

# The **P**ALIMPSEST

MARCH 1923

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## THE PURPOSE OF THIS MAGAZINE

The PALIMPSEST, issued monthly by the State Historical Society of Iowa, is devoted to the dissemination of Iowa History. Supplementing the other publications of this Society, it aims to present the materials of Iowa History in a form that is attractive and a style that is popular in the best sense—to the end that the story of our Commonwealth may be more widely read and cherished.

BENJ. F. SHAMBAUGH

*Superintendent*

## THE MEANING OF PALIMPSESTS

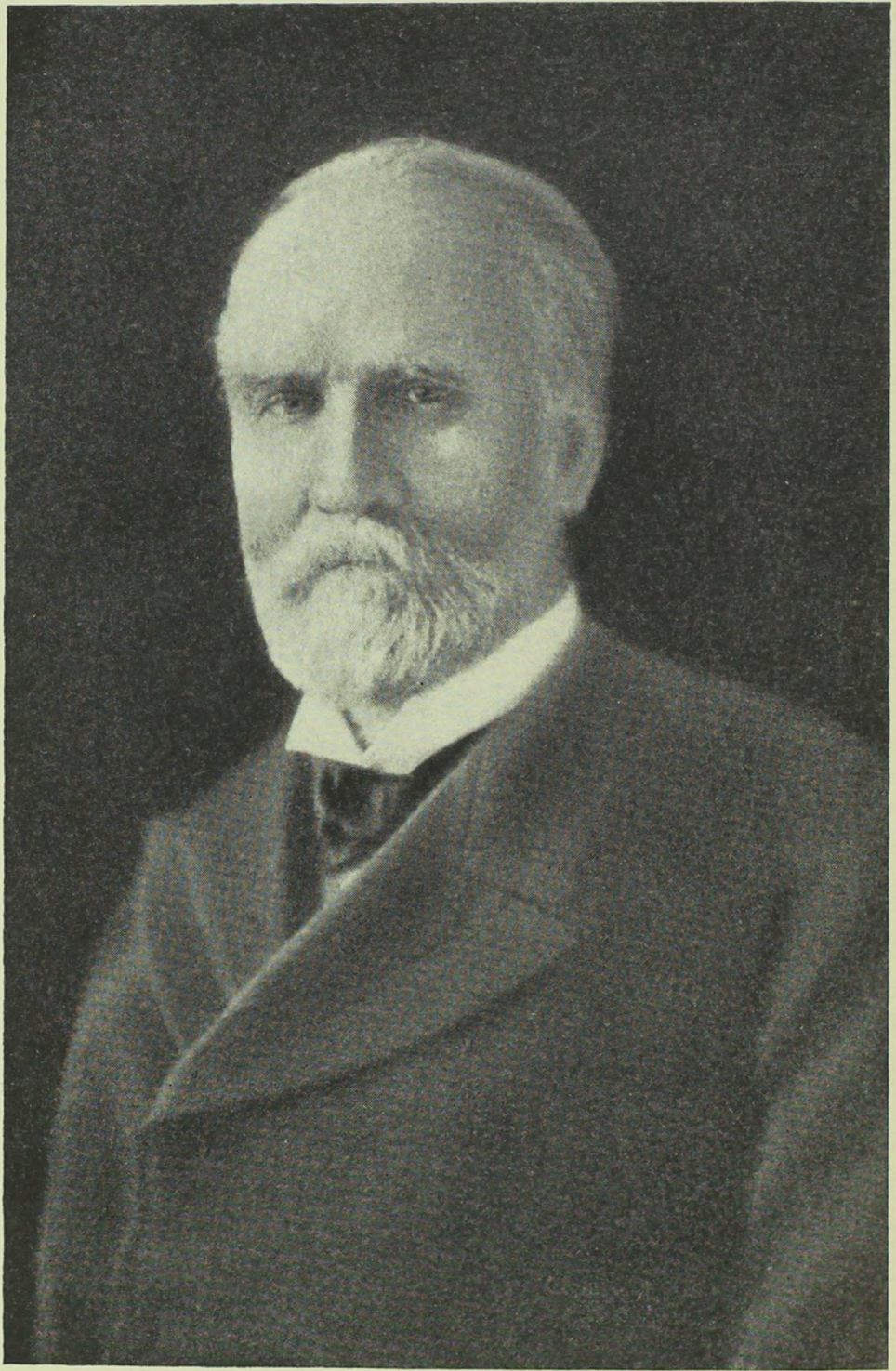
In early times palimpsests were parchments or other materials from which one or more writings had been erased to give room for later records. But the erasures were not always complete; and so it became the fascinating task of scholars not only to translate the later records but also to reconstruct the original writings by deciphering the dim fragments of letters partly erased and partly covered by subsequent texts.

The history of Iowa may be likened to a palimpsest which holds the records of successive generations. To decipher these records of the past, reconstruct them, and tell the stories which they contain is the task of those who write history.

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JAMES WILSON



# THE PALIMPSEST

EDITED BY JOHN ELY BRIGGS

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## A Man of Vision

James Wilson was a man of vision. Keen perception and singleness of purpose were his dominant characteristics. His simplicity of life and his broad love for humanity furnish the key to an understanding of his career. There are few heights of imagination or emotion to record, and no remarkable victories to analyze. Throughout his life, from early boyhood until the close of his long official career, influences and events contributed steadily, logically, and undramatically to the formulation and accomplishment of his self-imposed mission.

As James Wilson grew into manhood and assumed family responsibilities, the hardships, the social inferiority, and the unhappiness of the American farmer were borne in upon his consciousness with vivid and personal reality. When he analyzed these conditions, he found their origin in economic causes, and the solution, he concluded, lay in the application



of science. By increasing the yield of produce per acre, by improving the methods of stock raising, by developing facilities for transportation, and by finding new markets, the farmers' income would be increased and this, in turn, would break the dull routine of the farm life, raise the standard of living, and create a new rural order. So confident of these conclusions was Mr. Wilson that their accomplishment became the motivating factor of his life, the vision of his service to humanity.

A chronology of James Wilson's life is indicative of steady progress. Born on a farm in Ayrshire, Scotland, in 1835, he grew up under the rigid and careful discipline of a Scotch home. In 1851 the family moved to the United States in order to improve their financial position. After remaining in Connecticut for about four years they joined the Scotch settlement on Wolf Creek, in Tama County, Iowa, near the present town of Traer. For a number of years James worked either on his father's farm or that of his uncle, West Wilson. Just before the outbreak of the Civil War, James and his brother, Peter, began farming for themselves. In 1867 James was elected to the General Assembly where he served three terms — the last as Speaker of the House of Representatives.

His next advancement came in 1872 when he was elected to Congress. Here again he served three terms, though not successively. For a number of years he edited the Traer *Star-Clipper* in which his



articles on farming attracted much attention. Then he became professor of agriculture and director of the agricultural experiment station in the State College of Agriculture at Ames. His highest recognition came in 1897 when President McKinley appointed him Secretary of the Department of Agriculture.

Nature and heredity smiled on James Wilson in a generous fashion, giving him two significant attributes: an efficient mind and a kindly temperament that found its satisfaction in a wholesome love for humanity. His father, John Wilson, a middle-class farmer, was a man of intelligence and practical imagination. James inherited both qualities, with the result that a close bond of mutual respect was established between the father and son. John Wilson spared neither time nor effort in teaching his son, and the boy proved to be an apt pupil. When the Wilsons came to Connecticut in 1851, James, then sixteen years of age, had already acquired the rudiments of scientific agriculture.

If the boy received from his father a thoughtful bent, he acquired from his mother a sweetness of character, an appreciation of the aesthetic, and a conception of family life that was to serve as his ideal and aspiration ever afterward. The gentle Jean McCosh gave of her best to her son and he returned a devotion so exalted that it made all womankind the object of his courtesy and his consideration. It was a characteristic that sometimes



contrasted oddly with the rude, hearty freedom of the men and women of pioneer American society.

To his sisters James Wilson was always a hero. He could slide the farthest, throw the straightest, and "he knew everything." Later he became the kindest teacher, the strongest protector, and the truest friend. When he entered upon his official career they followed every step in his progress with an enthusiasm and encouragement that admitted no possibility of failure. As an old man he came back to them and they ministered to his last wants, giving the comforts that only their thoughtfulness could provide.

James Wilson seems to have enjoyed better educational opportunities than might be expected. Eager to learn, he was given ample time and means for study, though the rigor of Scottish discipline left little time for play. He was able to read at an early age and soon exhibited a fondness for history and literature. Macaulay's "History of England" was a favorite. It is said that he could tell any story that Scott ever wrote and that he was almost as familiar with Burns. The fundamentals of Latin were acquired under the tutelage of John Ross. Raised in a strict Presbyterian home, he naturally became a student of the Bible, from which he was able to quote freely and much to the point.

An illuminating anecdote is told in this connection. During McKinley's administration at the close of stormy cabinet meetings the President was accus-



tomed to turn to his Secretary of Agriculture with the question, "Now, Mr. Wilson, what's the scripture on that?" and Mr. Wilson was ever ready with a pertinent passage — not always from the Bible. In Roosevelt's cabinet, however, the tables were turned and the President did his own quoting, often from sources unknown to Wilson.

Rural life on the Iowa prairie afforded neither the incentive nor the opportunity for classical training, and the young Scotchman entered upon a new phase of his education that savored of the soil and the needs of a new country. Three winters spent in the public schools — two as a student and one as a teacher — revealed in a concrete manner both the paucity of the rural schools and the imperative need for further school legislation. One year of work in Grinnell College seems to have convinced him of the inability of the private and denominational colleges to provide the secondary and technical education for an agricultural population.

Henceforth his principal subject of study was people: the farms of Iowa were his laboratory. Although a number of American colleges and universities awarded him the honorary degree of doctor of laws, he never received an academic degree. His mind, however, trained in methods of study was directed toward the analysis of a practical problem — the improvement of conditions for the Iowa farmer.

James Wilson and his brother Peter had scarcely



begun farming for themselves in 1861 when the Civil War commenced, and it became a matter of patriotic duty for one of them to join the army. After considerable thought a plan was formed. Peter, who was the stronger, agreed to enlist: James was to remain at home, take care of the farm, and divide the profits with Peter when he returned. The scheme worked well, for Peter returned with a commission and the farm had doubled in size and was stocked with all the horses, cattle, and hogs it could support.

During these early years of farming, James Wilson experimented with a theory that has since been generally accepted throughout Iowa as a fundamental of scientific farming. All the fodder, grain, and hay that was raised on the farm, he thought, should be fed to live stock and converted into meat and dairy products. While this practice had many obvious advantages, it also produced a series of other problems. As perceived by Mr. Wilson, these included the development of a satisfactory market for butter, cheese, and meat; improved standards of stock breeding; and the eradication of animal diseases.

The advent of Mr. Wilson into politics was a direct outgrowth of his agricultural efficiency. He could raise good crops and good stock. He was honest, and he inspired the respect of his neighbors. It was a mark of their esteem that he was elected to the county board of supervisors in 1864.



Three years later his constituency had widened and he was sent to the State legislature as the Representative from Tama County. His first election in 1867 came in the midst of the corn husking season when there was very little time to prepare for his legislative duties. He was determined, however, to become proficient in parliamentary procedure. For that purpose he fastened a manual of parliamentary law on the end gate and studied the rules while he husked the down-row behind the wagon.

Three terms Mr. Wilson served in the General Assembly, the last as Speaker of the House. It was asserted that he was "the man in whose hand the gavel of the House has for the first time in the history of the State been placed by the cordial consent of all the members of his own party". Railroad regulation, prohibition, suffrage, and revision of the fence laws were the dominant issues. In the enactment of legislation on these subjects, Mr. Wilson took a prominent part and acquitted himself creditably. His experience in the Iowa legislature was a valuable asset when his public service took him to Congress in the years that followed.

When he became professor of agriculture at Ames, he was obliged to expand his field of vision. His active farming came to an end, and he turned his attention to the scientific analysis of the problems of agriculture in general, but particularly in Iowa. Six years he spent in quiet, intensive study.

National recognition came to James Wilson in



1897, when President McKinley called him to serve as Secretary of Agriculture. The honor meant much, but better than that the position gave him the opportunity of utilizing the resources of the whole nation to inaugurate the broad program of education in behalf of the American farmer that he had been formulating throughout almost half a century. Henceforth his service was national in scope.

He entered upon his new task with enthusiasm. The College of Agriculture granted him an indefinite leave of absence, and from that time, except for occasional trips to Iowa where he retained official residence, Washington was his permanent home and the United States his field of thought and responsibility.

One bond of duty always attached him to Iowa. He believed that every man should exercise his privilege of voting, so he made it a rule to return at election time. Often he aided his party in political campaigns, sometimes speaking in districts that others feared to enter. It was his habit, however, to deliver his last speech in a campaign to his home constituency — a custom pleasing to himself as well as his friends.

Mr. Wilson stated his attitude toward the work of the Department of Agriculture very clearly in his first annual report. The Department was organized, he said, "to help farmers to a better knowledge of production and its tendencies at home and abroad, so as to enable them to intelligently meet the re-



quirements of home and foreign markets for material that may be profitably grown or manufactured on American farms." It was also intended that the Department should organize a comprehensive system of teaching agricultural science to farmers. The three agencies through which Secretary Wilson hoped to obtain these results were the State agricultural colleges, the experiment stations, and a corps of competent research scientists in the Department of Agriculture.

It was through the latter that he expected to accomplish the most practical and far-reaching results. They were to be his personal assistants, appointed to do specific tasks, and held responsible for the successful execution of their assignments. He planned to secure these workers from the agricultural colleges which were turning out every year scores of intelligent and ambitious young graduates who desired further opportunity for study and research. Congress, he proposed, should make appropriations that would attract the most promising of them into government work. Well equipped laboratories at Washington were to be the center of this activity, but the men were also to be sent wherever else they might be needed.

Secretary Wilson was well qualified to make this policy effective. He was a good judge of men and he insisted upon the same standards of energy and efficiency among his assistants that he maintained for himself. In scientific fields in which he, himself,



was not an expert he employed specialists, thus extending the scope of research work to any subject that seemed to need attention. Both the research assistant and the trained scientist, he thought, should be adequately paid: the former a living wage and the latter a salary sufficient to prevent him from accepting inducements outside of government service.

The magnitude of the task Secretary Wilson undertook and the energy with which he proceeded to its accomplishment may be indicated by a few special problems. Early in 1897 it became apparent that there would be a surplus of butter on the American market. By midsummer the price of the best creamery butter had fallen to fifteen cents a pound. If this condition continued dairying would decrease and the farmers would sell instead of feed their grain and provender — a policy which Mr. Wilson had discouraged for many years. In this contingency the Department of Agriculture made a number of experimental exports of butter for the purpose of creating a foreign demand and securing exact information concerning the opportunities afforded. The butter was obtained from leading dairy States, prepared with special reference to the demands of foreign trade, and consigned to a representative of the Department at London who disposed of it himself. He attempted to ascertain the candid opinion of each buyer as to the quality of the butter. Agents of the Department followed the



transportation of the butter in an effort to avoid delays, provide refrigeration, and prevent careless handling. These experiments demonstrated that American butter could be delivered in prime condition to British consumers within fifteen or twenty days from the time it was made, that the only absolutely pure butter imported into Great Britain came from the United States and Denmark, and that the price of butter in America could be increased over fifty per cent in a few months.

Another problem of an entirely different nature attracted Mr. Wilson's attention. Enormous sums of money were being lost each year because farmers had no authoritative means of forecasting weather conditions. This was true in the grain States, but more particularly in the fruit regions of the Far West. Daily weather reports were telegraphed to thousands of towns and broadcast to surrounding farms over rural telephones.

A number of corollary functions developed from the daily weather service. Mr. Wilson conceived the idea of sending out weekly climate and crop reports to all parts of the country. This data enabled the farmer to judge future market conditions, it indicated the type of product best suited to a particular locality, and it suggested the adaptation of new products to fit peculiar conditions of soil and climate. Losses from storms and floods were curtailed by means of special reports based on daily temperature and rain-gauge readings from all parts



of the country. Specialists were able to predict river floods with astonishing accuracy, while advance reports of storms made it possible for lake vessels to seek safety in time.

In the biological field Secretary Wilson was especially interested in the study of the geographical distribution of plants and animals with a view to locating the boundaries of their natural habitat, the study of the food habits of birds and mammals to ascertain the economic relations of native species, the eradication of insect pests by the development of parasites, and the prevention of disease among domestic animals.

By means of chemical analysis of soil and the comparison of American soils with those of other countries, the Secretary determined what grains and grasses could be successfully introduced. He wanted to secure products that would withstand the alkali and drouth of the West, that would rejuvenate the worn-out soil of the East, and that were adapted to the cheap land of the South. The object was to substitute superior foreign grasses, grains, and fruits for inferior native varieties.

Nor was Mr. Wilson unmindful of the needs of women on the farm. Under his direction some educational work was begun in dietetics, methods of cooking, and food values. On this subject let him speak for himself: "In the great work of helping the women of our land, nearly half of whom are toiling in the homes upon our farms, this Depart-



ment, it is believed, has a large duty to perform. For, whatever will be effective in raising the grade of the home life on the farm, in securing the better nourishment of the farmer's family, and in surrounding them with the refinements and attractions of a well-ordered home, will powerfully contribute alike to the material prosperity of the country and the general welfare of the farmers." Later he carried the idea much farther when he expressed the wish that the Department might extend its assistance to those "who are engaged in the noble task of giving practical training to the future wives and mothers of our farmers and to the vast army of faithful women who are bearing the heavy burdens of keeping the farmers' homes pure and sweet and rearing the future masters of our vast agricultural domain."

James Wilson was Secretary of Agriculture for sixteen years — serving through the administrations of Presidents McKinley, Roosevelt, and Taft. He was a member of the cabinet longer than any other man in the history of the United States. His achievements were amazing. He began with a great purpose and remained to witness the fulfillment of his vision. His final report closes with this sentence: "Men grow old in service and in years, and cease their labor, but the results of their labor and the children of their brains will live on; and may whatever of worth that is in these be everblooming."

BERTHA ANN REUTER



## A Contested Election

The first unofficial returns from the Congressional election in the fifth district of Iowa in November, 1882, were discouraging to the Republicans. Benjamin T. Frederick, a Democrat, had apparently been elected to Congress by the very narrow margin of sixteen votes. A more astonishing feature of the election was the defeat of the Republican candidate, James Wilson. "Tama Jim", as he was commonly called, was almost universally respected and admired, while his Democratic opponent was unpopular even among members of that party. "So near and yet so far", sighed a Republican editor, and then proceeded to upbraid the rank and file of his party for their apparent indifference and neglect.

A few days later the clouds of Republican gloom were dispelled by corrected election returns which gave James Wilson a plurality of twenty-five votes. The original count, it was reported, had not included the votes cast in Taylor Township of Marshall County, which had been disregarded by the county board of supervisors because one of the judges had not signed the poll books. Afterward, however, a law was discovered which authorized a majority of the judges of election to act for the entire body. Thereupon the supervisors certified the Taylor Township votes to the State Board of Canvassers,



and the Republican candidate was accordingly declared elected.

But Mr. Frederick was not to be disposed of so readily. He decided to spare no pains in an effort to prevent the certificate of election being issued to Mr. Wilson. Failing in that he would carry his contest to the House of Representatives. Since a majority of the Representatives in the Forty-eighth Congress were Democrats he anticipated that his claim to a seat would be approved.

Early in December, 1882, a hearing was held before the State Executive Council. Both Mr. Wilson and Mr. Frederick were present: the former was represented by J. H. Bradley of Marshalltown, while Timothy O. Brown and B. F. Kaufman served as counsel for the latter. On behalf of Mr. Frederick it was urged that the State Board of Canvassers had no judicial power over election returns, but merely the administrative function of making official acceptance. The second certificate sent by the Marshall County board of supervisors, Mr. Brown maintained, was not an election return, but simply a statement of what the board had done, and therefore the State canvassers had no right to consider it. To support this position a Supreme Court decision was cited which held that if an election board had once completed its count and signed the returns it could not make a recount — though it was admitted that this decision applied only to township or precinct canvassers.



Mr. Bradley, on the other hand, pointed out that according to law the county board of supervisors of Marshall County had erred in throwing out the votes from Taylor Township. He claimed that the supervisors, acting as the board of canvassers, were engaged in the performance of a ministerial duty and should not have judged upon the validity of the poll books. The names of the election judges appeared thereon and the fact that a clerk had signed for one of the judges did not alter the case. Moreover, the law plainly stated that the action of a majority of the election judges was sufficient. He too supported his contentions with citations from decisions which had been rendered by State and Federal courts, and requested that the certificate of election be issued on the basis of the corrected returns from Marshall County.

The Executive Council appears to have taken no decisive action immediately after the hearing and Mr. Frederick's next move was to apply to the district court of Polk County for a writ of injunction forbidding a count of the votes from Taylor Township. The writ was issued by Judge William H. McHenry but in spite of this action a certificate of election was given to Mr. Wilson. "It remains for Mr. Frederick", said a Democratic editor, "to carry his case to a higher tribunal where justice and non-partisanship will obtain in determining the legal right."

Accordingly the dispute was carried to the Forty-



eighth Congress in December of 1883. The papers relating to the contest were formally presented to the House of Representatives on January 10, 1884, and were referred to the committee on elections. No report concerning the contest appears to have been made during the first session of the Forty-eighth Congress, but on February 19, 1885, only thirteen days before the end of that Congress, Risdén Bennett, a Representative from North Carolina, reported on behalf of the Democratic majority of the committee on elections that in its opinion James Wilson had not been elected from the Fifth Congressional District of Iowa, that he was therefore not entitled to a seat in the House, and that Benjamin T. Frederick should be seated. Mr. Bennett also served notice that he would call up the report for consideration at an early date. Upon the request of Edward K. Valentine, a Representative from Nebraska, leave to file a report containing the views of the minority of the committee on elections was granted, and four days later, on February 23rd, this report was submitted by Samuel H. Miller, a Representative from Pennsylvania.

The reports of the committee on elections indicate that the issues of the contest were no longer based upon the returns from Taylor Township in Marshall County, but upon irregularities in many precincts throughout the district. Indeed, the majority of the committee graciously admitted the returns from Taylor Township in spite of the fact that, according



to their contentions, these votes had been irregularly certified to the State authorities and in spite of the contention that the counting of these votes had actually been commenced before the polls were closed.

Most of the circumstances in dispute related to the general recount of Congressional election votes which had been made. According to this second count, the supporters of Mr. Frederick claimed that their candidate had been elected by a plurality of twenty-three votes.

Mr. Wilson's proponents objected to giving the seat to the Democratic candidate on the results of "pretended recounts" because hired agents of Mr. Frederick had tampered with the ballots and had opened ballot boxes and counted votes without the knowledge of Mr. Wilson or his agents. One agent for Mr. Frederick admitted that he had been employed for about twenty-one days "laying the foundation" for the contest, and had visited about thirty precincts in which the ballot boxes had been opened. He insisted, however, that he did not change any of the ballots but merely "touched them with the rubber end of his pencil". A ballot box in Tama was alleged to have been forcibly opened with a hatchet by the chairman of the local Democratic party committee prior to the recount. In Marshalltown the ballots were said to have been dumped into a large paper box which was kept in the rear office room of some local business men, a room which was open to the public generally and especially to Frederick and



his friends who frequently met there to play cards.

The majority report dwelt upon irregularities claimed to have been practiced at the election by the supporters of Mr. Wilson. The election returns from Homer Township in Benton County showed that sixty-six votes had been cast for Wilson and only thirty-five for Frederick, while the vote for other candidates on party lines was almost exactly the reverse. Later, forty-two electors declared under oath that they had meant to vote for Mr. Frederick. It was claimed that a Republican had supplied some of the German voters with ballots labeled "Democratic" and bearing the name of James Wilson as a candidate for Congress, and had led them to believe that by casting these ballots they would be voting for the Democratic candidate, Frederick.

The contest was not brought before the House until the second day of March. Only two more days and the final session of the Forty-eighth Congress would come to an end. If Mr. Wilson's friends could prevent the resolution to seat his opponent from coming to a vote he would be able to complete his term without the stigma of the charge of having usurped the position. To attain this end the minority resorted to every parliamentary means at their disposal. The fact that the resolution was a privileged measure limited the resources for filibustering, so that the Wilson adherents were confined to the use of objections to consideration, roll calls, motions



for recesses with amendments thereto, calls of the House to determine the presence of a quorum, adjournments, and other motions of high privilege. These tactics were employed most effectively, however, and the resolution was submerged until in the closing hours of the session when some much desired legislation was tied up by the filibuster.

All through the night of March 3rd the House remained in session, striving frantically to finish the work before the hour of final adjournment. The inauguration of President Cleveland was only a few hours away. The city of Washington thronged with visitors. Early in the forenoon of March 4th spectators filled the House and Senate galleries to witness the closing scenes of the Forty-eighth Congress. Former soldiers were present in large numbers, attracted chiefly by their interest in a bill authorizing the President to place upon the retired list one person from among the former generals of the United States armies with the rank and pay of a general. The measure was designed for the relief of General Grant, then mortally ill and devoid of means of support.

On the floor of the House many Representatives sought to obtain favorable action on the bill, which had already passed the Senate. The idea had won popular approval, and was supported by a substantial majority in the House of Representatives, chiefly Republicans and Democrats from the North.

A serious obstacle stood in the way. Directly pre-



ceding the Grant bill in the order of business was the Frederick-Wilson election contest. The pension bill might have been acted upon under a suspension of the rules when it was called up, with the election contest still pending, but Mr. Bennett had objected and so long as the objection was maintained the Grant bill could not be acted upon until after the disposal of all other privileged motions. It was therefore imperative that the contested election be decided before the measure for the relief of General Grant could be passed.

Mr. Wilson's friends found themselves in a dilemma. They knew full well that if they allowed a vote upon the election contest Wilson would be deprived of his seat. Fully capable of continuing the filibuster to the end, they were in no mood to desert their colleague during the closing hours of the Congress. Even if they should allow the election contest to be decided their opponents might afterward refuse to act upon the Grant bill. Moreover, they had no positive assurance that the Grant bill would pass if it was permitted to come to a vote. Yet to continue the filibuster would be absolutely fatal to the measure providing comfort for a former President and expressing a nation's gratitude to one who had contributed largely to the preservation of the Union — a measure which they earnestly desired to have enacted into law. What should they do?

The position of Wilson's opponents was much less difficult. While many of them were willing to vote



relief to General Grant they felt no particular obligation in the matter. For the most part they would have been quite satisfied to let the measure die. There were even a few bitter Southern Democrats who seized upon the election contest as a weapon to defeat the cherished plan of Northern men to pension their most successful leader in the Civil War.

The forenoon of March 4th slipped away. As Joshua commanded the sun and moon to stand still in order that the victory of God's people over their enemies might be more complete, so now the clocks of Congress were turned back that this battle of parliamentary wits might continue. In the Vice President's room Grover Cleveland awaited the inaugural ceremony, while President Arthur was busy in his office at the Capitol signing the last acts of the Congress.

In the House of Representatives members were clamoring for recognition. Their eagerness to be heard only lessened the possibilities of concluding the business. In the midst of this tumult was James Wilson — vitally interested in the outcome and technically disqualified from participating in the contest, yet he alone was in a position to make the decision.

It was not the first time that the balance of power in Congress had rested in the hands of an Iowan. Only a few years before Senator James W. Grimes, though he was seriously ill at the time, had gone to the Senate chamber and cast the vote that prevented Andrew Johnson from being removed from the office



of President of the United States. Though he sacrificed his political future, time has vindicated that vote. Would James Wilson exhibit similar unselfishness in order that the United States might render a token of gratitude to General Grant?

A few more minutes of filibustering and the Forty-eighth Congress would end. If the records were to show that James Wilson had represented the Fifth Congressional District of Iowa from 1883 to 1885, it would be at the sacrifice of the pension for the sick and needy ex-President and commander of the Union armies. If the pension was to be granted, it would mean that the election contest would first be decided against Wilson and the records would seem to indicate that James Wilson had fraudulently held his seat until the closing hours of the last session. Mr. Wilson could not have been unmindful of these considerations, as he decided upon his course of action.

Confusion in the House had reached its highest pitch. Time and again the Speaker had reminded the Representatives of the impossibility of conducting business unless quiet and decorum prevailed. The sergeant-at-arms had been directed to maintain order and to cause the members to resume their seats. It had even become necessary for the deputy sergeant-at-arms to proceed through the hall bearing the mace.

During these attempts to restore order Mr. Bennett demanded a vote upon the resolution ousting Mr. Wilson from membership in the House of Repre-



sentatives. As for himself he promised to withdraw his objection to the pension bill if the minority would permit a decision of the contested election. "I do not say more", he added. "I do not keep the consciences of members. God Almighty has made the human mind free, and gentlemen can vote as they please." These remarks elicited laughter and during the tumult that followed Mr. Wilson sought to address the House. His efforts to attract the attention of the Speaker proved to be of no avail, however. At length Thomas A. Robertson from Kentucky, a Democratic member of the committee on elections, informed the Speaker that the gentleman from Iowa desired to make a statement and requested that he be recognized.

At once the chamber became strangely quiet, and every ear was strained to hear the words of the man in whose hands lay the balance of power. "Mr. Speaker," he said, "if the House will vote to put General Grant on the retired list I am willing to be sacrificed after that."

Loud applause greeted this announcement, but Mr. Bennett was uncompromising. He persisted in demanding a vote on the contested election resolution before any other business should be transacted. Samuel H. Miller, a Republican member of the committee on elections, who had led the filibuster to keep the contested election case from coming to a vote, stated that if a vote on the Grant bill were taken immediately he would withdraw all objection to de-



ciding the contested election afterward. When his proposal was met with cries of "Oh no!" he finally offered to allow a vote upon the contested election resolution first. He hoped that the House would act fairly upon both measures.

Again Mr. Bennett reiterated his demand that the Speaker put the previous question, and after one more short parliamentary skirmish the House proceeded to vote upon the resolution, "That James Wilson was not elected as a Representative in Congress from the fifth district of Iowa, and is not entitled to a seat on the floor of this House", and further, "That Benjamin T. Frederick was duly elected as a Representative in Congress from the fifth district of Iowa, and is entitled to be sworn in as a member of this House." The result was true to expectations: James Wilson lost his seat, and Benjamin T. Frederick, presenting himself at the bar of the House, took the oath of office.

A few minutes later, when the Grant bill passed the House, Mr. Frederick voted "Yea", as James Wilson would have done. And thus it happened that General Grant's last days were filled with contentment because an Iowa Congressman surrendered his seat in the House of Representatives.

JACOB VAN EK



## Legislative Episodes

While James Wilson was a member of the Iowa General Assembly he was chiefly responsible for two epoch-making pieces of legislation: railroad regulation and the "herd law". Back of both enactments was the single idea of the protection of Iowa farmers. In laying the foundation for governmental rate fixing Mr. Wilson anticipated the not far-distant day when the interests of shippers and carriers would clash. The "herd law" was the political acknowledgment of the transition of Iowa from prairie to field, with all the fundamental changes that implied.

Prior to 1868 the policy of both State and Federal legislatures had been to stimulate railroad construction by every means within their power. Millions of acres of the best land in Iowa were donated to the cause; townships, counties, and cities were authorized to tax themselves heavily in aid of new railroads; and railroad companies were granted the power of eminent domain. Individuals contributed money with courageous optimism, while gifts of rights of way and depot sites were common. Every inducement was extended to railroad builders to multiply the tracks of the iron horse. No doubt the public paid far more toward the construction of the first railroads in Iowa than the stockholders did.



In spite of all this encouragement the westward progress of the railroads was slow and uncertain. The people clamored for the fulfillment of promises long deferred. There was little thought of restrictive regulation, present or future: the cry was for railroads — railroads at any price. Governor William M. Stone, in his annual message to the Twelfth General Assembly, declared that while some of the railroad companies which had received land grants had failed to comply with the conditions stipulated the legislature would be “justified in the exercise of still farther leniency toward them.” Any legislation, he thought, “tending to their discouragement should be avoided”.

To the Twelfth General Assembly fell the task of dealing with the delinquent land grant railroads. Several bills were introduced in the House of Representatives and referred to the committee on railroads, of which James Wilson was a member. A farmer himself and the representative of a rural community, he naturally favored legislation fostering the new railroads. But he was not as willing to mortgage the future as some of his colleagues. Perhaps the construction of the Iowa Central Air Line (the Chicago and Northwestern route) through the southern part of Tama County in 1862 and the presence of the road from Dubuque to Iowa Falls fifteen or twenty miles north of his county had some bearing upon his attitude. His inherent antipathy to any action that might prove detrimental to the inter-



ests of agriculture was also a decisive factor in determining his position.

The first measure reported to the House by the committee on railroads was a bill "providing for and requiring the early construction of the Chicago, Rock Island and Pacific Railroad". The majority of the committee were opposed to any provision which might detract from the inducements to build, but James Wilson and one other member refused to accept the majority opinion and submitted a minority report declaring that the bill ought not to pass without a proviso "reserving to the State of Iowa the right of regulating and restricting the freights and fares charged by said railroad company, when in the opinion of the General Assembly they may become oppressive."

For two whole days and parts of two more a hot debate was waged upon the floor of the House. There seemed to be no opposition to renewing the land grant of 1856 and legalizing the issuance of additional stock by the company, but many legislators, especially those from the counties through which the road was to be built, doubted the advisability of imposing any restrictions. Frederick Rector of Fremont County said he had become convinced that it was wrong to legislate against the railroads. It would be time to legislate upon the subject when there was any evidence that the influence or rates of the railroads had become destructive of the interests of the State.



Mr. Wilson maintained that there ought to be no fear that the General Assembly would impose upon the railroads — the opposite was more likely to be the case. There were men, he said, who would advise anything except guarding the interests of the people.

John Hayden of Jefferson County was opposed to enjoining restrictions upon the Rock Island Railroad that could not be placed upon other roads. To this Gibson Browne of Lee County replied that he realized how much the State was indebted to the railroads for its civilization, but he was none the less in favor of the amendment of the gentleman from Tama.

Other members were emphatic in expressing the same opinion. Man after man arose to say that he was not disposed to be unfair to the railroads, but felt that this was a golden moment. "We must assert our right to-day to regulate the charges upon this railroad or forever after remain quiet", declared L. F. Parker, professor of ancient languages in Grinnell College and Representative of Poweshiek County.

There were some, however, who still persisted in the notion that it was inexpedient if not unconstitutional for the State legislature to fix railroad rates, especially if such regulation was confined to the land grant railroads, and they attempted to delay further consideration. Mr. Wilson interposed with a motion to vote upon the question and his amend-



ment to make the Rock Island Railroad subject to rate regulation was adopted by a vote of fifty-four to twenty-nine. The bill as amended then passed the House without a single dissenting vote and the Senate concurred.

Other land grant bills were considered by the Twelfth General Assembly. In every instance the House committee on railroads proposed to postpone the issue of rate regulation, but just as invariably James Wilson made a minority report, sometimes supported by another member of the committee, sometimes alone. Although his amendments always met obstinate opposition they were adopted in every instance, and every land grant act since that time has contained a similar provision.

Thus, it was by virtue of the vision and independence of James Wilson that the State legislature of Iowa first asserted the power to regulate railroad rates in the interest of the public.

When the Thirteenth General Assembly was organized in 1870, James Wilson was appointed chairman of the House committee on agriculture. Of all the problems confronting the farmers of Iowa at that time he regarded the need of a herd law as the most important. The third measure introduced in the House that session was a bill by Mr. Wilson to "restrain stock from running at large." On February 7th the question came before the House and Mr. Wilson took the floor to present a "number of facts in support" of the measure.



Existing fence legislation, he said, "expresses the wants of the farmer in days that are past." The early settlers who located along the well-timbered streams had ready at hand the material to fence their farms and thus protect their crops from stock that was allowed to graze at large upon the uncultivated land. But the extension of the railroads and the high price of wheat had enticed the pioneers out upon the prairie, where the difficulties of fencing their fields constituted a serious problem.

There was not enough timber in the whole State of Iowa to fence its farms — as fences were then built. Already the scarcity of fence material was being felt in some sections. "The early settlers have cut down the fine groves that should have been left to relieve the monotony of the landscape, furnish a sanctuary for the birds and ameliorate the rigors of our climate", declared Mr. Wilson. "The supply of native timber will be completely exhausted in furnishing ties for railroads, material for bridges, and fence posts, before it can be replaced from artificial groves; while the birds, our only protection from insects, are by law invited to leave the State."

In Mr. Wilson's opinion it was imperative to relieve the prairie farmers of the exactions of the existing Iowa fence laws. The cost of fencing a prairie farm, he computed, amounted to more than the original price of the land. By the time a homesteader had built a house, bought some live stock, and purchased a few implements his means were



usually exhausted. To compel such a man to fence his farm was an unwarranted requirement, and yet a neighbor's cattle ought not to be allowed to destroy his crops with impunity.

The remedy, as he saw it, was to fence the pastures instead of the grain fields. Let every one take care of his own stock. At that time each Iowa farm maintained an average of about nine cattle. "Where is the necessity of fencing 160 acres of land for the privilege of keeping nine head of cattle?" he exclaimed. "An acre of land for each, seeded in clover and fenced, would keep them better than they are now kept." In the newly settled counties in the northwestern part of the State the farmers owned much less live stock than the average so that "the fencing of one section in a township, or one acre in thirty-six", was all that would be necessary.

"Perhaps more petitions have been presented for your consideration on this subject than ever were before sent upon any other, except the temperance question", said Mr. Wilson, in concluding his speech. "We do not ask a general law, although we believe the whole State would be benefitted; nor do I wish to take the responsibility of making final legislation for my county. We wish to submit it to a majority vote of any county desiring to act upon it, providing a way by which it can be repealed."

Debate on the bill was confined almost entirely to the procedure of assessing damages against the person whose stock trespassed upon another man's



property. As finally amended the measure passed the House by a vote of eighty to twelve, and was accepted by the Senate, though not without vigorous opposition of a few members.

The work of Mr. Wilson in the Twelfth and Thirteenth General Assemblies seems to have commended him strongly to his constituents. Not only had he insisted upon the right of the State to regulate railroad rates and secured a more equitable fence law in behalf of the farmers in the newly settled western part of the State, but he had steadfastly supported the temperance forces on the liquor question and had voted for an equal suffrage amendment to the Constitution — both of which were prominent issues of the day. At all events he was reelected in 1871 for his third successive term in the General Assembly — one of five Representatives upon whom that honor was conferred that year.

The results of the election were no sooner announced than it was generally assumed that James Wilson would be chosen Speaker of the House. Shortly after the election Cicero Close announced his candidacy for the speakership but as public opinion became more and more favorable to Mr. Wilson he apparently gave up his aspirations to the office. "Tama Jim" was popular among his colleagues and his reputation for not being bitterly partisan made him acceptable to all factions. When the Republican House caucus met, James Wilson was unanimously selected as the party candidate



for Speaker — an honor bestowed “for the first time” in the history of Iowa. “Iowa has few men of more worth, none of a better manliness, none more thoroughly a representative of the people”, commented the *Des Moines Register*. “That Mr. Wilson will prove a popular presiding officer, his experience in legislative work, acquaintance with parliamentary law, promptness and decision of character, added to a dignified and courteous bearing, leave no doubt.”

Inasmuch as the House was overwhelming Republican, the actual election of Mr. Wilson was a mere formality. Having been conducted to the chair, he made a short speech in which he expressed his appreciation of the honor and concluded with the statement: “Regarding every member upon the floor as my personal friend, I will endeavor to discharge the duties of the chair with fairness, and in the spirit in which you placed me here.”

The Speaker had no sooner taken his seat than a colored waiter from the old Savery House was seen passing down the aisle, bearing a tray on which was a bottle of wine and a glass goblet. He stopped at Ed Campbell’s desk, whereupon the genial Democrat from Fairfield deliberately filled the goblet with wine and, after a fulsome greeting, drank a toast of good fellowship to the success of the Speaker, while the other members looked on in astonishment.

JOHN ELY BRIGGS



## Comment by the Editor

### BIOGRAPHY

Biography is history in the singular. Yet history, though it is based upon biography, is not the plural of it. Biography is perpendicular; while formal history is horizontal and cuts athwart the lives of men and women, destroying the continuity of their careers. Any chronicle of events deforms biography, for the character and deeds of people are distorted when displayed only in glimpses amidst distracting scenes upon a crowded stage. History is apt to make puppets of men to do the bidding of cause and effect.

In another sense biography may be conceived as the soil from which civilization has sprung. Since every human achievement has been rooted in the life of some man or woman, every idea, no matter how abstract or general, has been ultimately personal. Religion and government result from the action of personality upon the relations of God and man. The most amazing discovery of science is after all only the creature of someone's intellect. And what is art but the expression of the soul of the artist?

The charm of personality is what gives biography its perennial appeal. It is not so much what a man does as what he is that perpetuates his memory.



Character is the immortal element in any human life.

To portray the spirit of the subject truly is the height of biographical achievement. It is not necessary to embalm a man's career in several volumes: a vivid portrait may be sketched with a few illuminating anecdotes and a clear analysis of character. Vitality is essential to pen portraiture. If biography is to attain its proper place in literature, let biographers take heed of the consummate skill of the writers of fiction who make their heroes live.

J. E. B.



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