

The
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THE EDITOR

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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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WILLIAM PENN CLARKE

THE PALIMPSEST

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A Career of Energy

From the point of view that history consists entirely of the ideas and activities of great men, the name of William Penn Clarke would not figure prominently. He did not lead armies, or govern a State, or occupy any other high position which, in the not-far-distant past, would have been regarded as essential if he were to secure a place in the pages of history. But as a matter of fact much of history has been made by inconspicuous persons and even by the mass of the people. According to de Tocqueville, when "the historian of aristocratic ages surveys the theater of the world, he at once perceives a very small number of prominent actors, who manage the piece. These great personages, who occupy the front of the stage, arrest attention, and fix it on themselves; and whilst the historian is bent on penetrating the secret motives which make these persons speak and act, the others escape his memory." In a

democratic age, however, the importance of every individual is recognized, and history like everything else is democratized. It is therefore quite fitting and proper that the biographies of such men as William Penn Clarke should be given a place in the history of Iowa.

For almost a quarter of a century he was a resident of Iowa City and during that period his career was one of remarkable energy. An unusually successful lawyer, with a large and lucrative practice, he found time to engage in many other activities of a humanitarian or civic character. He was early interested in the movement to abolish capital punishment and in the late forties he served as secretary of the "Iowa Anti-Capital Punishment and Prison Discipline Society". From 1855 to 1860, he was a trustee and treasurer of the State Institution for the Deaf and Dumb, located at Iowa City. He also served as an alderman of Iowa City, being a member of the first council elected after the city was granted a charter by the General Assembly on January 24, 1853. As an alderman, and later in his career, he was active in promoting the building of railroads and especially in securing a line to Iowa City. He was a member of the first board of curators of the State Historical Society in 1857, and in 1867 he was president of the Society.

The activities mentioned give some indication of the varied career of William Penn Clarke, but they are of minor interest as compared with his work as

a politician, as Supreme Court Reporter, as a leader in the framing of the State Constitution, and as a friend of free Kansas and "conductor" on the "underground railroad".

William Penn Clarke lived a long life, covering a span of eighty-six years, but his career outside of Iowa is of no particular interest. He was born in Baltimore, Maryland, on October 1, 1817. When about ten years old, he moved to Gettysburg, Pennsylvania, where he spent a three years' apprenticeship learning the printing trade. Then he followed his trade at Washington, D. C., until 1838, when he went to live in Cincinnati. There he formed a partnership and began publishing a small newspaper, *The Daily News*. Later he was editor of the *Logan Gazette*, published at Logan, Ohio.

Attracted by the opportunities which Iowa seemed to offer, Clarke, late in 1844, emigrated to Iowa City, where he continued in newspaper work. He was first connected with *The Iowa Standard*, writing a series of special articles in opposition to the ratification of the Constitution of 1844. When A. P. Wood became the publisher of the *Standard* early in 1845, Clarke was selected as the editor, a position which he held for about a year.

In Ohio, Clarke had been attached to the Whig party, and when he came to Iowa he naturally affiliated himself with the Whig cause. So well did he serve the party through his connection with *The Iowa Standard*, that he quickly earned for himself a

place in the Whig Territorial organization. In June, 1845, he was appointed a member of the Whig central committee, and in the following year he was the unsuccessful Whig candidate for the Territorial Council to represent Muscatine, Johnson, and Iowa counties. During this early period in Iowa, he became well acquainted with Governor John Chambers, R. P. Lowe, and other prominent politicians.

Clarke was an ardent opponent of the extension of slave territory, so it was not surprising that he should desert the Whig party and cast his lot with the Free Soilers. In three elections he was on the Free Soil ticket as a candidate for office: in 1848, for Presidential Elector, in 1850, for Governor, and in 1852, for Congressman; but on none of these occasions did he poll a large vote.

After the decline of the Free Soil party, he was for a time a member of the American or "Know-Nothing" party. He lent his influence to promoting a fusion of the "Know-Nothings" with the Republicans, which was practically completed when the Republican party of Iowa was formally organized by the convention which met at Iowa City on February 22, 1856. His interest in the Republican party at that time is shown by the fact that on the very day that the Iowa Republican convention was being held, he was in Pittsburgh, Pennsylvania, acting as one of the secretaries of the preliminary Republican national convention.

At first he held no official position in the Republi-

can organization of Iowa, but by 1857, he had become a member of the State central committee, the other members of which were Samuel J. Kirkwood, Henry O'Connor, George D. Woodin, and Hiram Price. On several occasions, Clarke sought further political preferment at the hands of the Republican party. In 1858, he was a candidate for the office of United States Senator, but was defeated by James W. Grimes. Again, in 1859, he was put forward as a candidate for the Republican nomination to a place on the State Supreme Court bench, but was defeated in the State convention held at Des Moines on June 22, 1859.

Considering his prominence in Republican party circles and his activity in promoting the cause of his party, it is rather surprising that Clarke was never elected to a high office. An explanation may be found, however, in his positive personality. He was an outspoken individual who never hesitated to express himself, regardless of the feelings of others. Another explanation of his failure to attain greater political success may be found in his aristocratic tendencies. Indeed, on one occasion, he was denounced by an opposition newspaper as a "codfish aristocrat". Furthermore, he was an intense partisan who put himself heart and soul into the cause he was advocating. Such a man could not avoid making bitter enemies, who would, and evidently did, successfully exert themselves to keep him out of power.

In spite of his lack of success in attaining an

elective office, Clarke was loyal to his party and took an active part in the various campaigns. He was a ready speaker and was always much in demand to address political rallies in Iowa City and vicinity.

At the Johnson County Republican convention held at the courthouse in Iowa City on the last day of the year, 1859, he was chosen a delegate to attend the State convention in Des Moines. There, on January 18, 1860, he was selected as the chairman of the Iowa delegation to attend the Republican national convention at Chicago. Favoring the nomination of William H. Seward for President, he cast his vote for him on all three ballots.

In connection with the first ballot, an anecdote was related by Charles C. Nourse, one of the delegates. While ordinarily Clarke was a fluent speaker, it seems that under the stress of excitement he spoke with difficulty. When he arose to announce the Iowa vote he could not utter a word, greatly to the astonishment of those who did not know him well. His embarrassment was finally relieved when another member of the delegation answered the roll call.

While actively participating in politics, William Penn Clarke was enjoying a lucrative law practice. Early in 1846 he had been admitted to the bar, and within a few years had gained a wide reputation as a lawyer. He was an unusually successful practitioner before the State Supreme Court, as is indicated by the fact that between 1850 and 1865 his

name appears in connection with one hundred and thirty-one cases brought before that court. Most of these cases he won.

During his law practice in Iowa City, Clarke was a party in three partnerships — with John C. Henley from 1856 to 1859, with Theo. M. Davis from 1860 to 1865, and with William C. Gaston from 1866 to 1867. Also during that period Clarke trained several young men in the law, notably William P. Hepburn, later an Iowa Congressman, and Samuel H. Fairall, who became a prominent judge.

Though he was involved in many cases both of a criminal and civil nature, two cases stand out with special prominence. In 1858 and 1859, he acted as special prosecuting attorney for the State in the notorious Boyd Wilkinson lynching case, in which some of the prominent pioneers of Johnson County were involved. The trials of the fifteen men indicted for the alleged murder were among the most bitterly fought in Iowa history, and without doubt occasioned more excitement than any other criminal case in the history of Johnson County. Clarke's part in these trials made some bitter enemies whose animosity was not softened by the passage of time.

One of the most interesting civil cases in which Clarke participated was the contest over the location of the county seat in Marshall County. With H. C. Henderson and W. P. Hepburn, Clarke represented Marshall (now Marshalltown) in the legal battle waged against Marietta where the seat of

justice was first located. The fight was ultimately carried to the State Supreme Court and Marshalltown won.

Closely related to Clarke's profession as a lawyer was his position as Supreme Court Reporter, which he held from the June term in 1855 to the June term in 1859, inclusive. During his régime as Reporter, eight volumes of opinions were issued, as compared with five volumes in all the previous history of Iowa. The *Reports* which he published were very creditable and won deserved praise from the legal profession. For the first time the title *Iowa Reports* was applied to the volumes by Clarke, a precedent which has been followed since, the volumes being numbered consecutively. Another improvement was the publication of the decisions in the order in which the opinions were filed, accompanied by the date of opinion. Taken altogether Clarke's work as Reporter was praiseworthy and his eight volumes of *Reports* exist to-day as a permanent monument to his efficiency and industry.

William Penn Clarke undoubtedly rendered his outstanding service to Iowa as a member of the Convention of 1857 which framed the present Constitution of Iowa. He was a leader in debate and far surpassed any other delegate in the Convention in the amount of committee work that he performed. Many of his suggestions were incorporated in the completed document, though other provisions which he desired were rejected. The Constitution of Iowa

which has endured for nearly three-quarters of a century with only six amendments is a fitting memorial to the remarkable foresight of the framers.

Another interesting phase of William Penn Clarke's life was his connection with the movement to make Kansas a free State and his association with such men as James H. Lane, J. B. Grinnell, and John Brown in the conduct of the "underground railroad", whereby negro slaves were transported to Canada. He was chairman of the Kansas Central Committee of Iowa, which included in its membership Dr. Jesse Bowen, H. D. Downey, C. W. Hobart, John Teesdale, J. N. Jerome, M. L. Morris, L. Allen, and G. D. Woodin. In this capacity he was instrumental in forwarding arms and other supplies, as well as men, to Kansas in the struggle against slavery interests.

It was also largely through his efforts that the National Kansas Aid Convention at Buffalo in July, 1856, adopted the "Lane Trail" as the official route for free-state settlers going to Kansas. This route passed through Iowa City, Sigourney, Oskaloosa, Indianola, Osceola, Sidney, and Quincy, and thence to Topeka, Kansas. As Iowa City was then the western terminus of the Mississippi and Missouri Railroad, it naturally became an important point for the assembling of Kansas-bound emigrants.

Clarke was also concerned with securing freedom for negroes kidnapped by John Brown and others in Missouri and Kansas. As long as John Brown was

active in the West he was aided by J. B. Grinnell at Grinnell and especially by Clarke and Dr. Bowen at Iowa City. After Brown transferred his operations to the East and undertook his ill-fated Harper's Ferry venture, Clarke continued to be closely associated with Grinnell in operating the "underground railroad" until the outbreak of the Civil War.

After Abraham Lincoln assumed the office of President in 1861, Clarke attempted unsuccessfully to secure an appointment as Judge of the Court of Claims. He then sought a commission in the Union army, and early in 1863, mainly through the influence of his friend, Senator James Harlan, he was appointed a paymaster with the rank of major. Promotion to the rank of lieutenant colonel is testimony that his work of disbursing about \$3,000,000 to the soldiers was satisfactory to his superiors.

Early in the spring of 1866 he was mustered out of military service, and for a few months thereafter served as chief clerk in the Department of Interior of which James Harlan was then Secretary. However, as Clarke was a Radical Republican he could not agree with President Andrew Johnson's policies, so he withdrew from the government position and returned to Iowa City in September, 1866.

But he was no longer satisfied to live in Iowa City, and after about a year he returned to Washington, to follow his profession there, specializing in cases before the Court of Claims. From that time until the close of his life there was little in his career to

interest Iowans. The man who had been so energetic in Iowa became merely one of the many lawyers attracted to the national capital, and was soon practically forgotten in his former home. When he died on February 7, 1903, his passing was scarcely noticed by Iowa newspapers. Certainly the reader of the scanty accounts of his death would not have guessed that William Penn Clarke had once played a leading rôle in Iowa history.

ERIK MCKINLEY ERIKSSON

In the Name of Free Soil

One day late in October, 1856, an old man, weary and travel stained, rode into Iowa City astride a mule. Seeking the residence of William Penn Clarke, chairman of the Kansas Central Committee of Iowa, the stranger announced that he was John Brown, just come from Osawatomie and the Lawrence foray in Kansas. To Clarke, Dr. Jesse Bowen, and other residents of the State capital who were in active sympathy with the free-state pioneers of Kansas, he related his recent experiences and discussed ways and means of forwarding money, arms, and clothing to Free Soilers in Kansas and Nebraska.

On his subsequent journeys through Iowa, John Brown was generally accompanied by fugitive slaves from Missouri, whom he and his armed band escorted to a haven of freedom beyond Lake Michigan. He could always count on finding at the residence of J. B. Grinnell, in Grinnell, not only rest, food, and shelter for himself and his party, white and black, but money and words of cheer besides. After leaving Grinnell, his next ark of safety was the Quaker

[This account of a stop-over on the underground railroad is adapted for THE PALIMPSEST from an article by Frederick Lloyd on John Brown among the Pedee Quakers, published in the *Annals of Iowa* (First Series), Vol. IV.—THE EDITOR]

settlement in Cedar County, where he would quarter his men — having passed through Iowa City in the night to avoid molestation — and then retrace his steps to the State capital to consult with Clarke and other friends. On such occasions Brown generally required the benefit of a clear head and a cool hundred, both of which he never failed to find at the office of Clarke, who often made up any deficiencies there might be in funds or contributed the whole amount himself. There were many others also who gave of their means for this purpose, and even Democrats, while denouncing abolitionists, were contributing their funds toward the escape of fugitive slaves.

On the evening of February 4, 1859, John Brown crossed the Missouri River at Nebraska City, accompanied by a few of his party, together with twelve negroes — one of the latter but a few weeks old. At Tabor, where they arrived two days later, they rested a week and then pushed on for Des Moines, putting up at night successively at three stations on the underground railroad. On February 18th, they crossed the Des Moines River and entered the present State capital. John Teesdale, then editor of the *Iowa State Register*, paid their ferriage. Teesdale and Brown had been old personal friends in Ohio, but until that day Teesdale was not aware that the Osawatomie Brown and his friend were one and the same. On February 20th the party reached Grinnell, where they were entertained most cordially by the

founder of the town, and five days later they gained the hospitable hamlets of the Quaker settlement, having passed through Iowa City the night previous.

The news spread in Iowa City that Brown, with a large party of fugitive slaves, was in the vicinity. As a reward of three thousand dollars had been offered by the authorities of Missouri for the arrest of the negroes, the disinterested advocates of the rigid enforcement of the fugitive slave law, who cared nothing in particular about other laws, began to discuss the propriety of collecting a mob, marching on Springdale, and capturing Brown with his party. Sam Workman, then postmaster at Iowa City, was the captain of the gang organized for this purpose, but Brown returned a reply breathing quiet defiance to Workman's threat of capturing him, so the postmaster, after consulting his friend, Captain Kelly, an Irish gentleman of great eminence, that is to say, six feet and seven inches tall, deferred the undertaking until darkness and the presence of Brown in Iowa City might afford a more auspicious opportunity.

At this stage of the proceedings, J. B. Grinnell, fearing trouble, went to Chicago to secure a box car, in order that the fugitives might be removed quietly and swiftly. But John F. Tracy, the superintendent of the railroad, refused to provide transportation for the negroes, lest the company should be prosecuted under the fugitive slave law. Nevertheless, he gave Grinnell his draft for fifty dollars, and this

draft Grinnell handed to Brown on his return from Chicago.

Meanwhile, the United States marshal, Laurel Summers, announced that he had a warrant for the arrest of John Brown and his party. At this juncture, Brown sought the advice of his friends in Iowa City. He went to the home of Dr. Jesse Bowen on Iowa Avenue, and there in the evening William Penn Clarke and the doctor discussed with him various plans out of the predicament. They finally decided that Brown should leave Iowa City late that night, while Clarke should set out by the early train the next morning to secure a box car at West Liberty in which to ship the negroes to Chicago.

Accordingly, Clarke, in company with L. A. Duncan, the editor of the Iowa City *Republican*, went to the home of S. C. Trowbridge, who had been selected for the delicate duty of piloting Brown safely out of the city. It was midnight when they arrived and Trowbridge was well into his first slumber, but he got out of bed and, hastily putting himself in light marching order, appeared at the door. He readily promised to perform the duty assigned to him, merely stipulating that he should do it in his own way. By four o'clock he was at Dr. Bowen's house and, eluding one of Sam Workman's men who was keeping watch over Brown's horse in Bowen's stable, they rode away by a circuitous route and were soon floundering in the darkness and mud of the upper Muscatine road, bound for the Quaker

settlement among whose quiet cottages, in the gray dawn of the winter morning, Trowbridge parted for all time from John Brown and his band of adventurers.

The most difficult part of the plan was to procure the car from the railroad company, but this difficulty dissolved before the finesse of William Penn Clarke, who proceeded to Davenport where he called on Hiram Price, then secretary of the railroad company, to whom he confided his business and requested aid. Price had no control over the cars, but gave Clarke a note of introduction to J. W. Moak, the roadmaster. With this note from Price and Tracy's draft, which he had obtained from Brown, Clarke returned to West Liberty, where he found Brown waiting with his party concealed in Keith's steam mill.

If the fugitives were to escape a car had to be secured immediately. The agent had just gone to dinner about a quarter of a mile away, but Enoch Lewis, an old man, volunteered to fetch him to the hotel where Clarke and Brown were waiting. To obtain the car, it was necessary for Clarke to make the agent believe that the railroad officers knew and connived at what was being done. So he showed him the note of introduction from Price to the roadmaster and asked him if he knew the signature. Of course he recognized the name of the secretary of the road. In the same manner the draft from Tracy was exhibited, which he likewise knew to be in the hand-

writing of the superintendent. Clarke then asked him if he had a box car and what would be the cost of running it to Chicago. He answered that he had such a car and that the price would be fifty dollars. Thereupon Tracy's check was handed to him, and Clarke told him that the car was wanted at once down at the mill and that it was not his business to know what was going to be put into it. The car was accordingly pushed down the track in front of Keith's mill, and the fugitives were loaded in as freight. All of the men, both white and black, were heavily armed. Afterward, while Clarke and Brown dined at the hotel together, the Iowa abolitionist gave Brown ten dollars to help him on his way, with the advice to go home and take some rest.

When the passenger train came along, Brown got into the car with the negroes. Most of the inhabitants of West Liberty were in sympathy with Brown and had gathered at the station, having heard that a bold plan of aiding some escaping negroes was to be tried. Were any Federal officers aboard? Would the train pick up the freight car on the siding? Clarke and two of Brown's men boarded a passenger coach to be prepared for emergencies. Slowly the train backed down to the mill, coupled on to the box car, and then puffed out of town amid shouts of approval from the crowd.

Brown and his party arrived without molestation at Chicago where they changed cars, taking another branch of the underground railroad to Canada.

Tracy, it is said, swore a little when the negroes were unloaded at the Chicago depot. Clarke afterward apologized to the president of the road for the imposition he had practiced on the agent at West Liberty. And so the affair ended happily without further trouble. But that was not the last shipment on the underground railroad in Iowa.

FREDERICK LLOYD

Constitution Making in 1857

Gladstone was dealing in epigrams when he said that the Constitution of the United States is the most wonderful instrument ever "struck off at a given time by the brain and purpose of man." He was doubtless aware that constitutions are not struck off. They grow, like plants. Many of the political ideas and institutions that were incorporated in the Federal Constitution had their origin centuries before the convention in 1787. The written constitution was simply the culmination of years of experience in self-government. The task of establishing a new government, to which the genius of Alexander Hamilton, the scholarship of James Madison, the wisdom of James Wilson, the sagacity of Benjamin Franklin, and the various talents of other statesmen were directed, was chiefly a problem of describing forms and methods which had developed from a wealth of debate and experiment.

The same may be said of any constitution, not excepting the organic law of Iowa. Like the Federal Constitution, the Iowa Constitution of 1857 is not merely the product of "the brain and purpose" of a few political leaders who met in the Old Stone Capitol at Iowa City nearly three-quarters of a century ago. Many of its provisions can be traced directly to the first State constitutions of Virginia,

Pennsylvania, New York, and Massachusetts, while the doctrine of the separation of powers, the bicameral organization of the legislature, the pardoning power of the Governor, and many of the guarantees in the bill of rights had their origin in Magna Carta and the long experiences of Anglo-Saxon autonomy.

Among the local politicians, lawyers, farmers, bankers, and merchants who served as members of the Convention of 1857 no one stands out more clearly than William Penn Clarke. He spoke at least two hundred and sixty-six times, upon one hundred and thirteen subjects — a record in debate which was surpassed only by Rufus L. B. Clarke, a Republican delegate from Mount Pleasant, and Jonathan C. Hall, a Democratic delegate from Burlington. In the number of motions and resolutions offered and in the amount of committee work performed, William Penn Clarke far exceeded any other delegate.

No sooner had temporary officers been selected by the Convention on the morning of January 19, 1857, than Francis Springer, who later became president of the Convention, moved that Mr. Clarke be appointed to invite a clergyman to open the session with prayer. In response Mr. Clarke introduced Reverend Alcinous Young, who performed the duties of chaplain. Reverend Alpheus J. Kynett, upon the motion of Mr. Clarke, opened the session of the second day with prayer, and was later appointed as

the regular chaplain of the Convention. This action is chiefly significant in contrast with the long and acrimonious debate in the Convention of 1844 over a resolution providing for a daily invocation. In the Convention of 1846 prayer was offered only at the first session.

At the time the Convention met the legislature was in session. Consequently the Senate Chamber and the Hall of Representatives in the Capitol were occupied, and the only available place for the Convention was the smaller Supreme Court Room. Hotels in Iowa City were likewise crowded. Quick to sense the situation, delegates from rival cities invited the Convention to meet elsewhere, but Mr. Clarke of Iowa City, who was placed on a committee to consider these invitations, opposed any such move and attempted to secure better accommodations. For a time it seemed that the Convention might go to Davenport or Dubuque. On January 21st, however, Mr. Clarke proposed that the sessions be held either in the Masonic Hall or the Odd Fellows Hall. In the debate which followed, George Gillaspay of Wapello County offered a resolution that the Convention continue to meet in the Supreme Court Room until the General Assembly should adjourn. In explaining his position he said that "upon reflection" he had become satisfied "that it will be very inconvenient for the many fat gentlemen we have in this body to be climbing up and down the stairs of either of the halls offered". His resolution

was adopted and the sessions continued to be held in the court room until January 29th, when, upon the adjournment of the legislature, the Convention moved to the Senate Chamber—the north room on the second floor of the Old Stone Capitol—where the remainder of the sessions were held.

Early in the Convention, Mr. Clarke, in the interest of temperance, attempted on two occasions to secure a constitutional provision that the “right of the people to prohibit by law the manufacture and sale of intoxicating liquors, as a beverage, shall not be violated.” Both efforts failed.

But the character of the man was equally well portrayed in his attitude on the negro question. In debating this problem he said, “I take issue with the gentleman from Wapello, (Mr. Gillaspie) who says that he is here only to represent the white people of the State of Iowa. Now I stand here as a delegate to represent, not the white people of Iowa City, not the Republican party alone who elected me, but as the representative of my district, and of every human being in it. I should be false to my feelings, false to my party and false to my God, if I consented to have the franchises of the meanest or weakest of God’s creatures denied.” The opinions of Clarke and his fellow Republicans prevailed and in the bill of rights as finally incorporated in the Constitution no exceptions were made against negroes.

The opposition which the Constitution of 1846 offered to corporations was one of the chief causes

for calling the Convention of 1857. When the question of legalizing corporations came before the Convention there were reports from both a majority and a minority of the committee. In the minority report Mr. Clarke advocated that political and municipal corporations be allowed to become stockholders in corporations for the construction of internal improvements within the State. He favored a wide expansion of governmental powers and said that if he could have his way he would have the government educate every child, build every road, construct every bridge, in fact "do everything which would conduce to the general happiness and welfare of the people." He believed that corporations "instead of endangering the perpetuity of government, have the very opposite tendency." Railroads he thought would tend to strengthen the Union and develop the State. Every dollar invested in internal improvement "connects the holders of that capital, as it were with a chain of gold, to the support of the government", he declared with Hamiltonian logic. "And I think the perpetuity, and the successful and prosperous destiny of this government will be enhanced, and increased, just in proportion as you stretch these iron ribs from one end of the continent to the other."

Not infrequently in the course of the debates Mr. Clarke showed his keen sense of humor and ready wit by indulging in repartee. On one occasion Rufus L. B. Clarke of Henry County accused him

of being prejudiced in favor of the Supreme Court because of his office as Supreme Court Reporter. Spicing his remarks with a bit of sarcasm the Henry County representative said: "We need not make a constitution, but take one complete in all its provisions from the Reporter of the Supreme Court." Mr. Clarke replied that he did not desire to engage in a personal controversy and said that he would permit his opponent to enjoy the "manliness and generosity" of a demagogical appeal to the Convention, and would dismiss the subject by saying, "that if the intelligence and capacity of the gentleman from Henry were at all equal to his arrogance and presumption, he would be a very useful man upon this floor."

He then took issue with his opponent upon the question before the house. "The gentleman from Henry", he said, "takes the broad position, that banking institutions are an evil. If I thought so, I would not occupy the position of that gentleman. I would have the integrity and firmness to say, that I would not vote to create an evil. I would have told the people so in the canvass. If that gentleman had avowed that doctrine in the county of Henry during the canvass, I venture to say, that he would not to-day have been dictating to us, or manifesting his arrogance upon this floor."

Continuing to criticise the position of Mr. Clarke of Henry County, Mr. Clarke of Johnson County said the gentleman "wants to make a system of

banking, if we have one, that will shut out the capitalists of the east; and he wants whatever banks we have, owned solely and entirely by the people of Iowa. He has found a model bank at Winchester, in the State of Virginia — the last place I should suppose that the gentleman would go for a model — an old town, almost as dead as are now the cities of Sodom and Gomorrah; a place where there is no business, no life, and where, as the gentleman says, the stock of this bank is handed down from father to son for generations. This is the model which the gentleman had produced for the young, flourishing, and growing State of Iowa.”

Throughout the debate Mr. Clarke took the position that the capital to establish banks must come from outside the State. Indeed, one of the chief objects and purposes of calling a convention, in his opinion, was to form a Constitution favorable to banking interests and to encourage capitalists to come into the State. “I care not”, he said, “from what quarter they come — and give us the benefit of their capital. I am not so terribly alarmed, as some gentlemen are, at the mention of this name — Wall street. I think capital can be used advantageously here, whether it comes from Wall street, or Chestnut street.”

In the discussion of the report of the standing committee on State debts, Mr. Clarke took a stand against too much limitation of the power of the State government to incur indebtedness. The

people, he said, "are the source of power", yet a limitation upon indebtedness is a restriction upon the people. "If there must be a check, I am willing to give the government a very large latitude." I hope we shall make a constitution, he continued, "under which the government shall be established, and under which it will be enabled to work so that in ten years we shall not find ourselves, as we are now, under a government so cramped as to be inadequate to the wants and necessities of the people." He expressed a preference for placing the State debt limit at \$500,000 — an amount large enough to enable the State to expand and progress. But the Convention did not concur in this opinion, and the article as finally adopted placed the limitation at \$250,000.

After the Convention had been in progress for more than a month a resolution was presented to hold evening sessions. This motion was greeted with a storm of protest and was made the occasion for considerable humor. Man after man arose to express a hope that the proposal would not be adopted. Mr. Clarke said that if the resolution prevailed he would then move to have the sergeant-at-arms "instructed to furnish each member and officer of this convention with a lantern." Another member suggested that a contract might be entered into with an "omnibus line" to convey members of the Convention to their rooms after the evening sessions. The author of the original resolution,

upon being asked if he would concur in the suggestion of Mr. Clarke, replied, "No, sir; I have no desire to rob the State any more than we have already done." The resolution was laid on the table.

One of the most valuable contributions of Mr. Clarke to the work of the Convention was in connection with the article on the judiciary. His training as a lawyer and his experience as Supreme Court Reporter qualified him to act as chairman of the judiciary committee. Here again a majority and a minority report was submitted to the Convention — the latter signed by Mr. Clarke alone. The chief difference was that the majority report favored the establishment of superior courts, intermediate between the supreme and district courts. Being firmly convinced, yet not willing to rely entirely upon his own views, he wrote to each of the judges of the Supreme Court asking their advice in regard to the committee reports, a copy of which he enclosed without indicating his own attitude. It is a tribute to his judgment that all three of the judges concurred with him, and his plan in substance was adopted by the Convention.

While the article on education and school lands was being debated, Clarke moved that the "State University shall consist of a single institution, and be permanently located at Iowa City." The motion was lost. Later as a member of the committee on miscellaneous affairs he presented the question again, but the provision was stricken out by the

committee of the whole. It seemed that the attempt to secure a constitutional guarantee that the State University should be united and remain at Iowa City had failed. But to Mr. Clarke's surprise D. P. Palmer of Davis County introduced a resolution four days before the end of the Convention confirming the previous action of the General Assembly in removing the capital to Des Moines and further stipulating that the State University should be permanently located at Iowa City. After much debate this resolution was adopted, and the substance of Mr. Clarke's original motion became a part of the Constitution.

When the time came for taking a vote upon the final adoption of the Constitution as a whole, Mr. Clarke, rising to cast his vote, said that the instrument contained several articles which did not meet his approval and which he believed to be wrong. On the other hand he said that it contained much that met his "warmest approbation" and that he would vote for it, reserving the right to determine "upon mature reflection" how he should vote at the polls.

Just before adjournment several of the delegates took advantage of an opportunity to explain their conduct in the Convention. "I take this occasion to say", said Mr. Clarke, "that if, in the course of this debate, I have indulged in any severe criticism upon the conduct of others, I feel that I have had my full share in return." He expressed a hope that the

spirit of crimination and recrimination which had been indulged in might cease and that the closing hours of the Convention might "be marked by universal good feeling and harmony."

On the last day of the Convention, Mr. Clarke moved that the Constitution be referred to a committee of "three of the most critical scholars in the convention", to examine and report upon it. He said that he did not wish to be placed on the committee, as he did not include himself among "the most critical scholars of the convention". Notwithstanding this request he was made chairman of this committee and assumed the work of editing the Constitution.

Thus, from the opening to the close of the Convention, William Penn Clarke was a prominent figure. As Madison, Wilson, Morris, and others labored in formulating the Federal Constitution, so in the Iowa Constitutional Convention of 1857, William Penn Clarke worked for a better instrument of government and left his influence indelibly upon it. He remained in Iowa only a few years after the adoption of the Constitution, but he left behind him an influence such as was exerted by few men of his time.

J. A. SWISHER

Comment by the Editor

BY THEIR FRUITS

“For example, there was William Clark who played an important rôle in the early history of Iowa.”

“What an ambiguous statement. Perhaps you mean James Clarke, one of the Territorial Governors. Or could it be William Penn Clarke, a prominent Free Soiler and Supreme Court Reporter?”

“Neither. I refer to Clark the explorer of the Missouri River, a younger brother of General George Rogers Clark, and Governor of Missouri. Bear in mind, moreover, that William Penn Clarke usually signed himself W. Penn and spelled his surname with a final e.”

While distinctions in names are useful, people are really placed by what they have done: “He is the man who made a mouse-trap”, or “She is the girl who married a millionaire.” In distinguishing persons we almost invariably mention their doings. Peculiarities in appearance or manner are significant only as applied to folks we have seen — and even eccentricity is often expressed in action. People are more alike than unlike. As uniformities determine a species while the development of a new

variety depends upon variations, so the activities of people, being more diverse than their qualities of character or physical differences, constitute the natural test of identification.

THE EFFECT OF CAUSES

The greatness of men flows from the causes they espouse and the institutions they serve. Alexander Hamilton is famous, not as a successful lawyer, but because his passion for good government led him into a career of statesmanship. It was Sir William Osler's devotion to the science of medicine that made him the idol of physicians everywhere. Instances might be multiplied indefinitely, for there is scarcely a person in all history, ancient or modern, who is known for himself alone. Services performed in the interest of others are the index to fame. He who spends his span of three score years and ten simply in providing for himself and family may live well but, dying, he will join the great democracy of the forgotten; while he who labors in a cause lays claim to more than personal renown. The work of a woman among her neighbors (Jane Addams), the thought of a scholar on his treatise (Isaac Newton), the sacrifices of a patriot for his country (George Washington), the activities of a fanatic in the name of human freedom (John Brown), or the aid of a nurse in lessening some of the horrors of war (Florence Nightingale) are more important in the scheme of things, it seems, than

the one who performs the service. The deed overshadows the doer. Let egotistical individualists contemplate the fact that the path of glory leads away from home and self-indulgence.

While William Penn Clarke lived in Iowa he was devoted to causes. As a leader in the free-soil movement, agent of the underground railroad, organizer of the Republican party, and draftsman of a new State constitution, much of his energy went into issues of public concern. Not that he sought notoriety: his work was preëminently sincere. But by employing his talents for the furtherance of great enterprises and in behalf of worthy institutions he earned a place of prominence for himself. Though he lived long afterward, his name is honored most for the services he rendered to humanity and the Commonwealth of Iowa during the years before the Civil War.

J. E. B.

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