

## SOME PUBLICATIONS

*Proceedings of the Iowa State Bar Association.* Eighth annual session, held at Dubuque, 1902. Published by the Association. Pp. 227.

The temporary organization of the present State Bar Association of Iowa was effected at Des Moines in 1894, and its first regular session was held in that city during the following year. Since that time the annual sessions have been held at different places in the State, during the summer vacation of the courts. The plan of having the meetings in different places from year to year has been advantageous in that it has secured the active interest of many lawyers, who perhaps would not have attended any session if all had been held at one point; but on the other hand, it has deprived the Association of a substantial, continuous body of members who may be expected to be present at all its sessions. The work of the Association would probably be more effective if the meetings were held each year at the capital of the State.

The primary object of the various State bar associations, as well as of the American Bar Association which is composed of a membership from all the States, is to promote the general interests of the profession of law and stimulate the members of that profession in the discharge of their higher duties towards the State and the public. The constant aim of such associations has been to conserve the traditions of the profession, which recognize its members as charged with the performance of a public function. These traditions are based on the theory that lawyers who are licensed to practice their profession in the courts really constitute an essential part of such courts in the administration of law, and are not merely private persons, availing themselves of the opportunities of the profession for the purpose of individual gain. The contest is strenuously made against mere com-

mercialism, and the deliberations of the members of such associations do not relate to the best methods of practicing law to their own advantage, but rather to those matters in which the profession is discharging a public duty. The true objects of such organizations are well set forth in the constitution of the one in Iowa, which declares that "This association is formed to cultivate the science of jurisprudence, to promote reform in the law, to facilitate the administration of justice, to elevate the standard of integrity, honor and courtesy in the legal profession, to encourage a thorough and liberal education, and to cherish a spirit of brotherhood among the members thereof." A brief review of the proceedings of the eighth session will show that the Association is faithfully carrying out the objects for which it was organized.

The formal program of the annual session usually consists of the President's address, an address by some judge or lawyer of distinction, usually selected from outside the State, and several papers by members of the Association relating to subjects of interest to the profession. For this session the President's address was on *The Life, Character, Career and Professional Labors of Justice Samuel F. Miller, of the Supreme Court of the United States*, delivered, as usual, by the retiring President, who in this case was Hon. J. H. McConlogue, of Mason City. The annual address was by Hon. Paul E. Carpenter, of Milwaukee, on *Some of the Legal Phases of Insanity*. It would not be possible here to synopsise what was said, nor will it be necessary to eulogize the speakers. The addresses present in a full, fair, and interesting way the subject matter properly indicated by their titles. The papers read were by Hon. M. J. Wade on *The Use and Abuse of Expert Evidence*, by Hon. H. M. Remley, on the question, *Should the Marriage of Feeble Minded and Degenerates be Prohibited by Law*, and by Hon. George W. Wakefield on *The Need of Law to Govern Trial of Equity Cases*.

At the previous session a section of the Association was provided for to give special attention to the subject of *Taxation*, and at this session papers were read before the section by Professor H. S. Rich-

ards of the College of Law of the State University, Mr. A. E. Swisher of Iowa City, and Mr. E. E. McElroy of Ottumwa. The most interesting discussion of the session was that which followed the reading of these papers. Hon. R. M. Haines of Grinnell, who presided over the section, was subsequently elected President of the Association for the ensuing year; but by his recent death the Association has not only been deprived of a President, but also of an enthusiastic worker, and the bar of one of its strongest, most conscientious, and most laborious members.

The papers as to expert evidence and trial of equity cases are illustrations of the constant attention which is being given in such associations as this to the development of the law in its practical applications for the purpose of administering justice to litigants, and they deal with matters of great interest to the profession. The paper with relation to the marriage of the feeble minded and degenerates illustrates the constant and well recognized relation which must exist between the law and questions of sociology as to which legislation is thought to be desirable. While lawyers as members of the legal profession have no immediate concern with the principles of sociology, or with the proper subjects of legislation, it is recognized as practically true that legislation can be effective only so far as it is intelligently based on the law as it exists, for enforcement of legislation must rest largely with the courts.

Although lawyers are not by profession law makers, they are the wisest counsellors in determining the effectiveness of proposed changes in or additions to the law, and those of them who become members of legislative bodies render a valuable service in procuring the passage of laws which are for the public interest. The constant tendency of bar associations to discuss subjects of proposed legislation, which is not strictly within the scope of jurisprudence, illustrates the close relations between the making and the administration of laws, whatever may be their purpose. It may be questioned whether associations of lawyers do not assume too much in the interest which they manifest in subjects of this kind, for their primary and impor-

tant business is to assist in the administration of justice in the courts, and not to promote the enactment of laws. And yet the intimate relation between legislation and the administration of justice is such that it is difficult to draw any accurate boundary line, and their beneficial activity in public life is justified by the fitness which their legal training gives them to judge of the expediency of proposed measures. It would not be to the public interest to have the members of the legal profession feel that the presentation of cases to courts and the earning of fees by consultations with clients as to their legal rights constitute the extent and whole scope of the lawyer's proper sphere.

The papers on taxation and the discussion which followed especially illustrate the relation of law to legislation. It is peculiarly true as to this subject that while it is a branch of public administrative law, legislation with reference thereto must be perfected not only with the purpose of making taxes more equitable and fair as to the persons affected and adequate for the support of the government and its institutions, but also with constant and careful reference to the legal and constitutional limitations on legislative power in this respect; and if the advice of lawyers with reference to legislation is ever permissible, it is certainly to be justified with regard to legislation on this most vital and important subject. It may perhaps be admitted that the deliberations of bar associations have not accomplished very much in the past in the way of promoting wise legislation, save, perhaps, so far as the law of rights and remedies and the regulation of admission to the bar are concerned. But it is not to be doubted that these discussions have been of value in pointing out the difficulties to be contended with and overcome if such legislation shall be effectual.

A regular feature of the proceedings of the Association at each annual session has been the reports of standing committees, especially the committees on legal education and law reform. At this session the committee on legal education reported satisfactory progress in securing such modification in the law as to require increased educational qualifications on the part of those aspiring to enter the profession;

and the committee on law reform proposed some recommendations for amendment of the statutes to cure defects which have become apparent in their interpretation by the courts. The recommendations as to amendments were adopted, and no doubt will receive the attention of the legislature. The relation between the State Association and the American Association was recognized by the reports of the delegates who attended the previous session of the latter, and the importance of this vital relation was thus emphasized. While the State Association is in no sense a branch or offspring of the American Association, it is evident that the community of interest is such that cooperation must be of constant advantage.

No other profession has so close a relation to the State as the profession of law, and no other profession is doing so much to promote the general interests of organized society. Law is a branch of social science, and the success of proposed social reforms will largely depend upon the care with which they are kept within the bounds indicated by the rules and principles embodied in and recognized by the law as it now is.

EMLIN McCLAIN

SUPREME COURT CHAMBERS  
DES MOINES

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*Bulletin of Iowa Institutions.* Edited by the BOARD OF CONTROL.  
Published by the Authority of the Legislature. Dubuque: 1902.  
October. Vol. IV. No. 4. Pp. 123.

The last number of the *Bulletin of Iowa Institutions* under the Board of Control like its predecessors contains a series of selected papers on subjects germane to the work of the respective institutions under the control of the State Board, and papers especially prepared for presentation to the preceding regular quarterly meeting of the chief executive officers of the State penal and charitable institutions with the Board of Control, together with a complete report of the proceedings of the quarterly meeting including a verbatim account of the discussions elicited by the papers read. The number under re-

view closes the fourth volume of the quarterly bulletin, the first number having been issued in January, 1899. The four volumes with four numbers to each volume, which have appeared to date, constitute not only an admirable record of the regular quarterly meetings which are in the nature of a deliberative council of experts, but they furnish also a most valuable collection of material for the student of sociology, particularly for the study of certain problems of applied sociology.

A suggestion of the scope and variety of topics considered will be given by citing the titles of the more formal papers contained in the last number of the *Bulletin*: *Artesian Wells in Iowa*, by Samuel Calvin; *Institution Engineering*, by Clayton A. Dunham; *Selection and Care of Dairy Cows*, by M. T. Gass; *Undesirable Employees—How We Are to Protect Ourselves Against Them*, by Max E. Witte; *The Juvenile Court Probation System*, by Mrs. Isaac Lea Hillis; *Institutional Expenditures in the State Budget of Iowa*, by Frank I. Herriott (Part V in a series of thoughtful papers by the same writer); *The Juvenile Offender*, by Geo. L. Cady. Besides these papers and the discussions which followed the reading of some of them, the last number of the *Bulletin* contains a record of cases submitted for study by the medical staff of our State hospitals. Each number has its special table of contents and each volume closes with a suitable index.

It would be a convenience to the general reader if each number of the *Bulletin* contained also an official directory giving at least a list of the several institutions under the Board of Control and the chief executive officers in charge of these institutions.

ISAAC A. LOOS

THE STATE UNIVERSITY OF IOWA  
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*The Conquest: The True Story of Lewis and Clark.* By EVA EMERY DYE. Chicago: McClurg & Co. 1902. Pp. 443.

When a child, searching the shelves of my father's library for something interesting to read, I used three tests in selecting a book. If it had a sober binding, a plain prose title, and solid pages of print, it went back to the shelf unread. *The Conquest*, if it could have been there, would not have had that fate. It is, indeed, bound in sober gray, but the outlined head of an Indian on the cover solemnly commends the contents. The lettering would have been dark yellow to me then but now it is old gold, reminding me that the author is the wife of a former student of the State University of Iowa. S. U. I. is proud of her distinguished sons and daughters and of her sons-in-law and daughters-in-law as well. The title is well chosen. It may suggest anything that is attractive to young men or maidens, whether "fierce wars" or "faithful loves." The pages, too, look interesting. There is plenty of conversation and the paragraphs are short. Besides all this there is a picture of a sweet-faced lady with the one word "Judith" below. I must find out who Judith was. So I, the child, take the book and curl myself up in a great easy chair to read.

There is a note of acknowledgement which the child skips and the reviewer reads. She finds that the book is based upon a large number of original documents, letters, and family traditions; materials not yet made public and sought for and gone over with infinite patience by Mrs. Dye. A very brief foreword gives us a glimpse of what we are to see more in detail, border warfare, pioneers, Indians, and buffaloes, together with a foretaste of the vividly picturesque style of the narrative.

*The Conquest* is the history of the winning of the West from the Indians. Its three books tell of three periods, the first from 1774 to 1803, the second to 1807, and the third to the middle of the century. The central thought is in the middle division, the story of the journey of Lewis and Clark to the mouth of the Columbia river; but, in order that we may appreciate that, 'a flying survey is made of the conquest

of the West from Daniel Boone's first appearance in Kentucky until the Indians were dispossessed of the Louisiana Purchase.

The style is vividly picturesque, rather dramatic than narrative. The book is a series of scenes, each touched lightly yet with details enough to stir the imagination to fill out the rest. Men speak for themselves, brief sentences and few, yet their words make the men real to us. On the wings of imagination we dart from place to place and from event to event over the whole valley of the Mississippi and a century of time. Such a manner of writing has certain disadvantages. It must be somewhat superficial and it is not always clear. The scenes and actors change so quickly that we are occasionally not sure just where we are. Yet, when we have finished, those times and people are present and alive again in our minds. That is a great achievement in history.

I think the book will find its chief place in school libraries. Wherever United States history is being studied, it will be an exceedingly useful and enjoyable supplement to the text-book.

ALICE YOUNG

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*New France and New England.* By JOHN FISKE. Boston: Houghton, Mifflin & Co. Riverside Press. 1902. Pp. xxiii, 378.

This posthumous work of Mr. Fiske completes his notable series of books on American history. The subject matter of the volume had been carefully prepared before the author's lamented death and was presented in lectures before the Lowell Institute during the winter of 1901-1902. Only the first two chapters, however, had been finally revised for publication. The third chapter was unfinished, but this has been completed in accordance with notes left by the author. The marginal notes and references for the remaining seven chapters have also been supplied by the editor.

The present volume is the sequel to two of the previous numbers of the series: *The Beginnings of New England* and *The Dutch and*



*Quaker Colonies in America.* In the preface of the last-named work the scope of the volume is described by the author as follows: "It is my purpose, in my next book, to deal with the rise and fall of New France, and the development of the English colonies as influenced by the prolonged struggle with that troublesome and dangerous neighbor. With this end in view, the history of New England must be taken up where the earlier book dropped it, and the history of New York resumed at about the same time, while by degrees we shall find the history of Pennsylvania and the colonies to the south of it swept into the main stream of Continental history. That book will come down to the year 1765, which witnessed the ringing out of the old and the ringing in of the new,—the one with Pontiac's War, the other with the Stamp Act."

The first four chapters of the work are devoted to the history of New France. The voyages of Cartier, the explorations of Champlain and Nicolet, of Joliet and Marquette, and the evolution of the ideal of a great continental empire conceived by Talon, fostered by Frontenac and inaugurated by La Salle, are all described with the author's usual charm and vigor.

The scene is now abruptly shifted to the Massachusetts colonies and the horrors of the witchcraft delusion are depicted in a manner as critical and free from sensationalism as the nature of the subject will permit. Then follows a chapter devoted to "the great awakening," in which are presented the American phases of the great ecclesiastical controversies raging during the first decades of the eighteenth century.

Political history is then resumed and the remaining chapters are devoted to the long and arduous struggle culminating in the fall of Quebec and the consequent overthrow of French absolutism in North America. Thus the work before us completes the history of the New World colonies up to the beginning of the period which has already been treated in the author's *American Revolution*.

In this, as in all his historical writings, Mr. Fiske manifests the philosophical insight and the critical temperament of the profound

student in happy combination with the spirit and enthusiasm of the interesting narrator.

LAENAS GIFFORD WELD

THE STATE UNIVERSITY OF IOWA  
IOWA CITY

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*Annual Report of The American Historical Association for the Year 1901.* In two Volumes. Vol. I. Washington, D. C.: Government Printing Office. 1902. Pp. 575.

The Seventeenth Annual Report (1901) of the American Historical Association has issued from the press at Washington. It comes as usual in two volumes. The first includes the Report of the Secretary and the papers read before the Association, the second contains the Justin Winsor Prize Essay, *Georgia and State Rights*, by Ulrich Bonnell Phillips, and the *Report of the Public Archives Commission*.

In volume I it is noticeable that two of the articles are memorials of men who have been active in laying the foundations of historical study and teaching in America—Moses Coit Tyler of Cornell University, and Herbert B. Adams of Johns Hopkins University. Perhaps no meeting of this young organization has been so suggestive of the fact that the great leaders in our comparatively new field of labor are beginning to give place to younger workers.

Both men were preeminently teachers, both were ripe scholars, and both were able to bring to bear upon their efforts a fine technical training in historical methods. This was particularly true of Mr. Adams whose sojourn with the European masters fitted him to be the father of their methods in this country. Both were men of fine personality, and each brought to his task that culture and breadth of vision so necessary for the true historical spirit.

One other feature of the report is also significant. In the President's address<sup>1</sup> the note of a new policy is sounded, which if followed will undoubtedly give a new direction, if nothing more, to the work of the Association. Mr. Adams, after briefly and critically re-

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<sup>1</sup>*An Undeveloped Function*, by Charles Francis Adams.

viewing our presidential campaigns for a half century, points out the pressing need of something to elevate the standard of the debates and says: "I hold that the time has now come when organizations such as this of ours instead of, as heretofore, scornfully standing aloof from the political debate, are under obligations to participate in it." Mr. Adams then suggests a plan by which the Association shall proceed to this new work.

There is certainly no contention with Mr. Adams as to the main point. There is need of a better historical spirit, of men with the training of students to hold up the moral aspects of these questions and develop debate upon the "higher level." But as to the method suggested it would seem to be a grave question whether the Association is an organization which could adapt itself to the work or whether such an adaptation as Mr. Adams proposes would accomplish its purpose.

HARRY G. PLUM

THE STATE UNIVERSITY OF IOWA  
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*Laws of the Territory of Iowa, Enacted at the Session of the Legislature Commencing on the first Monday of November, A. D. 1839. Published by Authority. Burlington. Printed by J. H. McKenny, 1840. Des Moines: Reprinted by the Historical Department of Iowa. 1902. Pp. 227.*

*Laws of the Territory of Iowa passed at the Extra Session of the Legislative Assembly. Begun and held in the City of Burlington on the first Monday in July in the Year of our Lord one thousand eight hundred and forty. Published by Authority. Burlington. Printed by J. H. McKenny. 1840. Des Moines: Reprinted by the Historical Department of Iowa. 1902. Pp. 80.*

Copies of the original editions of the acts of the Territorial Assembly of 1839-40 are exceedingly rare; on that account the reprint issued by the Historical Department is commendable, since it

renders these acts generally accessible. From the view point of the lawyer these statutes are of service in the matter of titles and as an aid in construing present day legislation. Still their chief value is historical rather than legal.

The legislation as a whole possesses the characteristics common to all pioneer law making. There are numerous special acts, and very little legislation of a comprehensive character. The development of the resources of the new country is the dominant thought, as evidenced by the numerous special acts providing for the laying out of highways, the development of water power, the licensing of ferries, and the incorporation of manufacturing enterprises.

The general legislation covers a variety of topics. The most elaborate statutes along this line deal with the subjects of Recording Conveyances, Regulation of Ferries, Justices of the Peace, Habeas Corpus, Marriage and Divorce.

The pioneer function of the "grocery" is illustrated by an extensive statute governing the sale of liquors by groceries, which shows that the primitive enterprise had a far more extensive scope than is recognized in our day.

Distinctions between legislative and judicial powers were not always observed. This is shown by a legislative divorce granted at the extra session of 1840, although the legislature had passed a general statute on the same subject at the preceding regular session. Among the resolutions adopted is one concerning the then popular project of slack water navigation of the Des Moines river—a project the failure of which dashed the metropolitan hopes of scores of hamlets along the proposed route, and left a host of legal controversies for the present generation.

Although absorbed largely with plans for material advancement the Legislative Assembly was not unmindful of educational matters. An extensive statute providing for a system of common schools was enacted; and charters were granted to various educational enterprises, the most pretentious being the Iowa University to be located at Mt. Pleasant. The Assembly's generosity apparently extended

no further than the creation of an imposing board of trustees of twenty-one members, with large power, but without endowment or other resources.

A conciliatory resolution calls to mind the Missouri boundary dispute which attracted so much attention during the Territorial period. The resolution intimates the danger of war, and asks Missouri to stay its hand until Congress can act.

At the extra session of 1840 the most elaborate act passed was one providing for the organization and discipline of the Militia. This statute was due largely to the fear of trouble with the Indians. The act apportioning the members of the Assembly, passed at the extra session, shows that only seventeen counties were organized at this time.

Although the pioneer period of Iowa did not raise problems different from those of other Territories in the same period of development yet there will always be a keener interest for Iowans in the acts of those who helped to lay the foundations of this Commonwealth. Even a casual perusal of this early legislation will kindle a desire for a more intimate knowledge of the doings of the pioneers.

HARRY S. RICHARDS

THE STATE UNIVERSITY OF IOWA  
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*Historic Highways of America.* By ARCHER BUTLER HULBERT. Cleveland: The Arthur H. Clark Company. 1902. Pp. 140, 152, 215. Vol. I., Paths of The Mound-building Indians and Great Game Animals. Vol. II., Indian Thoroughfares. Vol. III., Washington's Road (Nemacolin's Path), The First Chapter of the Old French War. With Maps and Illustrations.

A method of study which is likely to result in greatly increased knowledge of the predecessors of the White Man in the United States is the tracing of the highways of man and of the larger game. "Every road has a story, and the burden of every story is a need." It is the same with man as with the moose, the deer, or the buffalo.

Each must have his new feeding ground—or must improve it. In seeking it he makes highways of travel. Of the former highways vast numbers are traceable in many parts of the country. By their means there will be found a natural order of inhabitants and the reasons therefor. The Indian was not the first here. The pioneer for him was the buffalo. The buffalo was a great roadbreaker, and the Red Man followed his leading; and “until the problem of aerial navigation is solved human intercourse will move largely on the paths first marked by the buffalo.” Even our great railroads follow these trails. Most interesting are the instances of this seen in the course of the Baltimore and Ohio, the Pennsylvania, the Chesapeake and Ohio, and the Wabash.

But the buffalo too had a predecessor, or at least he was a later invader. Mound-builders were here before him, and they followed the same laws in finding highways which his brute instinct adopted. Moreover, they improved the natural courses. But “with the deterioration of the civilization to which the mound-building Indians belonged, the art of road-building became lost—for the great need had passed away. The later Indians built no such roads as did their ancestors, nor did they improve such routes on the highways as they found or made. But they collected poll-taxes from travelers along them, setting an example to generations of county commissioners who collect taxes from roads they do not improve.”

And so all discovery and conquest since have gone on along these paths, for the reason that they were the natural courses. They were the line of least resistance. They were the outcome of animal instinct. The Mound-builder found them and artificially improved them. They grew over with vegetation and were modified by natural forces. The buffalo again found them. The nomad Indian followed the buffalo, and the White Man followed the Indian.

Here is a clew for the historical tracing not only of the White, but of his predecessors. This method of following the White Man's inroads is now revealing a hundred previously unknown facts concerning his progressive march. It is the object of these volumes to

make known these facts and the reason for the later distributions of White settlements. The author states that the time is now ripe for realizing that "there is a vast deal of geographic-historical work to be done throughout the United States." He earnestly recommends it to local students everywhere.

The general theory upon which the author works changes the previous notion that the "lines of migration were *along* the principal water-courses." He cites the investigations published by the Bureau of Ethnology to show that "these lines of migration were *across* the large water-courses rather than *up-and-down* them." The high lands or water-sheds, not the river-bottoms, were the road courses for the successive migrations of human and animal life.

One fact which is at the same time reason and conclusion from the study of these highways is, that "the Mound-builders were largely a rural people; and in some noticeable instances their works are found more profusely on the smaller streams than on the larger ones. This is shown by the location of their archæological remains; and a good reason for it is found in the fact of the relation of primitive settlements to river floods. That the buffalo was later than the Mound-builder is inferred from the fact that no buffalo bones are found among mound-builder relics. That mound-builder roads (often much improved) were followed by buffalo trail is seen by still existing evidence. The study of the courses of more primitive men and the paths of the great game animals becomes a historic novel. The numerous maps, charts, tables and citations from early contemporary records add greatly to interest and clearness. A look through these volumes shows most conclusively that a new source of history is being developed—a source which deals with the operation of the most effective causes influencing human affairs. History is being expanded in meaning. It is coming to include the pre-historic.

DUREN J. H. WARD

IOWA CITY

*The Story of the Mormons.* By WILLIAM ALEXANDER LINN, New York: The Macmillan Co. 1902. Pp. xxiv, 637.

The present controversies about the admission of certain persons to the House of Representatives and the Senate of the United States because of their religious affiliations and practices, makes a history of the Mormons a very opportune book. The fact that publishers believe there is a demand for such a book is indicated by the appearance at this time of Mr. Linn's *Story of the Mormons* and Mr. Riley's *The Founder of Mormonism* (Dodd, Mead & Co.) Mr. Linn says the purpose of his work "is to present a consecutive history of the Mormons, from the day of their origin to the present writing," and that "the search has been for facts and not for moral deductions." And yet we fear that we find signs in the same paragraph from which the above quotations were taken indicating that the author's prejudices are too strong to allow him to write a fair and impartial history. Such expressions as "The Prophet's own account . . . written with *an egoist's* appreciation of his own part . . . all *showing up*, as in a mirror, the character of the persons who gave this church its being and its growth," make us feel that the author has little sympathy for the people whose history he starts out to write. This impression is further confirmed by our author's "words on the sources of information," in which we are told that our author writes from a different standpoint than that taken by H. H. Bancroft in his history of Utah, which, according to Mr. Linn and a quotation given from a Mormon, was written entirely from information given by the Mormons and which aims "to give the Mormon view in the text and to refer the reader for the other side to a mass of undigested notes." The writer of this review knows so little about the Mormons that he is unable to decide whether Mr. Linn has been fair in his selection of incidents and illustrations. But one is made to feel in reading the book that the selection is, as in *Uncle Tom's Cabin*, from the extreme instead of the typical.

Nevertheless Mr. Linn has written a very readable book, and, if one takes it up understanding his point of view, a very valuable



story and mild criticism on the Mormons and their religion. Our author is of the opinion that the Mormons gain their power over people by taking advantage of the natural credulity of man and the desire for a supplement or explanation to our religion as to what goes on after death.

The book is divided into six parts, namely: The origin of the Mormons, The Mormons in Ohio, In Missouri, In Illinois, The Migration to Utah, and Utah. A native Iowan, with his yankee instinct to claim everything, is piqued not to find a division given to the Mormons in Iowa. However, our author makes up for this lack by a treatment of the Mormons in their relation to Iowa and Iowans, under "The Mormons in Missouri," and "The Migration to Utah." The chapter called "From the Mississippi to the Missouri" gives a narrative of the march across Iowa, but says nothing of the way Iowans felt toward the Mormons. In another place (p. 360), we are told, "No opposition to them seems to have been shown by the Iowans, who, on the contrary, employed them as laborers, sold them such goods as they could pay for, and invited their musicians to give concerts at the resting points."

While we may not agree with Mr. Linn that he has written an impartial history, yet we must acknowledge that he has made an excellent book. The carefully prepared table of contents and the copious index, the clear flowing style, the interesting quotations from all classes of people, the large collection of anecdotes and incidents, all go to make the book pleasing reading and a valuable reference work. The publishers have done their part by giving us excellent paper, print, and binding. So that one feels free to recommend *The Story of the Mormons* to those who wish interesting and instructive reading on that mysterious and awe-inspiring sect which we call the Mormons and who call themselves Latter-Day Saints.

ARTHUR D. CROMWELL

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*Georgia and State Rights.* By ULRICH BONNELL PHILLIPS, A. M., PH. D. In the *Annual Report of the American Historical Association* for the Year 1901. Vol. II. Washington: Government Printing Office. 1902. Pp. 224.

In the early years of the last decade Professor Gilderslieve of Johns Hopkins University, himself of southern extraction and education, stirred up a lively controversy by his assertion in his reminiscences in the *Atlantic* that the South entered upon the Civil War in defense of State Rights and not because the southern people were primarily or particularly concerned about the institution of slavery. This essay of Dr. Phillips throws a flood of light upon the pros and cons of that controversy, and on this account as well as for various other reasons is well worth study. The narrative of the shiftings and twists of political opinion in Georgia will convince most persons that political theories which affect the currents of politics arise out of the needs or rather the desires of the dominant elements, and that if such theories are not adjustable to changing conditions and cannot continue to do service in the promotion of what the mass of the citizen body believe to be their social or economic or other vital interests they are altered or abandoned. Human selfishness both in the large and in the narrow sense of the term is the great dynamic force which generally gives practical effect to philosophical theories of the constitution of government.

The narrative begins with an account of the part taken by Georgia in the adoption of the Federal Constitution in 1787. Then, because her political existence seemed to be threatened by South Carolina and the proximity of Indians and Spaniards rendered the lives and property of citizens insecure, the people of that State gave ardent and influential support to the advocates of a strong central national government in the constitutional convention and with astonishing unanimity promptly adopted the Constitution when it was submitted to them. In two chapters we follow the tortuous courses of Georgia politics when the State was attempting to oust the Creek and Cherokee Indians from their lands. If one wants indubitable proof of

the ruthless character of the forward march of the dominant Anglo Saxon when inferior races obstruct his path, Dr. Phillips supplies it in full measure. No sooner did the Georgians suspect the national government's intention of protecting the Aborigines in the possession of their hunting grounds, guaranteed to them by formal treaty, than they forgot about the great advantages of a strong national power or concluded that they were of minor importance compared with their local need for more land. When the desired ends could not be secured by legitimate diplomacy sharp tactics were resorted to, and if these failed then rough brute force was exerted. The lands they were bound to have, and with President Jackson's bluff and unjustifiable refusal to carry out Marshall's decision of the Supreme Court, they got what they wanted. While State Rights became a conscious consideration with the Georgians immediately upon that court's ruling in *Chisolm v. The State of Georgia* in 1793, public opinion did not attain to a vigorous growth or become belligerent until the contests for the Indian's land aroused popular greed. Then the rights of States bulked big, and with the progress of the debates over the extension of slavery they loomed larger and larger in the southerner's vision.

No less interesting and instructive are the chapters devoted to the formation and history of the political factions and parties in Georgia prior to 1836. The reader suffers some confusion as the author goes back over ground more or less covered in the first three chapters, and his perspective is not always clearly marked. But a close study has been made of the topography of Georgia politics. The intimate relations between social and industrial conditions in the various sections are shown and the character and color of local political contention and theories and their effect upon the general drift of the political action of the State as a whole are demonstrated; and in many respects these are the most valuable portions of the essay. He traces in great detail the tariff debates and the attitude of the State with respect to nullification. The Georgians furnish interesting illustrations of the frequency with which popular contentions are pushed forward by self

stultification. With loud and persistent assertion they declared that Congress had no power to impose a tariff or to tax them for internal improvements; yet in the same breath they instructed their congressmen to work for a constitutional convention to amend the national compact so as to reduce the growing and branching powers of the federal government under the Constitution, the most damaging sort of admission that they not only dreaded but conceded that the Constitution gave ample jurisdiction to Congress in such matters. Otherwise they could have easily blocked such infractions of State Rights by suits at law in the federal courts themselves. The author, although noting the dissenting opinion of Justice Iredell in the case of *Chisolm v. Georgia* and its expression of Georgia's sentiments at the time does not recognize, at least he omits to point out, that that judge outlined the course of judicial construction later followed by Marshall in his celebrated expositions, and furthermore suggested the interpretation by which the federal courts in the cases arising out of the Civil War justified the conduct of the Union authorities in dealing with the rebellious citizens of the seceding States, when he declared that the powers of the United States "require no aid from any State authority, etc."

The chapters on slavery and secession are of absorbing interest, but space does not permit their review. The author, a southerner by birth and early training and from natural sympathy prejudiced as regards the controversies that aroused such bitter animosities, writes with marked reserve and judicial fairness.

A number of instructive maps in colors accompany and illuminate the text, exhibiting graphically the political complexion of the various sections. It is much to be wished that the author continue his investigations into the periods of the war and reconstruction and show us the courses of opinion under the pressure of war and in the readjustments during reconstruction and the carpet-bag regime.

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Following Dr. Phillips' essay in Volume II of the Report of the Historical Association is the *Report* of the Public Archives Commis-

sion, signed by William MacDonald, John Martin Vincent and Howard W. Caldwell.

This report of the Public Archives Commission contains (1) an elaborate report of the records of the city and county of Philadelphia by Drs. H. V. Ames of the University of Pennsylvania, and A. E. McKinley of Temple College, which is a continuation of the report on the Archives of Pennsylvania made last year to the Commission; (2) a digest of the laws of North Carolina respecting the preparation, care, and publication of public records by Prof. Jno. S. Bassett of Trinity College; and (3) a preliminary report on the *Archives of Texas* by Mr. E. C. Barker of the University of Texas.

The report on Philadelphia is extensive, elaborate, and very detailed giving the results of five months of painstaking work in ransacking public buildings and libraries. The exhibits are very uneven, some being painfully meager and ill considered by the authorities in charge and others bearing evidence that officials are beginning to appreciate the inestimable importance of providing for the security and preservation of official documents. This report is to be classed with the one made last year by Professor Osgood of Columbia University on the *Records of New York*. It covers the colonial and revolutionary periods, the period between 1789-1854, the records of the local governments from 1682 to 1854, and those of the city from 1854 to 1901, and of the county from 1682 to 1901. So far as discovered the files are all listed, and the various efforts towards their preservation indicated.

Some one in authority here in Iowa, the Historical Society, or the Library Commission, or the State librarians at Des Moines should make it their work to send some such circular to all of our public officials in our city and county offices as Professor Osgood prepared and sent out in the State of New York. There are scores of our city and county collections which are now indiscriminate heaps of grimy, mutilated records in cellars, closets and attics, and boxes. The writer saw one such in one of Iowa's largest cities not long since. There is need of some vigorous evangelistic work of this kind in

our State because invaluable records are being recklessly destroyed or lost or mutilated by ill usage beyond redemption.

F. I. HERRIOTT

DES MOINES, IOWA

*Proceedings of the Pioneer Law Makers Association of Iowa. Reunion 1902, held at Des Moines, February 12th and 13th, 1902. Eighth Biennial Session. Des Moines: Bernard Murphy, State Printer. 1902. Pp. 131.*

The Pioneer Law Makers Association of Iowa was organized in 1888 largely through the personal exertions of the late George G. Wright, who, during his whole life, retained a warm affection for the pioneer, always recalling his finer characteristics and forgetting his failings. In addition to the social features of the reunion, Mr. Wright desired to keep in memory the names and the personnel of the men who formed the early laws of the State. To separate the Association as far as possible from political and personal prejudices, those who were eligible to membership were designated by the following section: "Its members shall consist of all former State officers, including members and officers of Territorial and State legislatures, Senators and Representatives in Congress, members of the Cabinet from Iowa, United States Supreme, Circuit, and District Judges, members and officers of constitutional conventions and State boards of education, Judges and District Attorneys who served twenty-five years prior to each biennial reunion."

The reunion of 1902 was attended by about forty persons. Some of the reminiscences were quite touching. There was an interesting discussion as to the two names from the State which should be placed on the roll of honor in the Hall of Fame at the Centennial Louisiana Purchase Exposition in St. Louis.

Prominent among the names brought forward were the early pioneers, Senators Dodge and Jones, and Charles Mason, Chief Justice of the Territory and of the State. The trend of opinion seemed to settle upon the statesmen who were prominent during the Civil War. Among these Governor James W. Grimes was without dissent the first choice of the Association.

Mr. Grimes was unquestionably the ablest man of his day in the State. He outlined the policy of the Constitutional Convention of 1857 and moulded State legislation while he was Governor and for some sessions before. To his cool judgment and unbounded influence our State, cities, and counties owe the freedom from large corporate indebtedness which almost overwhelmed Illinois, Missouri, and other States during the period of early railroad construction. The constitutional provisions limiting corporate and State debt are today a tribute to the wisdom and foresight exercised by him at a time when public sentiment ran wild in the other direction.

As a member of the United States Senate from 1858 to 1868, Mr. Grimes had few equals and no superiors in devising means to meet the exigencies of those trying times. I have thought that his position on the impeachment of Andrew Johnson was the greatest act of his life.

William F. Coolbaugh, a radical Democrat who had no sympathy with his anti-slavery views, was, nevertheless, a warm personal friend of Mr. Grimes. When I first knew them they roomed together at the Clinton House in Iowa City. In general matters of State policy they were in accord. Mr. Coolbaugh afterwards told me that when it became apparent that Senator Grimes would vote in favor of acquitting President Johnson he went to Washington for the special purpose of advising him against such a course. He said to Mr. Grimes:—You are the idol of your party in Iowa. The party is radical in the extreme and wrought almost to frenzy by the murder of Lincoln and the apostacy of Johnson. You are the most sensitive man I ever knew. By the course you propose you will bring upon yourself the vengeance of your party, and your State will disown you. You will not outlive this action a year. The reply of Senator Grimes was:—I have considered all this. But my position is right, and if I die tomorrow I shall vote as my convictions dictate. I have no respect for President Johnson personally and less for his policies. But I believe each department of the government is independent; and so long as his official acts are not in violation of the Constitution

and the laws, the President cannot be removed by the joint action of the House and Senate merely for a difference of views or for official acts that are entirely within his own jurisdiction.

Mr. Coolbaugh's prediction was fulfilled. A cry went over the State that Grimes had turned traitor to the party. Shortly after this he was stricken with paralysis, resigned his place in the Senate, and did not long survive. It is universally admitted now that he was right. It would be difficult to point out any official act in his public career of which the same might not be said.

Next to Grimes in the discussion, the preference of the Association was divided between Harlan and Kirkwood. Harlan filled a place in the Senate during the war and the reconstruction period. His course met the approval of his people. His encounter with Sumner was brought up, and the consensus of opinion was that he came out of the contest by no means second.

As Governor during the war Kirkwood developed a high order of executive ability. The State met all demands for men and money made upon it, and no citizen of Iowa can look upon his administration without a feeling of pride. Upon the stump he expressed his views so clearly that the unlearned man carried home with him something which he had heard and which he never forgot; while in the legislative halls his logic carried conviction to the most scholarly. In this he far surpassed Mr. Harlan. To use the language of one of the pioneers: "While we thought Harlan's arguments were all right we sometimes thought him tedious." Kirkwood was the popular favorite, and as long as the men who heard him speak, live, he will remain so. We believe that in all the qualities which make the statesman he was fully equal to Harlan.

If this Pioneer Law Makers Association of Iowa does nothing more than keep the present generation in touch with that past which was so thoroughly stamped with the attributes of manly self reliance in the hours of trial its mission is not in vain.

PETER A. DEY

THE STATE HISTORICAL SOCIETY OF IOWA  
IOWA CITY



*Studies in United States History.* By SARA M. RIGGS. Ginn & Co.  
1902. Pp. 173.

The object of this little volume is clearly set forth in the first sentence of the preface. "It is an attempt (1) to place before the pupil such topics, questions, and material as will lead him in his study to a thorough comprehension of the facts of American history in their relation to each other, and (2) to present the subject as a connected whole, in accordance with the principles of its development." It is essentially a worker's hand book and is so planned as to assist greatly the teacher in guiding the pupil to *think* his way through American history and the methods of solving our nation's civic problems.

Some of the most prominent features of the work are: a well selected general list of references to sources, texts, and more extensive works on American history; excellent suggestions to both teacher and pupil regarding methods of study and class work; questions that direct the pupil in attacking the work in hand; splendid lists, accompanying each topic, of references to sources, texts, and bits of literature bearing upon that specific topic; lists of topics for general research; the plan of correlation with geography, civics, and literature; and the systematic way in which the matter in hand is developed.

The work is intended to be used in grades, high schools, normals, and preparatory schools, and is certainly a book that will do much to put the study of our history on the proper plane in the field for which it is designed.

J. F. MITCHELL

DRAKE UNIVERSITY  
DES MOINES

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*Iowa Official Register.* Compiled by W. B. MARTIN, Secretary of State. Published by the State of Iowa, by order of the General Assembly. Bernard Murphy, State Printer. 1903. Pp. 594.

The *Iowa Official Register for 1903*, which has recently made its appearance, is the eighteenth volume in a series that was begun in

1886 and since continued as an annual publication. There were so-called *Official Registers* before 1886. Lists of county and State officers on large cards were issued as early as 1864 for election purposes. For ten years, from 1866 to 1876, with the exception of the year 1872, these lists were printed in the set of legislative documents as a part of the census returns. The list for 1873 was also published in separate form, as a small leaflet of nineteen pages, containing simply a list of the executive and judicial officers of the State with trustees of the State institutions. After 1876 they do not appear in the legislative set and it is probable that after that date similar lists of officers were compiled as separate pamphlets annually or biennially until 1886. The State Historical Society has in its library copies for 1873, 1881, and 1883; but unfortunately these copies bear no internal evidence as to the frequency of issue. The present series was begun in 1886, and has been continued along the lines marked out in that number, the differences between the later and the earlier numbers being the results of expansion and amplification rather than of radical change in the character of the contents.

In 1886 the *Official Register* did not constitute a volume by itself. The cover reads: *Rules and Standing Committees of the Twenty-first General Assembly with Iowa Official Register, 1886*. Nor is there a definite line of demarcation between the rules of the Assembly and the official register proper. The book—a paper covered pamphlet of 104 pages—contains first a list of the executive, federal, and judicial officers, with the rules of the General Assembly; then come the lists and general information concerning State boards and institutions, and election statistics which form the basis of the present *Official Register*; and last in the pamphlet is placed the Constitution of Iowa. In the number for 1887, which forms a volume distinct from the rules of the General Assembly, lists of county officers and county statistics are added, and the list of State institutions is more complete. There is then little change until 1889, when the *Register* is made more durable by board covers, and bears as a frontispiece a portrait of one of the early Governors of Iowa—the first of a series

of illustrations and portraits of State officials which is continued in subsequent numbers. With the next number (1890) there are a few added items of general interest relating to education, the census, political platforms, and the like, which become more numerous in 1891 when we find a list of the principal officials of the United States and of the Territories.

Still the volume does not increase materially in size. It is not until 1892 that it becomes a twelvemo, which has been its size uniformly since that date. By an act of the Twenty-fourth General Assembly it was made a State document, its future publication assured, and its distribution definitely provided for. A new feature of the volume for 1893 was the statistics of the libraries in the State, a list which has appeared with additions and corrections in each subsequent issue, except in 1897 and 1898 when these lists were omitted. In 1900 appeared a bit of historical data in the form of a list of officers of the State government since its organization in 1846. This list, which was omitted in 1901 and 1902, appears again in the volume for 1903.

The *Official Register* has constantly increased in value because of the greater wealth of information which is being brought to it each year and because of the better arrangement of its material. The volume for 1903 is uniform in size and general make up with the issue for 1902. While containing statistics of the same general character for those in the last volume, the arrangement has been somewhat changed. It contains one important historical feature which was omitted in the volume for 1902, viz., a compilation of Iowa's senators and representatives in the national legislature since the organization of the State government, with a list of the Iowa men who have held cabinet positions. A table of contents in addition to the carefully prepared index renders this issue of greater usefulness than were the previous volumes.

In some of the mechanical details, however, the 1903 volume is disappointing, particularly in regard to the type, which is not clear and is often broken. The value of the library statistics is marred by inaccuracies. The State Historical Society, for example, whose

library at the present writing contains nearly 27,000 volumes, is reported to contain 2,500. The number reported to the compiler was 25,000. The discovery of this inaccuracy led to an investigation of the library statistics for other libraries not only in this but in all the volumes since 1893, with the result that similar errors were found in a large number of cases. These are the result either of a deplorable method of keeping statistics on the part of the libraries themselves, or of errors in the editing of the reports submitted to the compilers of the *Register*. Taking again as an example the State Historical Society, whose total number of volumes as given in 1900 is 20,000, the addition of 1,000 volumes in 1901 brings the total number in 1901 to 2,000 (according to the *Register*); and though 1,200 were added to the library in 1902, a total of 2,500 is the result. The Soldiers' Home at Marshalltown reports the total number of volumes in 1899 as 1,690; but with the addition of 100 volumes in 1900 the total is still 1,690, while 9 new volumes added in 1902 gives a total for 1902 of 1,900 volumes in the library. The statistics for the Law Library of the State University are no more accurate. An addition of 400 volumes to the 9,901 in the library in 1898 gives 10,260 in 1899. Although 129 volumes are added the next year, the library sustains a loss of about 2,000 volumes, the total for 1900 being 8,527. An addition of 708 gives 10,400 in 1901, and with an increase of 415 volumes in 1902 the whole number of volumes at the end of that year is given as 10,878. Even the State Library at Des Moines is not accurately listed; and the State University by adding 10,000 to its 20,450 in 1898 obtains as a result 32,000. Simpson College with 3,500 as the total number of volumes in 1898, upon an addition of 100 volumes reports a total of 4,000, and with 15 added in 1900, the total number of volumes has diminished at the end of that year to 3,000.

These discrepancies are not confined to the libraries of colleges and State institutions. The public libraries of the State have their share of peculiar statistics. The figures for the Burlington public library read as follows: with 16,760 as the number of books in 1898, the addi-

tion of 513 volumes gives 17,720 in 1899. An increase of 917 in 1900 gives as a total 19,020, and a further increase of 2,086 volumes gives a total of 21,148 in 1901, while an additional 1,719 leaves them at the end of 1902 with 22,802 volumes. Council Bluffs may be taken as another example. Adding 362 volumes to 21,562 they report 17,406 in 1899. An additional 757 the next year brings the total number up to 23,113. In 1901 the entire number of volumes is 23,923 and an increase of 897 gives 23,520 in 1902. The examples mentioned have been taken entirely at random; similar cases are of frequent occurrence.

It is probable that some of the losses noted are occasioned by the withdrawal of books from circulation or similar causes; and often upon reorganization the exact number of volumes in a library will be ascertained when the statistics previously given were only approximate, thus causing serious discrepancies in the statistics. In such cases, however, explanations should be given. Greater accuracy in the preparation of statistics on the part of libraries and institutions, and more careful editing of the material submitted are imperative if the *Register* is to be a source of authentic information.

MARGARET BUDINGTON

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*Early Voyages Up and Down the Mississippi.* By CAVELIER, ST. COSME, LE SUEUR, GRAVIER, and GUIGNAS. With an Introduction, Notes, and an Index by JOHN GILMARY SHEA. A new edition of five hundred numbered copies, reprinted for Joseph McDonough. Albany. 1902. Pp. viii, 191.

The first edition of this work, published by Joel Munsell in 1861 and limited to one hundred copies, has become practically inaccessible to the general reader. It was issued by Dr. Shea as a sequel to his *Discovery and Exploration of the Mississippi Valley*, which had appeared some years previously (1853), and was dedicated by the author to the Historical Societies of Michigan, Wisconsin, and Iowa, "as a token of membership." The narratives preserved in the vol-

ume throw much light upon the events and conditions attending the actual occupation of the Mississippi valley by the French.

When La Salle and Tonti, in 1681, floated out of the Mississippi into the Gulf of Mexico the exploration of the great river was practically completed from the Falls of St. Anthony to its mouth. A period of nearly twenty years elapsed, however, before d'Iberville arrived in force and again planted the standard of France upon the lower Mississippi, thus anticipating the intentions of both Spain and England. During this period fur-traders frequently passed up and down the river, bartering with the Indians, but no accounts of their voyages have been preserved. La Salle too, had founded his unfortunate colony of St. Louis of Texas and, in an attempt to reach his old post at Fort St. Louis (Starved Rock) on the Illinois, then in charge of Tonti, had been assassinated by some of his own men. Of the party were Cavelier (La Salle's brother) and Joutel, who finally made their way to the Illinois post and, after representing to Tonti that La Salle was still alive and his colony in need of succour, cleared away for France. The account of Cavelier here published narrates the history of the colony of St. Louis of Texas, and of the several expeditions from this base, up to a time just prior to La Salle's death. The genuineness of the document need not be questioned; as its veracity might well be were it not, in general, confirmed by other contemporary accounts.

The next narrative which we have is that of Buisson de St. Cosme, a member of the missionary party conducted by M. de Montigny to the tribes of the lower Mississippi in 1698. This has been preserved in the form of a letter to the Bishop of Quebec and is here reproduced in full, together with notes from Montigny himself and from Thaumur de la Source.

Scarcely had these missionaries reached the field of their labors when d'Iberville arrived. Then came Le Sueur "with thirty workmen in the *Renommée* and *Gironde*, Dec. 7, 1699, . . . . . to form an establishment at the source of the Mississippi. The object of the enterprise was to work a mine of green earth that M. Le Sueur had

discovered." No account of the voyage up the river is given until after reaching the Tamarois, one of the Tribes of the Illinois who had moved Southward, in advance of the Kaskaskias and Cahokias, to the alluvial bottom lands opposite to and below the present St. Louis. From here Le Sueur set out "with a falucca and two canoes manned by nineteen persons." The narrative includes an account of Le Sueur's establishment upon the Blue Earth river, near to its junction with the Minnesota.

The arrival of d'Iberville had been hailed with enthusiasm by all the tribes of the Mississippi valley over whom the French had gained ascendancy. The Illinois nations were prepared to migrate in a body to the lower Mississippi, regardless of consequences. Gravier, however, succeeded in restraining them, while he himself voyaged down to the new settlements to study the situation. His journal is most valuable, furnishing, as it does, an account of the various river tribes as the French found them upon taking actual possession of the country. It is, withal, the most interesting and readable of all the narratives of the series.

Though the history of events along the lower Mississippi from this time (1700 *circa*) forward is tolerably consecutive, the next document extant relating to the upper course of the river bears the date 1728. It is the extract, here published, from a letter by Father Louis Ignatius Guignas detailing the establishment of Fort Beauharnais at "about the middle of the north side of Lake Pepin." The subsequent history of this outpost as also, for a considerable period, that of the adjacent region, is almost unknown. The volume closes with an extract from a letter by La Salle to the Marquis de Seignelay.

Upon the whole the fragmentary documents here preserved are of great interest and importance; and the enterprise of the publisher in rendering them easily accessible to the general reader is to be most cordially commended.

LAENAS GIFFORD WELD

THE STATE UNIVERSITY OF IOWA  
IOWA CITY