in the same manner. This commission recommended levying an inheritance tax. I drafted the report of the commission. I was clerk of the Ways and Means Committee of the Senate of the Twenty-fifth General Assembly which had that commission's work before it, when it was duly considered and amendments suggested but nothing was then done, the proposed mulct law taking up most of the time of that body.

During these years I was a contributor to the *Daily Capital*, continuing thereat until I was told by Captain Hull that Governor Drake was considering me for his secretary. Soon afterward Mr. Richard Clarkson sent word to me to call upon him. Then he told me Governor Drake had been thinking of me for his secretary, the Governor elect saying that Governor Gear had spoken of me. Clarkson strongly supported me for the position.

At his suggestion I called upon the Governor elect and had a friendly chat with him. A few days afterward it occurred to me that I might send Governor Drake the names of men with whom I had been associated in public life, a list of whom I sent him. At the time of General Wright's funeral in December, 1895, Governor Carpenter told me that Drake had written him regarding me, and George W. Bemis, who was treasurer of state while I was secretary under Governors Kirkwood, Newbold, and Gear, told me of getting a similar letter from the Governor elect and that when he, Bemis, told Drake that Governor Kirkwood had said to him that "William makes a pretty good governor," General Drake was relieved of much concern in the matter. When Governor Drake came on to be inaugurated I called upon him, when he said, "I have written to all those men you named and every one of them gave me a better opinion of you than you did of yourself," and I had not written to one of them. I at once entered upon assisting him in the preparation for his inauguration. He submitted to me his inaugural, and he accepted a few suggestions I made in the document. Going into the office I had the pleasure of having with me, as pardon secretary, Mr. William S. Richards, who had been Governor Jackson's private secretary, and a very efficient officer. That gentleman passed from earth a few years ago.

Governor Drake had put upon him the question of responsibility for convening the General Assembly in special session for considering the code prepared by a commission provided for by the legislature of 1894. When he saw the difficulty of passing upon a new code of laws at a regular session of the legislature, he let the members of the Twenty-sixth General Assembly understand that he would take the responsibility of convening that body during the coming winter. There happened to come other necessity for such special session. Two or three of the state's public buildings had been seriously damaged by storms, and there was not enough of the emergency fund left in the treasury to remedy the mischief done. In summoning that body together he spoke of the dilemma the state officials and the state treasury were in, and how the members of the Executive Council undertook to pledge themselves for sufficient funds to make the needed repairs.

A veto by Governor Drake might be referred to because of the measure being held to be only special legislation, such as the Constitution forbids. The bill was one that authorized a city with a population of a limited amount under the census of 1890 to adopt certain regulations. The objection to the bill was found in the fact that it could only apply to one city, precisely as if the city was named in the bill. The Supreme Court had passed upon the act enlarging the city of Des Moines, enacted in 1890, in which it held that as it could only apply to the city of Des Moines, it would therefore be under the ban against special legislation; but the court then held that the act of 1890 had gone into effect so thoroughly, and the city had conducted its business thereunder for so long a period of time, that only mischief would follow setting aside the act. This bill that came down for Governor Drake's action, nothing being yet done under the same, the Governor consulted Attorney-General Remley, and got from him the opinion that the bill was objectionable on constitutional grounds, under the ruling of the Supreme Court in the Des Moines enlargement case. The Governor accordingly returned the bill to the legislature. In his message, however, he suggested that a slight change in the phraseology of the bill would make it come within the constitutional requirement that laws be of uniform operation under like circumstances.

Governor Drake became of the opinion that he as governor had no authority to pass upon resolutions adopted by the General Assembly, the Constitution authorizing him to pass upon all bills providing for laws, but that instrument made no reference to resolutions passed by the legislative body. The contrary practice had prevailed from the first, coming down from territorial days, when the practice in Congress was followed. That body must send everything that requires the consent of both houses, except for adjournment, to the president, there being two sections of the federal Constitution that separately require bills and resolutions to be submitted to the president. Our Constitution requires all bills to have an enacting clause, which is set out in the fundamental law. No such provision appears in the federal Constitution. After he had signed a few resolutions that came down to him, the Governor stated that he would not sign any more, holding that such resolutions were of as much

validity when they reached the executive office as they ever would be.

While the new code was under consideration, one of the chapters was found to have contradictory provisions in it. One section amended the former law by reducing the number of members of the Pharmacy Board from five to three, but another section provided that the governor should appoint a commissioner of pharmacy in every year to serve for five years. The Governor might have returned the bill vetoed, but as he had no objections to either of the provisions, he determined to have the two houses pass a concurrent resolution asking the return of the bill. Were the sections parts of acts passed at different times, the one of the later date would of course govern, but the bill now before the Governor was not susceptible of interpretation like those so passed.

---

#### THE LICENSE LAW OUTLAWED

---

The Supreme Court has decided the license law of the last session unconstitutional. They base this decision on the ground that the taking effect of a general law cannot be made to depend upon a vote of the people; that all general laws must be uniform in their application and operation; and that the repeal of a general law cannot be made contingent upon a popular vote. These, if we recollect aright, are the points upon which the law is annulled. It now remains for the legislature to say whether the license law shall be substituted for the prohibitory law; or the latter be amended and suffered to stand as the law of the state. Let us have no dead statutes in the Code. Give them vitality or obliterate them. The State Temperance Convention, which is to assemble in this place in a short time, will probably memorialize the legislature on the subject. Our own conviction is that a judicious license law should be substituted for the prohibitory law, unless our courts will see that the latter is more effectually enforced.—*The Iowa Citizen*, Des Moines, January 30, 1858. (In the newspaper collection of the Historical, Memorial and Art Department of Iowa.)

Copyright of Annals of Iowa is the property of State of Iowa, by & through the State Historical Society of Iowa and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.