

INAUGURAL ADDRESS
OF
HORACE BOIES,

GOVERNOR OF IOWA,

DELIVERED

AT HIS INAUGURATION,

JANUARY 20, 1892.

PRINTED BY AUTHORITY OF LAW.

DES MOINES:
G. H. RAGSDALE, STATE PRINTER.
1892.

INAUGURAL ADDRESS.

Fellow Citizens, Gentlemen of the Senate and House of Representatives:

Grateful to the people of my State for their continued confidence in me, and with humble reliance upon the Author of our being to guide me in the discharge of my duties, I have come before you to assume once more the formal obligations which the Constitution of our State prescribes to qualify one elected to the office I am called to fill, to enter upon the discharge of his official labors.

In putting aside like obligations assumed by me two years ago I want to express the gratitude I feel towards those who have willingly aided me in the great work to which I was called, and who have generously covered with a mantle of charity the mistakes inevitably made in the performance of the multitude of duties that fell to my lot.

In renewing the same obligations at this time I can only promise that in the discharge of official duties I will bring to my aid the best judgment of which I am possessed, and see that it is guided by an honest desire to promote in the highest possible degree the welfare of all the people of our State.

It has been my privilege as it is made my duty to communicate to the Legislature my views upon various matters that will demand its attention during the present session.

I need not stop here to refer to many of these farther than to say that such recommendations are advisory only. That they furnish no obligation either moral or legal on the part of a single member of that body to adopt the same, and he should not adopt them unless they coincide with his own judgment after mature deliberation on his part.

There are, however, certain questions with which the present Legislature must deal of such general interest to all our people that they may properly receive attention in an address of this character.

Among the first of these in point of importance is the question of the duty of those who are clothed with authority to make or repeal the laws of a state.

I cannot avoid the conclusion that we legislate too much.

There are certain natural rights which every man possesses, and certain obligations which he as a member of society owes to the public.

It is clearly within the province of the Legislature to enact laws for the protection of the former and enforcement of the latter.

Beyond this in statutes that are designed to regulate the conduct of men it is, I believe, generally unwise to go.

It is safe to say the wisdom of man has never yet been sufficient to enable him to devise practicable means for the enforcement of strictly moral obligations.

So long as the conduct of men is restrained within limits that admit of no encroachment upon the rights of others it should be left to the regulation of their own consciences, and to the control of laws that emanate from a wisdom superior to our own.

But under such a definition, the field of legitimate legislative action is not restricted within narrow bounds.

To be able to guard with jealous care the rights of one class without encroaching upon those of another requires the exercise of wisdom not always vouchsafed to man.

To judge correctly between the natural rights of the citizen, and his obligations as such to that organized society that protects him in these, demands a comprehension of each, more accurate than mortals always possess.

It follows from necessity that many of our statutory laws are little more than experiments, to be continued as part of the permanent system of our government if they prove successful, or to be repealed if they prove otherwise.

Legislators may rightfully disagree as to whether an experimental statute shall be enacted. If enacted and it proves a failure in whole or in part they cannot rightfully disagree as to whether or not it shall be amended or repealed.

Of all the dangers that threaten any form of human government none are so great as those that come from a wide spread disregard of law by the citizens thereof.

A policy, if one is ever adopted, that for any reason, or on any pretext, will tolerate such a condition either in the state or nation will inevitably lead to anarchy and the final overthrow of the wisest and best institutions ever planned by man.

No duty of the law maker is so plain as that which demands of him the repeal of any law whenever it is demonstrated by reasonable experiment that it fails to accomplish the purpose for which it was enacted, and no demonstration of its failure is so complete as that which is furnished by the fact that in a country like our own, among people the most enlightened of any on the face of the earth, whole communities unite in ignoring it, and willingly consent to its open and continued violation.

Among all the criminal statutes of Iowa there is one, and one alone, that is openly, notoriously, and continuously violated with the tacit, if not the publicly expressed consent of a vast majority of whole communities of our people, who are in every other respect as moral, as law-abiding and as desirable citizens as any within our State.

For years and years this condition has existed to the positive knowledge of every state officer, and of every well-informed citizen of Iowa.

That the evil has grown with the years is unquestionably true. That it will continue to grow until the law is changed, or new and extraordinary methods for its enforcement are provided, is equally true.

There is left but one remedy for the enforcement of this law that has not already been tried, and that remedy involves the sacrifice of a principle that is the very keystone of the arch on which our form of government is built, the right of the people to rule.

If for any reason or on any pretext we establish the precedent that any one of the units of population may be deprived of the right of local self-government in matters that pertain exclusively to their own welfare, that even the least of their officials may be selected in opposition to their wishes by others than those over whom they are called to preside, we will have driven an entering wedge into the very foundation of this Republic that will lack nothing but repetition on a broader scale to rend it in twain forever.

In the presence of such a danger is it not time that we pause and see if we cannot discover a reason for a condition that all should deplore, and that none can rightfully consent shall continue to exist.

Is it not true that here, at least, we have undertaken to substitute for the conscience of men a criminal law of the State? That in this respect we have invaded the realms of natural right and subjected

the conduct of the citizen to the control of penal statutes, before such conduct invades any possible right of another?

Here in this place at least we should be able to put aside the contracted view with which the mere sentimentalist is able to consider this question. We should comprehend the effect of the law not upon the saloon keeper alone, but upon every human being within its jurisdiction. We should recognize the fact that it is not those alone who by reason of age or habit are legitimate objects of paternal care, that are made the wards of the State and taken under its control by this law, but instead thereof, that it reaches beyond all these, and so far as the use of intoxicating liquors as a beverage is concerned, that the very spirit and purpose of the law is to subject every man's conduct to its absolute and unquestioned control.

And so viewed, what has the law undertaken to accomplish?

It has converted into flagrant crimes, acts that a vast majority of the best people of the whole civilized world regard as innocent.

It has required for its enforcement the infliction of penalties that, compared with the acts for which they are imposed, would shock the conscience of the most barbarous ruler on the globe.

It has invaded the domain of the most sacred of personal rights, and destroyed without mercy every form of individual property that stood in the way of its enforcement.

It has entered the home of every citizen of the State. Made itself the guardian of his actions and dictated his conduct in matters strictly personal to himself, and for which he should be responsible to his Maker alone; for if enforced, there would not be in all this State one single place where any man or woman could purchase for use as a beverage one drop of intoxicating liquor of any name or kind.

It has proved an obstacle to the material progress of Iowa of such magnitude that to-day, with a State the peer of any of her sisters, with her resources but half developed, we are compelled to witness a more rapid advancement than our own in the population of every state that adjoins us on either side.

It has thus far failed because, from every business standpoint at least, its enactment involved the commission of a hideous wrong to those whose property it destroyed, because it inflicts cruel and inhuman penalties for many acts that neither the judgment nor the consciences of men condemn as wrong, and because it is in conflict with the natural right of all men to control their own conduct

in their own way so long as they do nothing to invade the rights of others.

We have reached a crisis in this matter that can no longer be avoided. The people of Iowa must be allowed to know what their public servants propose to do.

They cannot and they ought not to longer submit to present conditions.

Twice in succession in the only manner known to our institutions by which an expression of the public will can be obtained they have declared in favor of a modification of this law.

In each instance the issue on which they passed judgment was clearly defined and perfectly understood.

In their sovereign capacity they have spoken in no uncertain tones.

I am unable to see how any branch of the law-making power can rightfully disregard their demand.

If we yield to it our duty is plain. We will not deprive any locality in Iowa where public sentiment upholds it of our present prohibitory law, or its equivalent, nor will we compel others where public sentiment is opposed to it to live under it.

In this compromise, honorable to all parties, and unjust to none, our people will as I believe find peace upon this troublesome question.

May we not welcome such a result as the harbinger of better days, of a broader charity for the opinions of each other, and a more liberal comprehension of the relative rights of the units of population, that together make up the grand State we possess?

BALLOT REFORM.

In each of the last two elections in Iowa at which members of the Legislature were chosen, a majority of the electors thereof have declared in favor of the Australian system of voting.

That some form of secret ballot will aid in the preservation of our institutions I am firmly convinced.

The means that are often resorted to to control the ballots of electors, in the interests of political parties, are reprehensible beyond any power of language to express.

If there is one duty more clearly defined than all others which every citizen of sufficient intelligence to exercise the elective franchise owes his state, it is that which requires of him that he weigh with unbiased care the political issues his vote must help determine, and conscientiously form his own opinion as to how it should be

settled, and then cast his ballot in accord with his own deliberate judgment.

This is the theory upon which our form of government is based. If in practice it is faithfully followed there is not the slightest danger to our institutions in the future.

The majority, if left to settle political questions uninfluenced except by legitimate argument as to the correctness of principles advocated, will always settle them right in the end.

It seems incredible that men who claim to be good citizens can desire to rob the State of that which is so essential to its welfare, the unbiased judgment of every one who aids in the least degree in shaping its affairs.

But what are the facts?

Not an election is held that men who ought to realize the danger of the work they are doing, do not rush into the political arena and in one form or another use all the influence they possess to prevent electors from expressing by their ballots their own deliberate convictions.

It has become a matter of almost insurmountable dread for men to change from one political party to another, no matter what they think of their duty in that respect, for they know a hundred malicious tongues will misrepresent their motives the moment it is known.

This wicked and dangerous and deplorable disposition is no longer confined to a single class, but it has invaded every walk and calling of life and contaminated the consciences of men otherwise worthy, until they seem incapable of comprehending the enormity of the crime they are committing against every form of government that derives its powers from a free people.

That party that first grapples with this hideous monster of political intolerance and robs it of its power to influence elections by the people, will deserve and receive the plaudits of thoughtful men in every part of the world, and will clothe the political institutions of this country with an armor that no enemy can penetrate and no time destroy.

But as sure as we exist if this is omitted and the disposition and ability to control the ballots of men irrespective of the judgment of those who cast them, continues to grow in the future as it has done in the recent past, it is a question of time alone when the splendid edifice our fathers planned will be undermined and the government we enjoy to-day will be known only as a part of the history of the past.

CORPORATIONS.

The aggregation of vast capital under a single management is unquestionably a source of danger to the well being of the masses, unless controlled by judicious legislation.

In considering methods for the formation and government of incorporated bodies, extremes in all directions should be avoided.

Too much care, however, cannot be used in confining these artificial beings to the legitimate exercise of the powers conferred upon them, and in restricting to the limit of legislative ability the opportunities which wealth always furnishes those who control it, to prey upon the necessities of the weaker classes of society.

Every right which a corporation possesses is the voluntary gift of the state. Every power it can use for good or for evil is derived directly from the people through the law-making power of the commonwealth under whose statutes it is organized.

It is folly, therefore, to assert that these bodies are not in a broad sense of the terms, amenable to the laws that give them birth, or that they are not subject in all things to the reasonable control of those through whose bounty they have come into existence.

They do not stand upon the same footing with individuals.

They are possessed of no natural rights, and they owe allegiance to no natural laws.

In this State we have passed all questions of dispute on this point, and settled in the affirmative the proposition that the power that creates an artificial person may in all things exercise over its actions a reasonable and just control.

But in settling this we have simply reached the question of greatest difficulty, which is found in the effort to discover in all cases precisely what is just to the people on one side and the corporations on the other.

In no field of legislative action is the law maker confronted with greater difficulties or brought in contact with convictions more sincere or more conflicting than those that confront him while endeavoring to regulate by law the relative rights of those who furnish the immense capital invested by corporations in the business enterprises of the country, and those who supply the manual labor without which each of these investments would prove a failure, and no where do these apparently conflicting but really dependent interests assume more menacing proportions, or lead him into labyrinths of graver doubt, than those that beset the most honest

and conscientious of his efforts to discover the line of even and exact justice between these essential forces that combined accomplish the great improvements of the world, but permanently divided would become little less than impediments in the pathway of human progress.

It follows from the very necessity of the situation that while on the one hand the Legislature should see with jealous care that the privileges conferred on these bodies are not used for dishonest or oppressive purposes, on the other it should be careful to observe that by unfair legislation their opportunities for the accomplishment of the legitimate purposes for which they are created are not unnecessarily crippled.

It should not be forgotten that many of the improvements necessary for the proper development of the resources of our State, and for the highest enjoyment by our people of the advanced civilization of the present age, can only be obtained through the aid of great aggregations of capital, and that this must largely come from voluntary subscriptions to the capital stock of incorporated companies.

From this day forward at least that country will lead the nations of the earth whose commerce is most extensive.

The great thoroughfares through which the traffic of a nation flows are literally the veins and arteries of its corporate being.

To impede its progress, to hamper the circulation of its life blood, is to plant the seeds of national decay, and reap as a result a harvest of degenerate men.

While there should be no cessation of constant and ever watchful care on the part of the Legislature to see that transportation companies deal fairly with the public they serve, it is equally necessary to keep in mind their importance to the State, and recognize the fact that they are purely voluntary associations, organized for pecuniary profit alone, and that legislation, if adopted, which is unfair to interests of this character will in the end result in permanent injury to the commonwealth that enacts it.

It cannot fail to be a source of gratification to all that the widely varied views of many of our people on the one side and those interested in lines of transportation on the other which have been a source of so much disagreement in the past, are gradually approaching a just and harmonious union on lines that are fair to both.

All that now seems necessary to permanently unite the real interests of these parties, each of which is dependent upon the

prosperity of the other for its own success, is a fair and just administration of the laws already enacted; and such reasonable amendments thereto, if any are required, as experience may demonstrate are necessary for an honorable adjustment of the rights of each upon the basis of absolute fairness to both.

STATE REVENUES.

It is unquestionably true that as the nations of the earth advance in civilization the governments thereof become more and more expensive.

It seems an imperative law of our being that each additional privilege we are permitted to enjoy shall, to some extent at least, be compensated for by a counter-balancing demand upon our resources and a consequent restriction of some one of our desires in another direction.

If the burdens of government could be fairly distributed, so that each member of society should be required to contribute thereto according to his means, there would be less necessity for care on the part of those who control governmental appropriations. For in that event the load, whether light or heavy, would be borne by all in proportion to their ability to carry the same, and a common interest influenced by considerations of equal importance to each would soon lead to the adoption of a scale of expenditures with which the masses at least would be satisfied.

Unfortunately, however, this problem of a fair distribution of public burdens has never yet been solved, and it is not probable it ever will be with entire accuracy.

I cannot feel, however, that the subject has been approached, either in the State or Nation, with that spirit of fairness that ought always to characterize the actions of men.

In our own commonwealth it has long since ceased to be even a moral delinquency in the eyes of many of our people to avoid, by any method less than the violation of a criminal statute, their share of the necessary expense of maintaining the government that protects them.

Every possible means are resorted to by many men to unload these burdens from shoulders abundantly able to bear them and allow them to be carried by those to whom they are indeed a cross greater than they are able to endure.

To accomplish this, laws fair upon their face have been openly violated, until nearly every one has come to consider it an entirely proper thing to do, for public officers even, to disregard the plain

language of our statutes in the assessment of property for taxation, and this I fear has led to the alarming want of integrity manifested in the disposition of so many of our people to escape any assessment whatever whenever this is practicable.

He who is capable of devising a system by which the expenses of government shall be limited to its reasonable necessities and its burdens distributed so that they shall be fairly and justly apportioned among all our people will prove a benefactor of his race and deserve the gratitude of all.

At present in this State we are practically without any legal system for the valuation of real property in assessing it for taxation because by common consent the law in this respect is totally ignored by those whose duty it is to value the same.

We are equally destitute of any practicable method by which all the personal property of the State liable to taxation can be brought to light, or the value ascertained of that which is discovered.

If the custom which has been adopted of assessing property at a fraction of its value is to be continued, it should be so provided by law and a uniform rule established on this subject.

It is, however, in my judgment, a matter for unlimited regret that we have permitted a plain provision of the statute fixing a definite rule for the valuation of all property to be superseded by a custom as variable as the whims of men and sometimes as destitute of the spirit of fairness, as it is of law, for its support.

That some changes in our present methods of levying and collecting the taxes of the State should be adopted seems apparent.

I do not, however, believe it practicable for members of the Legislature in the brief time allotted them during a session thereof, with the constant and varying demands upon their time which their duties necessarily impose, to formulate and perfect a system that would be a substantial improvement upon that now in force.

If this is to be accomplished at all it must come through the aid of a commission appointed by the Legislature and clothed with power to perfect a bill and report it to some future session of that body for final action thereon.

There are, however, some defects in existing statutes affecting the revenues of the State which in my judgment it is the duty of the present Legislature to correct.

There is no valid excuse for any law that furnishes a compensation for one servant of the people in excess of the fair and reasonable value of the services he performs.

Public opinion in Iowa has long associated with the office of "Inspector of Oils" fees exorbitantly in excess of the value of the business capacity and labor required to perform the duties thereof.

I am convinced that this opinion has some foundation in fact.

Whether or not the commonly accepted belief is an exaggeration of facts is not the question of greatest importance.

It is enough to know that the emoluments of the office are to some extent in excess of the value of the labor necessary to perform its duties.

This excess whatever it is rightfully belongs to the State and not to any individual or political party.

The Legislature should require the fees of this office to be paid into the treasury and fix a salary for the chief inspector and for each of his assistants commensurate with the value of the services they perform.

The argument that by such a system the character of the service rendered will be deteriorated is without weight. There are hundreds of men in Iowa capable and willing to faithfully perform the duties of this office for what the labor is reasonably worth.

There may be other cases that will occur to the minds of members where reforms of this nature are needed. If so their duty is plain. The people of our State are willing to fairly compensate those who devote their time and energies to the public service.

They ought not under any circumstances to do more than this.

Upon you whose privilege it has become to shape the legislation of your State a great responsibility has been placed.

That each will earnestly desire to faithfully perform the duties of his position no one will doubt.

That there will be conflict of opinion upon questions of seeming importance to you is inevitable.

But clothed as you are with authority that must be used for the weal or woe of those who bestowed it—representing as you do the majesty and the power of a great commonwealth, you can afford to put aside every feeling of partisan prejudice and lend your united energies to the accomplishment of the greatest good for the greatest number of the people of your State.

That you will accomplish this is the hope and prayer of those who have honored you, of those whom you will honor if, when your work is done, the Great Master of all, the architect and builder of that system of divine laws whose chief interpreter is the conscience of man, can pronounce it "well done."